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## THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

#### Volume XXIII

Ratification of the Constitution by the States

## **NEW YORK**

JOHN P. KAMINSKI Richard Leffler ofs Gaspare J. Saladino Charles H. Schoenleber

Assistant Editors Marcaret A. Hogan Jonathan M. Reid

E, the People of the United States, in a more perfect Union, eftablish Justice, Tranquility, provide for the common mote the General Welfare, and fecure Liberty to Ourfelves and our Posterity. do ordain a Constitution for the United States of America.

#### ARTICLE Í.

Sect. 1. ALL legislative powers herein granted shall be vested in a Congress of the United States, which shall confist of a Senate and House of Representatives.

Sect. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requifite for electors of the most numerous branch of the state legislature.

No perfon shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be c' ofen.

Reprefentatives and direct taxes thall be apportioned among the feveral flates which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free perfons, including those bound to fervice for a term of years, and excluding Indians not taxed, three-fifths of all other perfons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of reprefentatives shall not exceed one for every thirty thousand, but each state shall have at least one reprefentative; and until such enumeration shall be made, the state of New-Hampshire shall be en-

#### RATIFICATION OF THE CONSTITUTION BY THE STATES

Volumes four and five on New York contain the record of the state Convention, which met in Poughkeepsie from 17 June to 26 July 1788. Forty-six of the sixty-five delegates were Antifederalists. The fourth volume has the Convention proceedings and debates through Saturday, 12 July, while the fifth covers the remainder, beginning with Monday, 14 July. The Convention debated the Constitution clause-by-clause through 7 July. After that date it considered the manner of ratification.

Some Antifederalists favored ratification with previous or conditional amendments; others supported recommendatory amendments; others wanted certain amendments to be considered by a second constitutional convention; and still others preferred to ratify temporarily "on Condition that certain amendments take place within a given Time." After the news of Virginia's ratification arrived in Poughkeepsie on 2 July, Antifederalist leaders Melancton Smith, Samuel Jones, and Governor George Clinton concluded that New York had no alternative but to ratify. They worked with Federalist leaders to find a mode of ratification acceptable to a majority of the delegates.

On 25 July the committee of the whole voted 31 to 28 to ratify the Constitution and the Convention accepted the committee's report 30 to 25. The Convention unanimously agreed to send a circular letter to the states calling for a second general convention to consider amendments. On 26 July the Convention voted 30 to 27 to ratify the Constitution with recommendatory amendments. A circular letter to the states was unanimously approved and signed by forty-seven delegates.

The notes of Convention debates and proceedings are supplemented by detailed letters written by delegates and observers and substantial newspaper accounts that have been placed under specific days. Additionally, volume five consists of brief letters and newspaper reports that comment on Convention proceedings and debates in such general terms that they could not be accurately placed under specific days. Among the topics discussed are (1) the appointment of Convention officers and the number of delegates in attendance, (2) the level of party spirit, (3) the role of amendments in determining the nature of ratification (conditional or unconditional), (4) the character of the delegates and the quality of the speeches, (5) the progress of the Convention in covering each paragraph of the Constitution, and (6) the prospects of ratification or speculation about when it would occur. Some important documents treat the impact of ratification by New Hampshire and Virginia, the ninth and tenth ratifying states,

(continued on back endflap)

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VOLUME XXIII

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MADISON WISCONSIN HISTORICAL SOCIETY PRESS 2 0 0 9 The Documentary History of the Ratification of the Constitution is sponsored by the National Historical Publications and Records Commission and the University of Wisconsin-Madison. Preparation of this volume was made possible by grants from the National Historical Publications and Records Commission; the Division of Research and Education Programs of the National Endowment for the Humanities, an independent federal agency; the Lynde and Harry Bradley Foundation; the E. Gordon Fox Fund of the UW Foundation; the Evjue Foundation; the William Nelson Cromwell Foundation; the Hamilton Roddis Foundation; and Barbara A. and Peter Brinkley. Any views, findings, conclusions, or recommendations expressed in this publication do not necessarily reflect those of the National Endowment for the Humanities. Publication was made possible in part by a grant from the National Historical Publications and Records Commission.

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Manufactured in the United States of America

 $\otimes$  This paper meets the requirements of ANSI/NISO Z39.48-1992 (Performance of Paper).

LIBRARY OF CONGRESS CATALOGING IN PUBLICATION DATA [REVISED] Main entry under title:

The Documentary history of the ratification

of the Constitution.

Editors for v. 23: John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber.

CONTENTS: v. 1. Constitutional documents and records, 1776-1787.-v. 2. Ratification of the Constitution by the States: Pennsylvania.v. 3. Ratification of the Constitution by the States: Delaware, New Jersey, Georgia, Connecticut.—v. 4. Ratification of the Constitution by the States: Massachusetts (1).—v. 5. Ratification of the Constitution by the States: Massachusetts (2).-v. 6. Ratification of the Constitution by the States: Massachusetts (3).-v. 7. Ratification of the Constitution by the States: Massachusetts (4).-v. 8. Ratification of the Constitution by the States: Virginia (1).—v. 9. Ratification of the Constitution by the States: Virginia (2).—v. 10. Ratification of the Constitution by the States: Virginia (3).—v. 13. Commentaries on the Constitution, public and private (1).-v. 14. Commentaries on the Constitution, public and private (2).-v. 15. Commentaries on the Constitution, public and private (3).-v. 16. Commentaries on the Constitution, public and private (4).-v. 17. Commentaries on the Constitution, public and private (5).—v. 18. Commentaries on the Constitution, public and private (6).—v. 19. Ratification of the Constitution by the States: New York (1) -v. 20. Ratification of the Constitution by the States: New York (2).—v. 21. Ratification of the Constitution by the States: New York (3) v. 22. Ratification of the Constitution by the States: New York (4)-v. 23. Ratification of the Constitution by the States: New York (5).

1. United States—Constitutional history—Sources.

I. Jensen, Merrill. II. Kaminski, John P. III. Saladino,

Gaspare J. IV. Leffler, Richard. V. Schoenleber, Charles H.

- KF4502.D63 342'.73'029 75-14149
- ISBN 978-0-87020-439-5 347.30229 AACR2

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#### Contents

A also avala dama anta	
Acknowledgments	XV
Organization	xvii
Editorial Procedures	xix
General Ratification Chronology, 1786–1791	XX
Calendar for the Years 1787–1788	xxiii
Symbols	xxiv
New York Chronology, 1777–1790	xxvii
Officers of the State of New York, 1787-1788	xxxi
Delegates to the New York Convention	xxxii

#### V. THE NEW YORK CONVENTION 17 June-26 July 1788 (Continued)

NEW YORK CONVENTION, 14 July 1788 Convention Debates, 14 July Newspaper Report of Convention Debates, 14 July New York Daily Advertiser, 17 July Private Commentaries on the Convention, 14 July David S. Bogart to Samuel Blachley Webb, Poughkeepsie, 14 July Philip Schuyler to Stephen Van Rensselaer, Poughkeepsie, 15 July	2169 2169 2174 2174 2175 2175 2175 2176
New York Convention, 15 July 1788	2177
Convention Debates and Proceedings, 15 July	2177
De Witt Clinton Journal, 15 July	2183
Private Commentary on the Convention, 15 July	2184
Abraham B. Bancker to Evert Bancker, Poughkeepsie, 15 July	2184
New York Convention, 16 July 1788	2184
Convention Journal, 16 July	2184
Convention Debates, 16 July	2186
De Witt Clinton Journal, 16 July	2190
Newspaper Report of Convention Debates, 16 July	2191
New York Journal, 21 July	2191
New York Convention, 17 July 1788	2191
Convention Journal, 17 July	2192
Convention Debates and Proceedings, 17 July	2219
De Witt Clinton Journal, 17 July	2220
George Clinton's Remarks on the Mode of Ratifying the Constitution, 17 July	2225
Newspaper Report of Convention Debates, 17 July	2225
New York Journal, 21 July	2226
Private Commentaries on the Convention, 17 July	2226
Abraham Bancker to Evert Bancker, Poughkeepsie, 18 July	2226
John Jay to George Washington, Poughkeepsie, 18 July	2227
Cornelius C. Schoonmaker to Peter Van Gaasbeek, Poughkeepsie, 18 July	2228
De Witt Clinton to Charles Tillinghast, Poughkeepsie, 19 July	2230

New York Convention, 18 July 1788	2231
Convention Debates and Proceedings, 18 July	2231
De Witt Clinton Journal, 18 July	2232
Newspaper Report of Convention Debates, 18 July	2233
New York Daily Advertiser, 21 July	2233
New York Convention, 19 July 1788	2233
Convention Debates and Proceedings, 19 July	2233
De Witt Clinton Journal, 19 July	2252
Newspaper Reports of Convention Debates, 19 July	2253
New York Daily Advertiser, 21 July	2253
Poughkeepsie Country Journal, 22 July	2254
New York Daily Advertiser, 25 July	2254
New York Convention, 21 July 1788	2255
Convention Debates and Proceedings, 21 July	2255
Newspaper Report of Convention Debates, 21 July	2262
New York Daily Advertiser, 25 July	2262
New York Convention, 22 July 1788	2264
Convention Debates and Proceedings, 22 July	2264
Newspaper Report of Convention Debates, 22 July	2276
New York Daily Advertiser, 25 July	2276
New York Convention, 23 July 1788	2277
Convention Debates and Proceedings, 23 July	2277
Newspaper Reports of Convention Debates, 23 July	2282
New York Independent Journal, 26 July	2282
New York Independent Journal, 28 July (Supplement Extraordinary)	2282
Private Commentaries on the Convention, 23 July	2282
Abraham B. Bancker to Peter Van Gaasbeek, Poughkeepsie, 23 July	2285
John Jay to George Washington, Poughkeepsie, 23 July	2285
Cornelius C. Schoonmaker to Peter Van Gaasbeek, Poughkeepsie, 23 July	
New York Convention, 24 July 1788	2288
Convention Debates and Proceedings, 24 July	2288
Newspaper Report of Convention Debates, 24 July	2297
New York Independent Journal, 28 July (Supplement Extraordinary)	2297
Private Commentary on the Convention, 24 July	2298
Cornelius C. Schoonmaker to Peter Van Gaasbeek, Poughkeepsie, 25 July	2298
New York Convention, 25 July 1788	2300
Convention Debates and Proceedings, 25 July	2300
§Editors' Note: Summary of the Committee of the Whole Report, 25 July	2309
Newspaper Report of Convention Debates, 25 July	2318
New York Independent Journal, 28 July (Supplement Extraordinary)	2318
New York Convention, 26 July 1788 Convention Debates and Proceedings, 26 July New York Declaration of Rights, Form of Ratification, and Recommendatory Amendments to the Constitution, 26 July George Clinton to the President of Congress, Poughkeepsie, 26 July	2321 2321 2326 2335

viii

#### CONTENTS

New York Convention: Circular Letter to the Executives of the States	
Poughkeepsie, 26 July	2335
Melancton Smith: Draft of New York Circular Letter	2337
John Jay: Draft of New York Circular Letter	2339

#### VI. COMMENTARIES ON THE NEW YORK CONVENTION 8 June-30 July 1788

Introduction	2341
Reports of Convention Delegates Traveling to Poughkeepsie, 8–30 June George Clinton, Melancton Smith, and Nathaniel Lawrence	2341
to Robert Yates and John Lansing, Jr., New York, 8 June	2341
New York Daily Advertiser, 16 June	2342
Poughkeepsie Country Journal, 17 June	2342
Hartford American Mercury, 30 June	2342
James M. Hughes to John Lamb, Poughkeepsie, 17 June	2343
Abraham Bancker to Evert Bancker, Poughkeepsie, 18 June	2343
Abraham B. Bancker to Evert Bancker, Poughkeepsie, 18 June	2344
Alexander Hamilton to James Madison, Poughkeepsie, 18 June	2344
David Gelston to John Smith, New York, 21 June	2345
Alexander Hamilton to James Madison, Poughkeepsie, 21 June	2346
John Jay to Sarah Jay, Poughkeepsie, 21 June	2346
Henry Oothoudt to Abraham Yates, Jr., Poughkeepsie, 21 June	2346
Adrian Bancker to Evert Bancker, Hermitage, Staten Island, 24 June	2347
Philip Schuyler to Henry Van Schaack, Poughkeepsie, 24 June	2348
Poughkeepsie Country Journal, 24 June	2348
John Jay to George Washington, Poughkeepsie, post-24 June	2349
Edward Carrington to James Madison, New York, 25 June	2349
New York Independent Journal, 25 June	2350
Pennsylvania Journal, 25 June	2350
Cornelius C. Schoonmaker to Peter Van Gaasbeek, Poughkeepsie, 26 June	2351
Philip Schuyler to John Bradstreet Schuyler, Poughkeepsie, 26 June	2352
Philip Schuyler to Henry Van Schaack, Poughkeepsie, 26 June	2353
New York Journal, 26 June	2354
Massachusetts Spy, 26 June	2354
Henry Oothoudt to Abraham Yates, Jr., Poughkeepsie, 27 June	2354
Christopher P. Yates to Abraham Yates, Jr., Poughkeepsie, 27 June	2355
A Citizen, New York Daily Advertiser, 27 June	2355
Pennsylvania Packet, 27 June	2356
Abraham B. Bancker to Evert Bancker, Poughkeepsie, 28 June	2356
George Clinton to Abraham Yates, Jr., Poughkeepsie, 28 June	2357
George Clinton to John Lamb, Poughkeepsie, 28 June	2357
Robert C. Johnson to William Samuel Johnson, Poughkeepsie, 28 June	2358
Massachusetts Centinel, 28 June	2359
Isaac Roosevelt to Richard Varick, Poughkeepsie, 1 July	2359
New York Museum, 1 July	2359
Poughkeepsie Country Journal, 1 July	2360
Poughkeepsie Country Journal, 1 July	2361

Poughkeepsie Country Journal, 1 July	2361
Jonathan J. Hazard to Governor John Collins, New York, 2 July	2362
Pittsfield, Mass., Berkshire Chronicle, 3 July	2363
John Jay to John Adams, Poughkeepsie, 4 July	2363
John Jay to Francis Corbin, Poughkeepsie, 4 July	2363
Isaac Roosevelt to Richard Varick, Poughkeepsie, 5 July	2364
Albany Journal, 7 July	2364
New York Packet, 8 July	2364
Poughkeepsie Country Journal, 8 July	2365
New York Daily Advertiser, 9 July	2365
Providence United States Chronicle, 10 July	2366
Peleg Arnold to Welcome Arnold, New York, 11 July	2366
New York Packet, 11 July	2366
Morgan Lewis to Tench Coxe, New York, 12 July	2367
New York Independent Journal, 12 July	2367
Henry Knox to Rufus King, New York, 13 July	2367
New York Morning Post, 14 July	2368
Newport Mercury, 14 July	2369
Melancton Smith to Nathan Dane, Poughkeepsie, c. 15 July	2369
New York Journal, 15 July	2369
Poughkeepsie Country Journal, 15 July	2370
New Hampshire Recorder, 15 July	2370
John Jay to Sarah Jay, Poughkeepsie, 16 July	2370
Massachusetts Centinel, 16 July	2371
Paine Wingate to John Pickering, New York, 17 July	2372
New York Journal, 17 July	2372
Abraham B. Bancker to Peter Van Gaasbeek, Poughkeepsie, 19 July	2373
Alexander Hamilton to James Madison, Poughkeepsie, 19 July	2373
James Madison to Alexander Hamilton, New York, 20 July	2374
Lansingburgh Federal Herald, 21 July	2375
Alexander Hamilton to James Madison, Poughkeepsie, 22 July	2375
Isaac Roosevelt to Richard Varick, Poughkeepsie, 22–23 July	2375
New York Journal, 23 July	2376
Connecticut Journal, 23 July	2376
Richmond Virginia Gazette and Weekly Advertiser, 24 July	2376
Philip Schuyler to Peter Van Schaack, Poughkeepsie, 25 July	2376
Massachusetts Gazette, 25 July	2377
Abraham B. Bancker to Evert Bancker, Poughkeepsie, 26 July	2378
Edward Carrington to William Short, New York, 26 July	2378
Massachusetts Centinel, 26 July	2379
Salem Mercury, 29 July	2379
New York Independent Journal, 30 July	2379
Massachusetts Centinel, 30 July	2380

## VII. THE AFTERMATH OF RATIFICATION 25 July 1788–5 May 1789

Albany, Albany County, 8 August2381Albany Journal, 4 August2382Albany Gazette, 7 August2382The Albany Federal Procession, 8 August: New York Packet, 5, 9 September2383Albany Journal, 11 August2392Lansingburgh Federal Herald, 11 August2394Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2396Poughkeepsie Country Journal, 19 August2396Poughkeepsie Country Journal, 19 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Hurley, Ulster County, 12 August2401Hourley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404New York Packet, 29 July2404New York Packet, 29 July2404
Albany Gazette, 7 August2382The Albany Federal Procession, 8 August: New York Packet, 5, 9 September2383Albany Journal, 11 August2392Lansingburgh Federal Herald, 11 August2392Lansingburgh Federal Herald, 11 August2394Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2397New York Daily Advertiser, 13 August2397New York Daily Advertiser, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 26 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
The Albany Federal Procession, 8 August: New York Packet, 5, 9 September2383 Albany Journal, 11 August2392 Lansingburgh Federal Herald, 11 August2392 Lansingburgh Federal Herald, 11 August2394 Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July23952395Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women Celebrate New York's Ratification, 14 August2400Hurley, Ulster County, 12 August2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403 Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404
Albany Journal, 11 August2392Lansingburgh Federal Herald, 11 August2392Lansingburgh Federal Herald, 11 August2394Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2395Poughkeepsie Country Journal, 19 August2396Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Hurley, Ulster Country Journal, 26 August2401Poughkeepsie Country Journal, 26 August2401Winderhook, Columbia County2402Kinderhook, Columbia County2402Vietor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Lansingburgh Federal Herald, 11 August2392Lansingburgh Federal Herald, 11 August2394Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2396Poughkeepsie Country Journal, 19 August2396Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Hudson, Columbia County2401Hurley, Ulster Country Journal, 26 August2401Voughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404
Lansingburgh Federal Herald, 11 August2394Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2397New York Daily Advertiser, 13 August2397New York Daily Advertiser, 13 August2398Lansingburgh Federal Herald, 25 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lunsingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 26 August2400Lunsingburgh Federal Herald, 26 August2401Work Columbia County2402Kinderhook, Columbia County2402Kinderhook, Columbia County2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Hudson Weekly Gazette, 12 August2395Ballstown, Albany County, 30 July2395Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2397New York Daily Advertiser, 13 August2397New York Daily Advertiser, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Ludson, Columbia County2401Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Ballstown, Albany County, 30 July2395Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2397New York Daily Advertiser, 13 August2397New York Daily Advertiser, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Lansingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 26 August2400Kinderhook, Columbia County2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Albany Journal, 4 August2395Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hunsingburgh Federal Herald, 25 August2400Lansingburgh Federal Herald, 25 August2400Lussingburgh Federal Herald, 25 August2400Kinderhook, Columbia County2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404Convention Delegates Return to New York City, 28–29 July2404
Dover, Dutchess County, 11 August2396Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hunsingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404Convention Delegates Return to New York City, 28–29 July2404
Poughkeepsie Country Journal, 19 August2396Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hunsingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Hurley, Ulster County, 12 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Flushing, Queens County, 8 August2397New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404
New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402Vietor Mork Independent Journal, 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2404
New York Daily Advertiser, 13 August2397Half Moon District, Albany County, 13 August2398Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Lansingburgh Federal Herald, 25 August2398Half Moon District and Lansingburgh Women2400Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2402Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Half Moon District and Lansingburgh Women Celebrate New York's Ratification, 14 August2400 2400 2400 Lansingburgh Federal Herald, 25 August2400 2400 2401 Hurley, Ulster County, 12 August2401 2401 2401 Poughkeepsie Country Journal, 26 August2401 2402 2402 City and County of New York, 26 and 28 July2402 2402 2402 New York Independent Journal, 28 July (Supplement Extraordinary)2402 2402 2403 Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403 2403 2404
Celebrate New York's Ratification, 14 August2400Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Lansingburgh Federal Herald, 25 August2400Hudson, Columbia County2401Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Hurley, Ulster County, 12 August2401Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Poughkeepsie Country Journal, 26 August2401Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Kinderhook, Columbia County2402City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
City and County of New York, 26 and 28 July2402New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
New York Independent Journal, 28 July (Supplement Extraordinary)2402Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Victor DuPont to Pierre Samuel DuPont de Nemours, New York, 26 July2403Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Samuel Blachley Webb to Catherine Hogeboom, New York, 27 July2403Convention Delegates Return to New York City, 28–29 July2404
Convention Delegates Return to New York City, 28–29 July 2404
0 ,
New York Packet, 29 July 2404
New York Daily Advertiser, 29 July 2404
New York Independent Journal, 30 July 2405
New York Packet, 1 August 2405
Poughkeepsie Country Journal, 5 August 2405
New Haven Gazette, 31 July 2405
New York American Magazine, 1 August 2406
Massachusetts Centinel, 2 August 2407
Thomas Greenleaf, New York Journal, 7 August 2407
Philadelphia Independent Gazetteer, 7 August 2411
Libertas to Isaiah Thomas, New York, 12 August 2414
Newburgh, Ulster County, 26 July 2414
New York Packet, 1 August 2414
Red Hook, Dutchess County, 6 August 2415
Poughkeepsie Country Journal, 12 August 2415
Saratoga, Albany County, 13 August 2416
Lansingburgh Federal Herald, 18 August 2416

#### CONTENTS

Schenectady, Albany County, 15 August	2417
Albany Gazette, 21 August	2417
Smithtown, Suffolk County, 14 August	2418
New York Daily Advertiser, 2 September	2418
Boston, Mass.	2420
Massachusetts Gazette, 1 August	2420
Jeremy Belknap to Ebenezer Hazard, Boston, 2 August	2420
Massachusetts Centinel, 2 August	2420
New Brunswick, N.J., 28 July	2420
Brunswick Gazette, 29 July	2420
New York Daily Advertiser, 30 July	2421
Newport, R.I.	2421
Newport Herald, 31 July	2421
Philadelphia, Pa.	2422
Pennsylvania Gazette, 30 July	2422
New York Packet, 12 August	2422
Plymouth, Mass., 2 August	2423
Massachusetts Centinel, 13 August	2423
Portsmouth, N.H., 1 August	2424
New Hampshire Spy, 2 August	2424
Providence, R.I., 29 July	2424
Providence Gazette, 2 August	2424
Springfield, Mass., 29 July	2425
Springfield Hampshire Chronicle, 6 August	2425
Wilmington, N.C.	2426
Wilmington Centinel, 20 August	2426

#### VII-B. Public and Private Commentaries on the Constitution, 25 July 1788–23 February 1789

vii-b. I ubic and I livate Commentaries on the Constitution,	
25 July 1788–23 February 1789	2426
Peter Silvester to Francis Silvester, Kinderhook, 25–28 July 1788	2427
Ebenezer Hazard to Jeremy Belknap, New York, 27 July	2428
Seth Johnson to Andrew Craigie, New York, 27 July	2428
Abigail Adams Smith to John Adams, Jamaica, Long Island, 27 July	2429
Hugh Williamson and John Swann to Governor Samuel Johnston of	
North Carolina, New York, 27 July	2430
Leonard Gansevoort to Peter Gansevoort, Albany, 28 July	2430
Elbridge Gerry to Ann Gerry, Newport, 28 July	2431
William Irvine to William Alexander, New York, 28 July	2431
Henry Knox to George Washington, New York, 28 July	2431
Zephaniah Platt to William Smith, Poughkeepsie, 28 July	2432
Lansingburgh Federal Herald, 28 July	2433
Aaron Burr to Richard Oliver, New York, 29 July	2433
Morgan Lewis to Tench Coxe, New York, 29 July	2434
Pieter Johann van Berckel to the States General, New York, 30 July	2434
Boston Newspapers Report New York's Ratification	
of the Constitution, 31 July-4 August	2435
Boston Independent Chronicle, 31 July	2436
Massachusetts Gazette, 1 August	2436
Massachusetts Centinel, 2 August	2438
Boston Gazette, 4 August	2441

xii

#### CONTENTS

William Livingston to Joshua Lathrop, 2 August	2443
Abraham G. Lansing to Abraham Yates, Jr., Albany, 3 August	2443
Daniel St. Clair to Arthur St. Clair, Norristown, Pa., 3 August	2445
George Washington to John Jay, Mount Vernon, 3 August	2446
A Federal Song, Albany Journal, 4 August	2446
Lansingburgh Federal Herald, 4 August	2448
Robert Livingston, Jr., to James Duane	
Manor Livingston, Columbia County, 8 August	2448
Abraham Yates, Jr.: Cautionary Certificate, New York, 8 August	2448
Abraham B. Bancker to Evert Bancker, Kingston, 9 August	2450
Massachusetts Centinel, 9 August	2451
James Madison to Thomas Jefferson, New York, 10 August	2451
John Langdon to George Clinton, Portsmouth, 11 August	2452
James Madison to George Washington, New York, 11 August	2453
Charleston City Gazette, 11 August	2454
Matthew Lyon to John Williams, Fairhaven, Vermont, 14 August	2455
Antoine de la Forest to Comte de la Luzerne, New York, 16 August	2455
George Washington to James Madison, Mount Vernon, 17–18 August	2456
Adrian Bancker to Evert Bancker, Hermitage, Staten Island, 20 August	2457
John Dawson to James Madison, Fredericksburg, Va., 20 August	2458
Abraham B. Bancker to John McKesson, Kingston, 22 August	2458
James Madison to George Washington, New York, 24 August	2459
George Washington to Alexander Hamilton, Mount Vernon, 28 August	2461
George Washington to Benjamin Lincoln, Mount Vernon, 28 August	2462
Newport Herald, 28 August	2463
John Jay to the Chevalier de Bourgoing, New York, 29 August	2464
Abraham G. Lansing to William Barber, Albany, 31 August	2464
Collin McGregor to Neil Jamieson, New York, 1 September	2465
John Trumbull to Jonathan Trumbull, Jr., London, 3 September	2466
Maryland Journal, 12 September	2467
New York Daily Advertiser, 16 September	2468
Robert R. Livingston to Marquis de Lafayette, Clermont, Columbia County,	
17–22 September	2468
New York Daily Advertiser, 18 September	2470
De Witt Clinton to Charles Clinton, New York, 19 September	2470
John Jay to George Washington, New York, 21 September	2472
John Patterson to James Duane, Charlottetown, Prince Edward Island,	
22 September	2473
Abraham Yates, Jr., to William Smith, New York, 22 September	2474
John Jay to Edward Rutledge, New York, 15 October	2474
New York Antifederalist Society: Proceedings of Meetings on Calling a	
Second Convention, New York, 30 October-13 November	2475
Sidney, New York Journal, 4 December	2480
Benjamin Palmer to the New York Printers, 10 December	2486
Francis Childs and the Printed Convention Debates, 16 December 1788-	
23 February 1789	2488
John Lansing, Jr., to Abraham Yates, Jr., and Melancton Smith,	
3 October 1788	2490
New York Daily Advertiser, 16 December	2490
Connecticut Journal, 17 December	2491

xiii

Francis Childs: Prefatory Advertisement to the Debates	2491
Newspaper Report of Assembly Debates, Thursday, 8 January 1789	2492
Cinna, New York Journal, 22 January	2494
Newspaper Report of Assembly Debates, Monday, 23 February	2495
Melancton Smith to Gilbert Livingston, New York, 1 January	2496
VII–C. The Payment of New York Convention Delegates	2498
James Duane Daybook, 14 June-28 July 1788, 3 March 1789	2499
An Act for the Payment of the Salaries of the Officers of	
Government, and Other Contingent Charges, 28 February	2499
Peter Vrooman to Gerard Bancker, 18 February	2500
Payment for Attendance and Travel to Convention Delegate Henry Wisner,	
15 April	2501
VII-D. New York Recommends the Calling of a Second Constitutional	
Convention	2501
New York Assembly Debates, Wednesday, 4 February 1789	2516
New York Assembly: Resolution Applying to Congress to Call a	
General Convention to Amend the Constitution, 5-7 February	2528
George Clinton to the Governor of the State of Virginia, New York, 5 May	2530
Appendices	
I. Richard Morris: Notes on the Constitution, January–July 1788	2531
II. Robert R. Livingston on the Constitution, pre-26 July 1788	2536
Draft of a Possible Newspaper Essay in Defense of the Constitution	2536
Annotation of the Constitution, 17 June–26 July	2545
III. A Real Federalist, Albany Register, 5 January 1789 (Supplement)	2549
IV. New York Packet: Illustrations on New York Ratification, 25 and	
29 July 1788	2561
Index	2563

xiv

#### Acknowledgments

This volume was supported principally by grants from the National Historical Publications and Records Commission, the National Endowment for the Humanities, and the E. Gordon Fox Fund of the University of Wisconsin Foundation. Substantial aid also was provided by the Lynde and Harry Bradley Foundation, the Evjue Foundation, the William Nelson Cromwell Foundation, the Hamilton Roddis Foundation, and Barbara A. and Peter Brinkley.

We thank Kathleen Williams and Timothy D. W. Connelly of the NHPRC; Bruce Cole and Lydia Medici of the NEH; Michael W. Grebe, Dianne J. Sehler, Daniel P. Schmidt, and Yvonne Engel of the Bradley Foundation; John D. Gordan III of the Cromwell Foundation; and Mrs. Dudley W. Pierce of the Hamilton Roddis Foundation.

A continuing debt of gratitude is owed to the administration, faculty, and staff of the University of Wisconsin-Madison, especially former Chancellor John D. Wiley; Dean Gary D. Sandefur, Assistant Dean Margaret M. Sullivan, Linda J. Johnson, and Mehdi Rezai of the College of Letters and Science; E. Diane Barrett, Charles L. Hoffman, Thomas G. Handland, and Dawn-Marie M. Roberts of Research and Sponsored Programs. In the Department of History, we thank chair David M. McDonald, Michael R. Burmeister, Skye Doney, Nicole S. Hauge, John J. Persike, Amy Phillips, and Theresa K. Tobias.

For aid in fund raising, we are indebted to the University of Wisconsin Foundation, especially to President Andrew A. (Sandy) Wilcox, Marion F. Brown, Walter H. Keough, Martha A. Taylor, Anne Lucke, and Jennifer Kidon-DeKrey.

In addition to being our publisher, the Wisconsin Historical Society is our primary research library. The Society's staff continues its invaluable support as does the staff at the University's Memorial Library and the Law Library.

Others have provided essential information or documents. At the University of Wisconsin-Madison, we thank Marc Kleijwegt in the Department of History. We also thank Kenneth R. Bowling of the Documentary History of the First Federal Congress, Douglas E. Clanin formerly of the Indiana Historical Society, Ellen H. Fladger of Union College, Schenectady, Jack Gumborecht of the Historical Society of Pennsylvania, and Marci Vail of the East Hampton Library. The Rare Book and Manuscript Library at Columbia University, the Massachusetts Historical Society, and The Gilder Lehrman Collection at the New-York Historical Society have given permission to print items from their collections.

Finally, we thank Maricka Brouwer, who, under the direction of Onno Brouwer of the University of Wisconsin-Madison Cartography Laboratory, prepared the New York map found on the end papers.

This volume is dedicated to two eminent New York judges and four invaluable New York libraries. Chief Judge Judith S. Kaye and Judge Albert M. Rosenblatt of the State of New York Court of Appeals, are both friends of our documentary edition and lovers of history. They were the driving force behind the creation of The Historical Society of the Courts of the State of New York. The New-York Historical Society, the New York Public Library, the New York State Library, and the New York State Archives are invaluable depositories and preservers of New York history. Without them, our knowledge of New York's ratification of the Constitution would have been far less complete and illuminating.

#### Organization

*The Documentary History of the Ratification of the Constitution* is divided into:

- (1) Constitutional Documents and Records, 1776–1787 (1 volume),
- (2) Ratification of the Constitution by the States (18 volumes),
- (3) Commentaries on the Constitution: Public and Private (6 volumes),
- (4) The Bill of Rights (1 or 2 volumes).

#### Internet Availability

The four volumes on Massachusetts ratification (volumes IV–VII) and their supplemental documents can be found on the Web site of the Wisconsin Historical Society at *www.wisconsinhistory.org/ratification*. These volumes, and all other volumes, including the New York volumes, will be found at the Web site of "Rotunda: American Founding Era Collection," maintained by the University of Virginia Press at *http://rotunda.upress.virginia.edu*.

#### Constitutional Documents and Records, 1776–1787 (Vol. I).

This introductory volume, a companion to all of the other volumes, traces the constitutional development of the United States during its first twelve years. Cross-references to it appear frequently in other volumes when contemporaries refer to events and proposals from 1776 to 1787. The documents include: (1) the Declaration of Independence, (2) the Articles of Confederation, (3) ratification of the Articles, (4) proposed amendments to the Articles, proposed grants of power to Congress, and ordinances for the Western Territory, (5) the calling of the Constitutional Convention, (6) the appointment of Convention delegates, (7) the resolutions and draft constitutions of the Convention, (8) the report of the Convention, and (9) the Confederation Congress and the Constitution.

#### Ratification of the Constitution by the States (Vols. II-XII, XIX-XXV).

The volumes are arranged roughly in the order in which the states considered the Constitution. Although there are variations, the documents for each state are organized into the following groups: (1) commentaries from the adjournment of the Constitutional Convention to the meeting of the state legislature that called the state convention, (2) the proceedings of the legislature in calling the convention, (3) commentaries from the call of the convention until its meeting, (4) the election of convention delegates, (5) the proceedings of the convention, and (6) post-convention documents.

#### Supplements to Ratification of the Constitution by the States.

The supplemental documents for Massachusetts, New York, and all future volumes are no longer placed on microfiche, but can be found on the Wisconsin Historical Society's Web site (Massachusetts volumes) and on "Rotunda: American Founding Era Collection," maintained by the University of Virginia Press at *http://rotunda.upress.virginia.edu*.

Much of the material for each state is repetitious or peripheral but still valuable. Literal transcripts of this material are placed in the supplements. Occasionally, images of significant manuscripts are also included.

The types of documents in the supplements are:

(1) newspaper items that repeat arguments, examples of which are printed in the state volumes,

(2) pamphlets that circulated primarily within one state and that are not printed in the state volumes or in *Commentaries*,

(3) letters that contain supplementary material about politics and social relationships,

(4) images of petitions with the names of signers,

(5) images of manuscripts such as notes of debates, and

(6) miscellaneous documents such as election certificates, attendance records, pay vouchers and other financial records, etc.

#### Commentaries on the Constitution: Public and Private (Vols. XIII-XVIII).

This series contains newspaper items, pamphlets, and broadsides that circulated regionally or nationally. It also includes some private letters that give the writers' opinions of the Constitution in general or that report on the prospects for ratification in several states. Except for some grouped items, documents are arranged chronologically and are numbered consecutively throughout the six volumes. There are frequent cross-references between *Commentaries* and the state series.

#### The Bill of Rights.

The public and private debate on the Constitution continued in several states after ratification. It was centered on the issue of whether there should be amendments to the Constitution and the manner in which amendments should be proposed—by a second constitutional convention or by the new U.S. Congress. A bill of rights was proposed in the U.S. Congress on 8 June 1789. Twelve amendments were adopted on 25 September and were sent to the states on 2 October. This volume(s) will contain the documents related to the public and private debate over amendments, to the proposal of amendments by Congress, and to the ratification of the Bill of Rights by the states.

#### **Editorial Procedures**

All documents are transcribed literally. Obvious slips of the pen and errors in typesetting are silently corrected. When spelling, capitalization, punctuation, paragraphing, and spacing between words are unclear, modern usage is followed. Superscripts and interlineations are lowered to the line, and marginalia are inserted where the author intended. The thorn is spelled out (i.e., "ye" becomes "the"). Crossedout words are retained when significant. Obsolete meanings of words are supplied in footnotes.

Square brackets are used for editorial insertions. Conjectural readings are enclosed in brackets with a question mark. Illegible and missing words are indicated by dashes enclosed in brackets. However, when the author's intent is obvious, illegible or missing text (up to five characters in length) is silently provided.

All headings are supplied by the editors. Salutations, closings of letters, addresses, endorsements, docketings, and postmarks are deleted unless they provide important information, in which case they are retained in the document or placed in editorial notes. Contemporary footnotes and marginal citations are printed after the text of the document and immediately preceding editorial footnotes. Symbols used by contemporaries, such as stars, asterisks, and daggers, have been replaced by superscripted letters (a), (b), (c), etc.

Many documents, particularly letters, are excerpted when they contain material that is not relevant to ratification. Whenever an excerpt is printed in this edition and a longer excerpt or the entire document appears elsewhere in this edition or in other editions, this is noted. "Editors' Notes" have been used frequently to discuss important events as well as out-of-state newspaper essays or pamphlets that circulated in New York but are printed elsewhere in the edition.

#### General Ratification Chronology, 1786-1791

1786		
21 January	Virginia calls meeting to consider granting Congress power to regulate trade.	
11–14 September	Annapolis Convention.	
20 September	Congress receives Annapolis Convention report	
-	recommending that states elect delegates to a convention at Philadelphia in May 1787.	
11 October	Congress appoints committee to consider Annapolis Convention report.	
23 November	Virginia authorizes election of delegates to Convention at Philadelphia.	
23 November	New Jersey elects delegates.	
4 December	Virginia elects delegates.	
30 December	Pennsylvania elects delegates.	

#### 1787

	1767
6 January	North Carolina elects delegates.
17 January	New Hampshire elects delegates.
3 February	Delaware elects delegates.
10 February	Georgia elects delegates.
21 February	Congress calls Constitutional Convention.
22 February	Massachusetts authorizes election of delegates.
28 February	New York authorizes election of delegates.
3 March	Massachusetts elects delegates.
6 March	New York elects delegates.
8 March	South Carolina elects delegates.
14 March	Rhode Island refuses to elect delegates.
23 April–26 May	Maryland elects delegates.
5 May	Rhode Island again refuses to elect delegates.
14 May	Convention meets; quorum not present.
14–17 May	Connecticut elects delegates.
25 May	Convention begins with quorum of seven states.
16 June	Rhode Island again refuses to elect delegates.
27 June	New Hampshire renews election of delegates.
13 July	Congress adopts Northwest Ordinance.
6 August	Committee of Detail submits draft constitution to Convention.
12 September	Committee of Style submits draft constitution to Convention.
17 September	Constitution signed and Convention adjourns sine die.
20 September	Congress reads Constitution.
26–28 September	Congress debates Constitution.
28 September	Congress transmits Constitution to the states.
28–29 September	Pennsylvania calls state convention.
17 October	Connecticut calls state convention.

25 October 26 October 31 October 1 November 6 November 10 November 12 November 19 November-7 January 1788 20 November-15 December 26 November 27 November-1 December 27 November-1 December 3–7 December 4–5 December 6 December 7 December 11-20 December 12 December 14 December 18 December 25 December-5 January 1788 31 December 31 December-12 February 1788

Massachusetts calls state convention. Georgia calls state convention. Virginia calls state convention. New Jersey calls state convention. Pennsylvania elects delegates to state convention. Delaware calls state convention. Connecticut elects delegates to state convention. Massachusetts elects delegates to state convention. Pennsylvania Convention. Delaware elects delegates to state convention. Maryland calls state convention. New Jersey elects delegates to state convention. Delaware Convention. Georgia elects delegates to state convention. North Carolina calls state convention. Delaware Convention ratifies Constitution, 30 to 0. New Jersey Convention. Pennsylvania Convention ratifies Constitution, 46 to 23. New Hampshire calls state convention. New Jersey Convention ratifies Constitution, 38 to 0. Georgia Convention.

Georgia Convention ratifies Constitution, 26 to 0. New Hampshire elects delegates to state convention.

#### 1788

	1.00
3–9 January	Connecticut Convention.
9 January	Connecticut Convention ratifies Constitution, 128 to 40.
9 January–7 February	Massachusetts Convention.
19 January	South Carolina calls state convention.
1 February	New York calls state convention.
6 February	Massachusetts Convention ratifies Constitution, 187 to 168,
	and proposes amendments.
13–22 February	New Hampshire Convention: first session.
1 March	Rhode Island calls statewide referendum on Constitution.
3–27 March	Virginia elects delegates to state convention.
24 March	Rhode Island referendum: voters reject Constitution, 2,711
	to 239.
28–29 March	North Carolina elects delegates to state convention.
7 April	Maryland elects delegates to state convention.
11–12 April	South Carolina elects delegates to state convention.
21–29 April	Maryland Convention.
26 April	Maryland Convention ratifies Constitution, 63 to 11.
29 April–3 May	New York elects delegates to state convention.
12–24 May	South Carolina Convention.

xxii	General Ratification Chronology, 1786–1791
23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.
2–27 June	Virginia Convention.
17 June–26 July	New York Convention.
18–21 June	New Hampshire Convention: second session.
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments.
25 June	Virginia Convention ratifies Constitution, 89 to 79.
27 June	Virginia Convention proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to report an act for putting the Constitution into operation.
21 July–4 August	First North Carolina Convention.
26 July	New York Convention Circular Letter calls for second constitutional convention.
26 July	New York Convention ratifies Constitution, 30 to 27, and proposes amendments.
2 August	North Carolina Convention proposes amendments and refuses to ratify until amendments are submitted to Congress and to a second constitutional convention.
13 September	Congress sets dates for election of President and meeting of new government under the Constitution.
20 November	Virginia requests Congress under the Constitution to call a second constitutional convention.
30 November	North Carolina calls second state convention.
	1789
4 March	First Federal Congress convenes.

4 March	First Federal Congress convenes.
1 April	House of Representatives attains quorum.
6 April	Senate attains quorum.
30 April	George Washington inaugurated first President.
8 June	James Madison proposes Bill of Rights in Congress.
21–22 August	North Carolina elects delegates to second state convention.
25 September	Congress adopts twelve amendments to Constitution to be submitted to the states.
16–23 November	Second North Carolina Convention.
21 November	Second North Carolina Convention ratifies Constitution, 194 to 77, and proposes amendments.

#### 1790

	1100
17 January	Rhode Island calls state convention.
8 February	Rhode Island elects delegates to state convention.
1–6 March	Rhode Island Convention: first session.
24-29 May	Rhode Island Convention: second session.
29 May	Rhode Island Convention ratifies Constitution, 34 to 32, and proposes amendments.

15 December

1791 Bill of Rights adopted.

#### Calendar for the Years 1787-1788

#### 1787

SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS
JANUARY	FEBRUARY	MARCH	APRIL
123456	1 2 3	1 2 3	1 2 3 4 5 6 7
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#### **Symbols**

#### FOR MANUSCRIPTS, MANUSCRIPT DEPOSITORIES, SHORT TITLES, AND CROSS-REFERENCES

#### Manuscripts

ADS	Autograph Document Signed
DS	Document Signed
FC	File Copy
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

#### **Manuscript Depositories**

CtY	Yale University
DLC	Library of Congress
DNA	National Archives
MHi	Massachusetts Historical Society
MWA	American Antiquarian Society
Ν	New York State Library
NHi	New-York Historical Society
NHyF	Franklin D. Roosevelt Presidential Library
NKiSH	Senate House State Historical Site Library,
	Kingston
NN	New York Public Library
NNC-RB	Columbia University, Rare Book and Manuscript
	Library
PHi	Historical Society of Pennsylvania

#### **Short Titles**

Abbot, Washington	W. W. Abbot, ed., The Papers of George Washington:
0	Confederation Series (6 vols., Charlottesville, Va.,
	1992–1997).
Adams, Defence	John Adams, A Defence of the Constitutions of Gov-
-	ernment of the United States (3 vols., London,
	1787–1788).

#### Symbols

Belknap Correspondence	"The Belknap Papers," <i>Collections</i> of the Massa- chusetts Historical Society, 5th series, Vols. II– III (Boston, 1877).
Boyd	Julian P. Boyd et al., eds., <i>The Papers of Thomas</i> Jefferson (Princeton, N.J., 1950–).
Childs, Debates	Francis Childs, ed., The Debates and Proceedings of the Convention of the State of New-York, Assembled at Poughkeepsie, on the 17th June, 1788 (New York, 1788).
Convention Journal	Journal of the Convention of the State of New-York; Held at Poughkeepsie, in Dutchess County, the 17th of June, 1788 (Poughkeepsie, [1788]).
DHFFC	Linda Grant De Pauw, Charlene Bangs Bickford, Kenneth R. Bowling, Helen E. Veit, and Wil- liam Charles diGiacomantonio, eds., Documen- tary History of the First Federal Congress of the United States of America, March 4, 1789–March 3, 1791 (Baltimore, 1972–).
DHFFE	Merrill Jensen, Robert A. Becker, and Gordon DenBoer, eds., <i>The Documentary History of the</i> <i>First Federal Elections</i> , 1788–1790 (4 vols., Madi- son, Wis., 1976–1989).
Evans	Charles Evans, American Bibliography (12 vols., Chicago, 1903–1934).
Fitzpatrick	John C. Fitzpatrick, ed., <i>The Writings of George</i> <i>Washington</i> (39 vols., Washington, D.C., 1931–1944).
JCC	Worthington C. Ford et al., eds., Journals of the Continental Congress, 1774–1789 (34 vols., Washington, D.C., 1904–1937).
Johnston, <i>Ja</i> y	Henry P. Johnston, ed., <i>The Correspondence and</i> <i>Public Papers of John Jay</i> (4 vols., New York and London, 1890–1893).
Montesquieu, Spirit of Laws	Charles, Baron de Montesquieu, <i>The Spirit of Laws</i> (Translated from the French by Thomas Nu- gent, 5th ed., 2 vols., London, 1773). Originally published in Geneva in 1748.
Rutland, Madison	Robert A. Rutland et al., eds., <i>The Papers of James Madison</i> , Vols. VIII–XVII (Chicago and Charlottesville, 1973–1991).
Smith, Letters	Paul H. Smith, ed., Letters of Delegates to Congress, 1774–1789 (26 vols., Washington, D.C., 1976– 2000).

Symbols

Syrett	Harold C. Syrett, ed., The Papers of Alexander Ham-
	ilton (27 vols., New York, 1961–1987).
Thorpe	Francis N. Thorpe, ed., The Federal and State Con-
	stitutions (7 vols., Washington, D.C., 1909).
Washington Diaries	Donald Jackson and Dorothy Twohig, eds., The
	Diaries of George Washington (6 vols., Charlottes-
	ville, Va., 1976–1979).

#### **Cross-references to Volumes of** The Documentary History of the Ratification of the Constitution

CC	References to Commentaries on the Constitution are
	cited as "CC" followed by the number of the
	document. For example: "CC:25."
CDR	References to the first volume, titled Constitu-
	tional Documents and Records, 1776–1787, are
	cited as "CDR" followed by the page number.
	For example: "CDR, 325."
RCS	References to the series of volumes titled, Ratifi-
	cation of the Constitution by the States, are cited as
	"RCS" followed by the abbreviation of the state
	and the page number. For example: "RCS:N.Y.,
	325."
Mfm	References to the microfiche supplements to the
	"RCS" volumes are cited as "Mfm" followed
	by the abbreviation of the state and the num-
	ber of the document. For example: "Mfm:N.Y.
	25." No microfiche supplement will be pub-
	lished for RCS:N.Y. All Mfm:N.Y. documents
	will be placed on the publisher's Web site:
	www.wisconsinhistory.org/ratification.
	7 8,

xxvi

### New York Chronology, 1777-1790

1777		
April 20 June	State constitution adopted George Clinton elected first governor	
	1778	
February 6	Legislature adopts Articles of Confederation	
	1780	
September 3	Alexander Hamilton calls for national convention	
September 7	Governor Clinton addresses legislature asking for more power for Congress	
September 26	Legislature appoints commissioners to Hartford Convention	
October 10	Legislature instructs delegates to Congress and Hartford Convention commissioners to give more power to Congress	
November 8–22	Hartford Convention	
	1781	
March 19	Legislature adopts Impost of 1781	
	1782	
July 21	Legislature calls for national convention and increased	
	powers for Congress	
November 30	Preliminary Peace Treaty signed	
	1783	
March 15	Legislature repeals its adoption of Impost of 1781	
April 18	Congress proposes Impost of 1783	
November 25	British evacuate New York City	
	1784	
March 22	State impost enacted	
March 31	Legislature refuses to compensate Loyalists for confiscated estates	
June 3	Massachusetts petitions Congress claiming ownership of western New York	
August 27	Rutgers v. Waddington	
November 18	Legislature approves state impost	
	1785	
April 4	Legislature approves 30 April 1784 grant of temporary power to Congress to regulate commerce	
April 9	Legislature adopts amendment to Articles of Confederation changing method of apportioning expenses of government	
April 14	Senate defeats Impost of 1783	

xxvii

xxviii

#### 1786

February 15	Congress asks New York to reconsider Impost of 1783
March 14	Legislature receives Virginia's call of Annapolis Convention
March 17	Legislature approves appointment of commissioners to Annapolis Convention
April 18	Paper money act becomes law
April 20	Assembly appoints commissioners to Annapolis Convention
May 4	Legislature conditionally adopts Impost of 1783
May 5	Senate agrees with appointment of commissioners to Annapolis Convention
August 11	Congress requests New York to reconsider its approval of Impost of 1783
August 23	Congress again requests New York to reconsider its approval of Impost of 1783
September 11–14	Annapolis Convention
December 16	Hartford agreement between New York and Massachusetts over land in western New York

#### 1787

January 13	Legislature receives Annapolis Convention report
January 26	Legislature adopts state bill of rights
February 15	Assembly refuses to alter its approval of Impost of 1783
February 20	Legislature instructs delegates to Congress to move for appointment of a constitutional convention
February 21	Congress rejects New York's call for a convention and accepts amended motion by Massachusetts for a convention
February 23	Legislature receives congressional resolution of 21 February calling Constitutional Convention
February 28	Legislature authorizes election of delegates to Constitutional Convention
March 6	Legislature elects three delegates (Alexander Hamilton, John Lansing, Jr., and Robert Yates) to Constitutional Convention
April 18	Senate rejects Alexander Hamilton's motion for appointment of two additional delegates to Constitutional Convention
May 25	Robert Yates and Alexander Hamilton first attend Constitutional Convention
June 2	John Lansing, Jr., first attends Constitutional Convention
June 16	Lansing's speech in Constitutional Convention
June 18	Hamilton's "plan" submitted to Constitutional Convention
July 10	Yates and Lansing leave Constitutional Convention
July 21	Hamilton publicly attacks Governor Clinton for his opposition to Constitutional Convention
September 3	Hamilton, who had left in late June, returns to Constitutional Convention
September 17	Constitutional Convention signs Constitution with Hamilton signing for New York
September 21	Constitution first printed in New York ( <i>Daily Advertiser</i> and <i>New York Packet</i> )

September 27	Cato series first printed
October 18	Brutus series first printed
October 27	Publius, The Federalist, first printed
November 1	Cincinnatus series first printed
November 2	Americanus series first printed
November c. 8	Federal Farmer pamphlet first printed
November 19	New York Journal becomes a daily
November 21	A Countryman (Hugh Hughes) series first printed
December 6	A Countryman (De Witt Clinton) series first printed
December 11	Examiner series first printed
December 21	Yates and Lansing write letter to Governor Clinton
	explaining why they left Constitutional Convention early

#### 1788

January 11	Governor Clinton transmits Constitution and Yates-Lansing letter to legislature
January 14	Yates-Lansing letter first printed
January 31	Assembly adopts resolution calling state convention
February 1	Senate concurs with Assembly's resolution calling state convention
February 7	Constitution burned at Montgomery, Ulster County
March 22	Volume I of Publius, The Federalist, printed (36 essays)
April 13–14	Doctors' riots in New York City
April 15	John Jay's A Citizen of New-York pamphlet printed
April 17	A Plebeian pamphlet printed
April 29–May 3	Elections for state convention
May c. 18	Federal Republican Committee formed in New York City
May 27	Ballot boxes opened and votes counted for election to state convention
May 28	Volume II of Publius, The Federalist, printed (49 essays)
June 17	State Convention convenes in Poughkeepsie
June 17	George Clinton elected president of Convention
June 18	Convention reads Constitution
June 19	Henry Outhoodt elected chairman committee of the whole
June 24	News of New Hampshire's ratification of Constitution arrives in Poughkeepsie
July 2	News of Virginia's ratification of Constitution arrives in Poughkeepsie
July 7	Convention finishes discussion of Constitution, and John Lansing, Jr., presents a bill of rights to be prefixed to Constitution
July 10	Lansing presents plan of ratification with conditional amendments
July 11	John Jay proposes unconditional ratification
July 15	Melancton Smith proposes limited ratification of Constitution
July 16	John Sloss Hobart's motion to adjourn defeated
July 19	Lansing proposes conditional ratification with amendments
July 23	New York City Federal Procession
July 23	Samuel Jones's amendment to ratify "in full confidence" that amendments would be adopted

XXX	New York Chronology, 1777–1790
July 23	Convention's committee of the whole votes to ratify Constitution without conditional amendments 31 to 29
July 24	Lansing proposes limited-term ratification
July 25	Convention rejects Lansing's motion for limited-term ratification
July 26	Convention adopts Constitution 30 to 27 with proposed amendments
July 26	Circular Letter to states approved
July 27	Sacking of Thomas Greenleaf's print shop
October 30	Federal Republican Committee reorganizes in New York City to work for a second constitutional convention
	1789
February 7	Legislature resolves to ask Congress to call a convention to draft amendments to the Constitution
	1790
January 13	Legislature receives proposed twelve amendments to Constitution
February 26	Legislature adopts eleven of twelve proposed amendments to Constitution

#### Officers of the State of New York 1787–1788

Governor George Clinton

Lieutenant Governor Pierre Van Cortlandt

Chancellor Robert R. Livingston

Justices of the Supreme Court Richard Morris, Chief Justice John Sloss Hobart Robert Yates

Clerk of the Supreme Court John McKesson

Judge of the Court of Admiralty Lewis Graham

Secretary of State Lewis A. Scott

Attorney General Egbert Benson Richard Varick (appointed 14 May 1788)

Treasurer Gerard Bancker

Auditor-General Peter T. Curtenius

Surveyor General Simeon DeWitt

Mayor of New York City James Duane

Mayor of Albany John Lansing, Jr.

Mayor of Hudson Seth Jenkins

Council of Appointment George Clinton Appointed 18 January 1787 William Floyd John Hathorn

Ebenezer Russell Peter Schuyler Appointed 18 January 1788 Anthony Hoffman **David Hopkins** Philip Schuyler John Vanderbilt **Council of Revision** George Clinton Robert R. Livingston **Richard Morris** John Sloss Hobart Robert Yates Annapolis Convention Delegates Egbert Benson\* Alexander Hamilton\* Robert C. Livingston Robert R. Livingston James Duane Leonard Gansevoort \*Attended **Delegates to Congress** Elected 26 January 1787 Abraham Yates, Jr. John Lansing, Jr. Melancton Smith John Haring Egbert Benson Elected 22 January 1788 Abraham Yates, Jr. Ezra L'Hommedieu Egbert Benson Leonard Gansevoort Alexander Hamilton **Constitutional Convention** Alexander Hamilton\* Robert Yates\*\* John Lansing, Jr.\*\* \*Signed Constitution \*\*Left Convention on 10 July 1787

Confederation Secretary for Foreign Affairs John Jay

#### **Delegates to the New York Convention**

From 29 April to 3 May 1788, sixty-five delegates were elected to the New York Convention. Following each delegate's name, an "A" indicates that he was elected as an Antifederalist or an "F" indicates that he was elected as a Federalist. A second letter follows—a "Y" indicates that the delegate voted to ratify the Constitution; an "N" indicates that the delegate voted against ratification; and an asterisk (\*) indicates those who were either absent or abstained. One Federalist and seven Antifederalist delegates did not vote. President of the Convention George Clinton, who had voted in the committee of the whole, presumably did not vote because he was presiding. The other seven non-voting delegates were presumably absent because none of them signed the Convention's Circular Letter to the other states on 26 July. All of the Antifederalist would have wanted to sign the Circular Letter unanimously as the price they paid for Antifederalist support for ratifying the Constitution.

#### OFFICERS

PRESIDENT George Clinton CHAIRMAN OF THE COMMITTEE OF THE WHOLE Henry Oothoudt SECRETARIES John McKesson Abraham B. Bancker DOORKEEPER David Barclay Messenger James Pritchard Printer Nicholas Power Chaplains Henry Van Dyck Daniel Marsh Rules Committee Chairman James Duane

#### DELEGATES

CITY AND COUNTY OF ALBANY John Lansing, Jr. (A–N) Anthony Ten Eyck (A–\*) Henry Oothoudt (A–N) Israel Thompson (A–N) Dirck Swart (A–\*) Peter Vrooman (A–\*) Robert Yates (A–N)

COLUMBIA COUNTY Matthew Adgate (A–N) John Bay (A–N) Peter Van Ness (A–N)

#### **DUTCHESS COUNTY**

Jonathan Akin (A–N)Zephaniah Platt (A–Y)John De Witt, Jr. (A–Y)Melancton Smith (A–Y)Gilbert Livingston (A–Y)Jacobus Swartwout (A–N)Ezra Thompson (A–\*)

Kings County				
Peter Lefferts (F-Y)	Peter Vandervoort (F-Y)			
Montgomery	COUNTY			
John Frey (A–N)	Volkert Veeder (A–N)			
William Harper (A–N)	John Winn (A–N)			
Henry Staring (A–N)	Christopher P. Yates (A-*)			
City and County	OF NEW YORK			
James Duane (F-Y)	John Jay (F–Y)			
Alexander Hamilton (F-Y)	Robert R. Livingston (F-Y)			
Richard Harison (F-Y)	Nicholas Low (F-Y)			
John Sloss Hobart (F–Y)	Richard Morris (F-*)			
Isaac Roose	velt (F–Y)			
Orange County				
John Haring (A–N)	John Wood (A–N)			
Henry Wisner, Sr. (A–N)	Jesse Woodhull (A–Y)			
	-			
QUEENS C Stephen Carman (A–Y)	Nathaniel Lawrence (A–Y)			
Samuel Jones (A–Y)	John Schenck (A–Y)			
Sanitier Jones (11-1)	John Schenck (M=1)			
Richmond	County			
Abraham Bancker (F–Y)	Gozen Ryerss (F-Y)			
Suffolk C	OUNTY			
Jonathan N. Havens (A-Y)	Henry Scudder (A–Y)			
David Hedges (A-*)	John Smith (A–Y)			
Thomas Tredwell (A–N)				
Ulster County				
John Cantine (A–N)	James Clinton (A–N)			
Ebenezer Clark (A–N)	Cornelius C. Schoonmaker (A–N)			
George Clinton (A-*)	Dirck Wynkoop (A–N)			
Washington and Clinton Counties				
Albert Baker (A–N)	Ichabod Parker (A–N)			
David Hopkins (A–N)	John Williams (A–N)			
Westchester County				
Thaddeus Crane (F–Y)	Lewis Morris, Sr. (F–Y)			
Richard Hatfield (F–Y)	Lott W. Sarls (F–Y)			
Philip R. Livingston (F–Y)	Phillip Van Cortlandt (F-Y)			
	• • • •			

xxxiii

The Ratification of the Constitution by the States

> NEW YORK [5]

# V. THE NEW YORK CONVENTION 17 June–26 July 1788 (Continued)

# The New York Convention Monday 14 July 1788

### **Convention Debates, 14 July 1788**

JOHN JAY. Wishes us to candidly consider-

We cannot presume we were sent here to make a Constitution-

If we were, every State had the same power, and therefore no Const—could be made—therefore it is presumed, they meant we should determine upon the whole whether best to adopt—

have a right to propose amendts to the People of the US.

But we cannot propose it to the Agents of the people—

we may propose to the people not to their Servants—

The Conditions are to be offered to the Servants not to the Masters—Must ask an attorney for his powers—

Expect the attorney to do more, than they are authorized to do-

They may not [have] a right to agree to forbear with respect to a new State—

They might agree to forbear with respect to one of their own members—

But cannot admit upon any other terms than signing the Compact—

If he saw probability he would agree—

Wishes to say neither part is victors—

A Man [in] England Two farms, one all wood, one none—he empowers an attorney to sell the wood provides he gives, a right to cut wood—the other proposes,— [Melancton Smith, Notes, N]

### \* \* \* \* \* \* \*

MELANCTON SMITH. it is an excellent example—we here offer to cut the wood & bring it home to his door till the condition is complied with— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. he must reserve the absolute right—& not be oblidged to ask what trees to cut— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

MELANCTON SMITH. the Atty gives an Absolute conveyance & will give & cut & bring all he wants—till the matter can be [referred?]— [Gilbert Livingston, Notes, NN]

### \* \* \* \* \* \* \*

JOHN JAY. insists he must have an *absolute right* & not a *Modified privaledge*— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

RICHARD HARISON. wishes not to be too hasty on this import[an]t matter-would have been happy if this was such a ratification as the Congs could accept—would have been foremost in voting for it—powers in Congs. & state Legislatures are a deposit of trust in their hand for the public good—such the powers of the constitution therefore cannot acceed to this proposition the powers of taxation, & Militia great & important—is sd. these powers will not want to be exercised—yet they may be in case of rebellion &ct & other cases which may happen—& if this can possibly exist, we ought not to wish that congress-should give them up—it *ought not to be* in the power of Congs to [*increase*?] or *abridge* their powers, it is dangerous—it is said Govt May suspend their powers—this contrary to the Law Maxim<sup>1</sup>—because if they can suspend for one hour they may for 7 Years & so can increase or suspend their powers AT WILL suppose the county of S[uffolk] was exempted for [20?] Years, in good consn. Yet if a great flow of Wealth should Come in-would not this change of circumstances make it wise & right to alter the law-

with respect to our own power—we can only *reject*—or *adopt*—what evidence of the sense of their constituants—we can only look to the resolution—asks to produce powers varying from the recommendn. the circumstances we are in deserve considn. we have been told it has been adopted from expedience not because it was good—the sever[a]l states which have adop[te]d it, have by their cond[uc]t sd. it is safe— & for the interest of the states to adopt it—does not say it is perfect yet when coolly discussed it is such that wise men would approve of. Ten lessons to be had from other states—if wise men have made it we ought to think so too—

Gent say we will adopt it—yet [---] [cond?] does not believe they mean it shall opperate condy.—but only to have it consd—

thinks he can shew we have as good chance by recomn as by Condn. if a Majority want the amends we are sure of getting them—Suppose there is not a majority for them—the Consn. may be assd. yet the amends will not be made—import[an]t not to risk a loss of the Union—extreme dangerous to induce congs. to violate the constitun. the vague wishes of their constituents not sufft. Authy. to make conds. &c run risks—&ct—the only thing which remains is the suspensions, for a certain time—Smith has sd. it is not probable these powers will soon be used—why then take a risk—to gain nothing—prudence will dictate to leave out the conditions & Unite in recommendations— [Gilbert Livingston, Notes, NN]

HARISON. Powers lodged by a Constitution a sacred trust

No trustee can part with powers lodged, with them, for the public good—

The power of taxes and over the militia great powers—said that these powers, may will not be necessary—Suppose a Rebellion and the militia called out—if the chief magistr[at]e would not call out—

The principles of the const. should be sacred—the governt. ought not to have a power to abridge—improper to give up—

In opinion, that a government cannot, tie its hands—Parliament cannot, abridge its powers, or of its successors—

An Act, declaring the County of Suffolk, should not be taxed for ten Years—if a change of circumstances, right they should be taxed—

The only evidence we have of the intention is the Act under which they were appointed

Some of our Constituents have some way & some another-

No weight in the Argument, that it has been adopted on principles of expediency—an evidence, not opposed to fundamental rights—

Will not say perfect—but good men will approve—perfection, in some, what not in another—

What the use of a Condition—not to say we have adopted it with a Condition—It may be sd. to secure amendts—

If the amends. can be as well made without it—unnecessary—If a suff. number of the people, wish them they will be made—If not they cannot be made by the Condition—If no danger that the power will be exercised not important, to make them Conditions— [Melancton Smith, Notes, N]

### \* \* \* \* \* \* \*

WILLIAM HARPER.<sup>2</sup> have spent much time in debating about a thing which does not exist cannot exist—have spent three days doing nothing but talk—wishes the propositions may be taken up—and the question put— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. wishes the questn. may not be put—as it will now be a decision of the comparitive view betwn the two propositionstrue it has been largely discussed—on Saturday said he supposed it would amount to a rejection—

yet would suggest some Ideas-

recappitulates the argts of Saturday-

is willing to agree that the constitution was *Advisory*—it has now become *obligatory* by the *will* of the people, especially by the states which have adopted—what is advised—by the instrument—could the people in the difft states—which have agreed— admit of conditions—a *condition* on the one part—requires a power on the other part to *consent*—suppose 9 had not agreed to *adopt*—no power could *assent*—therefore the Legislature could not mean we should make conds—if all the states had made *condns*. they never *could have been organized* reflect on this & see wheather it is not conclusive—no questn. could ever have been taken on it—in the concurrent resolutions of this state—it is referred to have the papers submitted—

if it is stated as the Gent. wishes-it must refer to Adopt or reject-

these acts are *an evidence* of the thing intended—& nothing else can determine—the people did vary—& believed the Northern countys did wish amendts. but can we be bound by this—in N Y. they knew a Consn. was to be submitted—but not to be altered for this we are not met—only to consider from the Acts—we have no binding power beyond these—we may recommend—

New terms do not amount to our adoption—Congs. *cannot abridge their powers*—nor extend a Legislative authority—cannot put it out of their power to obviate their power—or suspend their Judgt—

Gent. have taken latitude, in stating cases—the Legislative power must be exercised uniformly tho particular cases may happen, as to particular cases—[for?] exemptions—

the Legislature to produce the public good may pledge funds—to borrow money—and [thus?] lay aside genl. powers in this instance—

Gent state the questn. wrong, that congs only lay aside the power for a time—but to do this congs. must lay aside their powers and conclude to submit this right of Judging—it is not tenable to admit this right— Congs. have no authority to propose a Convention—but must wait for nine states to make the proposition to them—

this will lead every man who wishes an adoption into a snare—tho' they do not intend it—congs. cannot adopt it—if these arguments are not sufficient—to convince—must abandon the maxim, "that there is force in truth"—

wishes Gent. would not call for the questn-but retire & consider-

No pride of Opinion—ought to weigh—Genl Good ought to influence—would not for the world loose this glorious oppertunity of establishing a free government—would not wish to put it to the risk of Arms—Must be cautious to listen to Jealousy—Liberty is put to the hazard— [Gilbert Livingston, Notes, NN]

HAMILTON. 1st. our powers—agreed that the Constitution, was advisory—suppose the Constitution advice, we must refer to the instrument—it is impossible that the Conven[tio]n or the people shd. have had in view, such alterations—because until they had assented, there was no body to submit amendments to—there being no common body to determine—

therefore it must of necessity [have] been their view that we shd. alter, as the Legisl. could not [have] known 9 States

how to know, whether the Counties would chuse, if we had not expected to agree to reject—

It does not follow because a Legisl. may forbear to exercise a power, therefore that they may abdicate—

Laws ought to be general, and not to extend to a part-

may except against a power, in cases of disstress—but does not apply—a Governmt.

The Legislature may to promote the publick good, pledge funds, grant immunities—

Congress may submit them to the assent of  $\frac{3}{3}$ —this takes away the right of judging—cannot do this—

Or else must wait for 9 States—this a contingency— [Melancton Smith, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. we have supposed that it would come to this—we could not suppose a conviction could now be brought. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. suggests—the latter questn. postpones the former—both propositions mean an adoption— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH agrees—in sentiment— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE.<sup>3</sup> the questn. & arguments repeated—Congs. have exceeded their powers— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GILBERT LIVINGSTON. thinks there is weight in some arguments wishes to have the Matter postponed till tomorrow [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. propositions from Congress to the *people*, *they* give it force— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. we cant go forward, till this Quest. is put— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. why ought this quesn. to be called today of the greatest consequence— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. does not rise to hurry business—to obviate impressions, which might have been given—the last questn. only postpones the general questn— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN WILLIAMS. wishes that the comee. may rise and report— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. was informed that a proposition was to be brought forward this day—wishes to have it now, to consider of it—

Com[mitte]e rose—Adjd. [Gilbert Livingston, Notes, NN]

1. A legal maxim is "an established principle or proposition" or "a principle of law universally admitted, as being a correct statement of the law, or as agreeable to reason" (*Black's Law Dictionary*).

2. Harper (c. 1729–1817), a resident of Harpersfield, represented Tryon County (later Montgomery) in the Third and Fourth Provincial congresses, 1776–77, and in the Assembly, 1781–82, 1784, and Montgomery County in the Assembly, 1784–87, 1788–89. He also served as a county judge in Montgomery and Otsego (formerly part of Montgomery). Harper voted against ratification of the Constitution in the New York Convention.

3. Adgate (1737–1818), a native of Norwich, Conn., moved in the 1760s to Canaan, N.Y., then in Albany County but beginning in 1786 in Columbia County. A farmer and mill owner, he represented Albany County in the Third and Fourth Provincial congresses, 1776–77, and in the Assembly, 1780–85. Adgate was a justice of the peace for Columbia County, 1786–1804, and one of its representatives to the Assembly, 1788–89, 1791, 1792–95. He voted against ratification of the Constitution in the New York Convention.

# Newspaper Report of Convention Debates, 14 July 1788

New York Daily Advertiser, 17 July 1788<sup>1</sup>

From Poughkeepsie we learn, that the Antifederalists called for the final question on Monday last, but were overuled by a motion of Mr. Hamilton, seconded by Mr. G. Livingston, that the question be postponed till the next day, which was carried.

Next day, Mr. Hamilton brought forward a plan for ratification, nearly similar to that of Virginia,<sup>2</sup> only containing more declarations. On this a considerable debate took place, and much of the old ground gone over, and the decision again postponed till the next day.

1. Reprinted in the *New York Packet*, 18 July; the *Impartial Gazetteer*, 19 July; and in fourteen newspapers outside New York by 6 August: N.H. (1), Mass. (3), Conn. (3), Pa. (4), Va. (2), S.C. (1).

2. By this time, Hamilton had undoubtedly seen the Virginia Form of Ratification which had appeared in broadsides printed in both New York City and Poughkeepsie on 2 July and in nine New York newspapers between 3 and 8 July. The Virginia Convention's recommendations—consisting of twenty structural amendments and twenty additional amendments contained in a declaration of rights—were also available to Hamilton, having been reprinted in the *Daily Advertiser*, 9 July, and the *New York Journal*, 10 July. On 15 and 22 July these amendments also appeared in the Poughkeepsie *Country Journal*. (See "The Arrival in New York of the News of Virginia's Ratification of the Constitution," 2 July, above.)

# Private Commentaries on the Convention, 14 July 1788

# David S. Bogart to Samuel Blachley Webb Poughkeepsie, 14 July 1788<sup>1</sup>

The important decisive question would have been put this morning, had not the eloquent Hamilton and Mr. Jay pleaded the postponement (at least till tomorrow), of a question the most serious and interesting ever known to the people of America-But alas, for the ignorance of many of the antifederalists, notwithstanding the most energetic arguments and the clearest demonstrations for the adoption of the Constitution, urged by the two Gentlemen above mentioned, they are regardless of the fatal Consequences resulting from a rejection of it; if Congress should receive it as such,-Mr. Hamilton appeared to be much impressed with a sense of this important crisis, and while he exerted every faculty to shew them the improbability that their adoption would be accepted, entreated them to be very deliberate & cool, in determining perhaps not only the fate of the present, but of many generations-Mr. Gilbert Livingston seemed to coincide with Mr. Hamilton, and moved likewise for a postponement of the question, although Mr. Lansing and one or two others used every effort but happily in vain, that the question might be brought forward immediately—The debates this Morning were opened by Mr. Smith, who spoke a considerable time, but I think to little purpose-He appears to be willing to rest upon an uncertainty for he cannot be certain that the manner in which they mean to adopt the Constitution will be esteemed as a ratification-He was followed by The honorable Mr. Jay who after a long controversy about a comparison made by himself, silenced his opponent-He was succeeded again by Mr. Harrison who in elegant language & with becoming modesty pointed out our critical situation—After Mr. Harrison had spoken the question which I have before spoken of was brought forward, to prevent the decision of which Mr. Hamilton the american Cicero arose—Several Gentlemen have told me that Mr. Jones is very much frightened terrified—this day he was absent on account of Sickness,<sup>2</sup> his Son told me, though I conjecture political sickness—To morrow Sir, the fate of this State, & perhaps of all america will be determined, I tremble at the thought of intestine commotion. And if this manner of ratification should not be valid; may Heaven prevent that fellow Citizens & countrymen should bathe their swords in each others blood—Give my love to the family—I remain Sir with great respect Your friend & hble Servt.

1. RC, Webb Family Papers (Ford Collection), NN.

2. It is not known exactly when Samuel Jones returned to the Convention but he took part in the debates on 17 July. Jones became one of the Antifederalists who voted for ratification.

# Philip Schuyler to Stephen Van Rensselaer Poughkeepsie, 15 July 1788<sup>1</sup>

The complexion of the business agitated in the convention was yesterday very alarming indeed.-The question on the conditional adoption, was called for & pressed with warmth—After an Argument by Jay & Hamilton which could not, and was not answered, but which notwithstanding a predetermination against conviction made deep impressions on some of the opponents, who Joined in a motion for the usual Adjournment that time might be given for reflection.—An half hour since Hamilton finished moving a ratification much in the spirit of that of Virginias, but with a declaration of rights extended to Objects which had not been contemplated by the Anties, and with a string of recommendatory amendments, some altogether new and others altho they appeared similar to those proposed by his opponents, were evidently so framed as to be more pointedly in favor of liberty<sup>2</sup>-no decision has as yet been taken on what he offered, and I believe will not be this Day.-but the opponents are so evidently deranged and embarrassed by this measure, that It affords a hope of a better Issue than we have hitherto had a prospect of-Jones who expected an ultimate decision yesterday kept out of the way-he was sick.-but we well know his motive. If he had the Courage he would speak his sentiments which are doub[t]less that the ratification as proposed by Lansingh, could not be construed an adoption-this relative to Jones keep to yourself-

Mrs. Hamilton arrived on sunday evening, she Phill. & the little one are here,—the other two are gone on with the Sloop—

I dare not mention names but several of the Anties have engaged not to vote for the conditional proposition—my Love to all adieu [P.S.] be so good as to convey my compliments to Mr Jacob Cuyler,<sup>3</sup> I have not time today to Answer his letter—

1. RC, Miscellaneous Manuscripts, Philip Schuyler Folder, DLC.

2. See also Daily Advertiser, 17 July (above).

3. Cuyler, a Federalist, was an Albany merchant.

# The New York Convention Tuesday 15 July 1788

### **Convention Debates and Proceedings, 15 July 1788**

CONVENTION PROCEEDINGS. That on the said 15th day of July, Mr. M. Smith moved as an amendment, to add to the first resolution proposed by Mr. Jay,<sup>1</sup> so that the same, as amended, should read as follows, viz.

Resolved, as the opinion of this Committee, that the Constitution under consideration ought to be ratified by this Convention: Upon condition nevertheless, That until a Convention shall be called and convened for proposing amendments to the said Constitution, the Militia of this State will not be continued in service out of this State for a longer term than six weeks, without the consent of the Legislature thereof: That the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose; or from any circumstance be incapable of making the same; and that in those cases, such power will only be exercised until the Legislature of this State shall make provision in the premises: That no Excise will be imposed on any article of the growth, production, or manufacture of the United States, or any of them, within this State, ardent Spirits excepted: And that Congress will not lay direct Taxes within this State, but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies; nor then, until Congress shall first have made a Requisition upon this State, to assess, levy and pay the amount of such Requisition, made agreeably to the Census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best; but that in such case, if the State shall neglect or refuse to pay its proportion pursuant to such Requisition, then the Congress may assess and levy this State's proportion, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid.

That debates were had on the said motion. [Convention Journal, 43-44]<sup>2</sup>

\* \* \* \* \* \* \*

#### in Committee

MELANCTON SMITH. the Motion he made was to substitute his for Mr. Jays—now moves to add his as an Amendt— [Gilbert Livingston, Notes, NN]

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JOHN BAY. wishes to have the questn. taken on the Motn. without altering [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. would substitute a new one by way of an Amendt. in substance the same as Smith's— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. agrees— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. wishes to have it done—with the sence of the house—

Amendment read [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON produced the form of a Ratificat—and also a number of Amendments which he read—& Pledged the Gent of New York to endeavour to obtain them— [McKesson's Notes, NHi]

HAMILTON. they were ready to go as far as they thought safe, in recommendatory & explanitory Amends—& secure the Constitun. & that Many of the Amends. we have proposed—they supposed wrong—yet they will bring forward Amends. & will be pledged for to obtain those which they bring forward—as far as they can—Reads a form of Adoption—

Reads a list of Amends-which they think would be of real service-

Wish to give the Govt a safe constructn. & that they should have strong power—

wishes to move these propositions as an amendt—that in same manner they may be jointly considered with those before the committee for those as mentioned in these propositions the Members of NY would pledge themselves to endeavor for their adoption— [Gilbert Livingston, Notes, NN]

[For the form of ratification and the amendments read by Alexander Hamilton on 15 July, see Convention Debates and Proceedings, 17 July, RCS:N.Y., 2205–8, 2218, note 19.]

\* \* \* \* \* \* \*

JOHN LANSING, JR. Let us take the Question whether we will adopt the Constitution Conditionally or absolutely—

Many of these Ideas are valuable and ought be introduced into the Amendments— [McKesson's Notes, NHi]

LANSING. wishes the gent. who read his propositions [Alexander Hamilton] would make a formal motion to bring them before the house—does not wish to reject them entirely—as there are many good Ideas in them—but wishes the questn to be taken wheather the convention will adopt the constitution without conditional amends. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. We are endeavouring to agree—Gent See we have brot forth valuable Amendmts. Cannot the Conditional Amendments be paired down so that we may agree

We honestly think Congress must reject such an Adoption—Cannot we endeavour further to Accommodate—The Gentlemen have advanced for Accommodation—We have now advanced for Accommodat. [McKesson's Notes, NHi]

JAY. it must be evident from the props. that they wish to accommodate—& pledge themselves to endeavor an Amendt—

does not this weigh—to unite all our force—is it not certain that the conds. will render our admittance into the Union uncertain—all has been said, that can be—that the conds will amount to a rejection—declare that they think it will destroy the constitution—shall we not accommodat[e]—each appear to have a disposition to advance—had we not better wait, and endeavor to meet— [Gilbert Livingston, Notes, NN]

WILLIAM HARPER. We are now where we were 3 or 4 days ago—

If the Gent move these as amendmts. we may proceed—If they withdraw their former Motion we may proceed—We delay Time without new Light— [McKesson's Notes, NHi]

HARPER. we do not advance one step—here are propositions mentioned, but nothing regularly before the committee till there is a Motion on them—we cannot notice them— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. wishes to have something decidedly may bring these matters before the house—they now stand on the same ground they did—& have not made any *real* advances— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. cannot go on till the questn is taken [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. hopes the questn will not be pressed—as the Amends. expres[s]ly contemplate a condition—hopes—time will be taken to consider of the New propositions—and not pass the [revision?] [i.e., Smith's amendment of Jay's motion] by hastily takeing this questn—which Must be binding finally— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. we cannot advance without taking the questn. unless the propositions are brought in by a Motion— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. the Gent. is right as to order [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. the propositions are the same—substantially the same as the first Motion of Mr. Jay—no new motion can bring it regularly before us— [Gilbert Livingston, Notes, NN]

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JOHN JAY. When we consider that the Amends. [i.e., Hamilton's] are in conformity to the Motion on the table—they are proper— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. sorry the Gent. does not understand him A Motion containing these propositions and is [Gilbert Livingston, Notes, NN]

JOHN LANSING, JR. must be reduced to the point we set off from wishes not to take the questn in the present form—but wants to have the Genl. questn. on conditions taken— [Gilbert Livingston, Notes, NN]

GILBERT LIVINGSTON. I explain my Conduct of yesterday-

It was improper to Submit to Congress to do what they had no power to do—

It is now amended agreeable to the 5th. Article and my Objection removed— [McKesson's Notes, NHi]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. I ask that Gent if his constituents gave him a Right of Judging can he surrender that right of Judging— [Mc-Kesson's Notes, NHi]

\* \* \* \* \* \* \*

GILBERT LIVINGSTON. I do not find that Observance of Contracts that could have been wished—The Confe[de]rat[ion] now laughed out of Doors was most Solemnly agreed to—It is admitted we have a right to make Conditions I am sure Congress must deem that

Gent. are willing to receive the Constitution with all its Imperfections if a Convention will not amend it—Then why risque a doubtful Question whether Congress will receive us or not— [McKesson's Notes, NHi]

G. LIVINGSTON. old Compact- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. does not think the Old confedn. binding that all the parties to it—have broke it—therefore its force null—Gent. say no compact can be [binding?]—a true rule is—if one party break the compact the other must compell an obedience—compares the compact with great Brittn all have violated—therefore gone—Gent. recurring to the proposition—does not reflect—wheather congress have *a right* to receive us—says they have no right—we have no right to expect they will receive us—Gent. shakes his head—he will not go with his party if he consents to this—at least doubtful wheather congress will take us in—then wholly a questn. of policystates the reasons he mentioned the other day.— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. the gent. is perfectly welcome—to use such arguments as he pleases—if he thinks the propositions are nothing—the gent. shows as little sence in so violently opposing nothing as we do in bringing them forward on compacts—

congress have no right to [receive?]—combats this—

if Congress by adm[ittin]g us do abrogate their power then he admits they cannot do it—

but holds they may suspend—which is all we ask—

doubtful—if congs. would refuse to accept us when it was doubtful would suffer any distress, before he would submit to such a govt—

Congress setting in this state, ought not to be put in competition with Liberty—

Wishes to retain congress here, if we could, but it is a very uncertain event.—

came forward manfully-with our propositions- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. Calls the attention of the committee to the point—is willing to hear all that can be said—but wants to have the questn.— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. combats the Idea, that he called us childn. he only combats the arguments—not the Gent. of the committee.—

men beget children-children do not [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. extreemely sorry Lan[sing] cannot see the matter as he does—has this consolation, that they have done all they could to conciliate—

heartily wishes the matter may be postponed till tomorrow—

Gent have mentd. the breach of the Confedn. considers the clause of amendt. in it only going to the mode of Govt.

people may alter their Govt.

Motn. that the committee rise— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. we must take the questn before we can go on yet does not wish to hurry [Gilbert Livingston, Notes, NN]

2182

JOHN WILLIAMS. the great point this—will congress admit us in this way—thinks they will A Union is necessy. & congress will be unwillg to reject the state

A great division throu[ghou]t the states difficult to say where the ballance lies—

Congs. will wish to have our impost<sup>3</sup> & assistant—

what do the Gent. ask? one day more—let us give it—

Adjournment-does not wish it- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. if any Gent. opposed to us—wish a day—he is willing to give it—but if it is requested, for us to consider does not wish it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

STEPHEN CARMAN.<sup>4</sup> wishes time to consider [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. if the arguments of the gent. are true we must alter our propositions—his object is to have the constitution again considered by a convention—to secure this is our only object—

questn-to adjourn-ad[journe]d- [Gilbert Livingston, Notes, NN]

1. For John Jay's motion, see Convention Debates, 11 July, at note 1.

2. This item was printed in the *Country Journal*, 26 August. According to Gilbert Livingston, Melancton Smith first made his motion on 11 July as a substitute to John Jay's form of ratification of that day. On 15 July, however, Smith moved that his motion of 11 July be an amendment to, and not a substitute for, Jay's form of ratification. The *Convention Journal*, the *Country Journal*, and Childs's *Debates* all print Smith's motion only on 15 July.

3. Under the new Constitution, Congress would have the power to levy imposts, while the states would not be permitted to do so, thereby depriving New York of its lucrative state impost. For the state impost, see RCS:N.Y., Vol. 1, xxxi.

4. Carman (1751–1824), a resident of Hempstead, represented Queens County in the state Assembly, 1788–90, 1795–96, 1798, 1803–5, 1807, 1808–19. Although an Antifederalist, he voted to ratify the Constitution.

### De Witt Clinton Journal, 15 July 1788<sup>1</sup>

Hamilton introduced a new proposal with explanatory and recommendatory amendts. one of the latter was that no capitation tax should be laid—this was a bait to take in Williams who spoke vs them<sup>2</sup>—The Chancellor Smith & Williams spoke a piece of mine &c in favor of Smiths proposal 1. MS, Clinton Papers, NNC-RB.

2. See Convention Debates, 27 June (RCS:N.Y., 1937, 1938, 1939).

### Private Commentary on the Convention, 15 July 1788

Abraham B. Bancker to Evert Bancker Poughkeepsie, 15 July 1788<sup>1</sup>

# Hond. Sir-

I am now to Acknowledge the receipt of your two favours of the 4th. instt. the one to me at this place, and the other for Arrietta with the basket reced. by her at Kingston-and am much Obliged to you for your particular care therein—I left Arrietta somewhat better yesterday Morning four oClock but still very helpless, the Rhumatick swelling having drawn down to the Ancle and foot-the Children were all well—The Convention are still without an accommodation between the parties-the Antifederal having finished their proposed Amendments (consisting of Conditional Explanatory and Recommendatory Amendments) yesterday I Expected the Question was drawing near, but the Fœderal party anxious to Ratify without Conditional Amendments have this Morning offered a number of Explanatory and Recommenda[to]ry Amendments similar to those offered as well by the other party as the other States, and are now in Dispute upon the Subject which may possibly set off the Question some days—I hope an Over ruling Providence will direct the Councils of the Convention for the preservation of our Peace and Liberty—Abm.<sup>2</sup> received your Letter of the 11th. yesterday, this will be handed by Lawyer Ogelvie<sup>3</sup> I Conclude with Sincere Regards to Papa, Mama Chris. & family and remain-

Hond. Sir Your Ever Affectt. Son-

1. RC, Bancker Papers, NHi. This letter was docketed as received on 17 July and answered on 24 July.

2. Abraham Bancker, the writer's cousin, was a Convention delegate from Richmond County.

3. Peter Ogilvie was a New York City lawyer and a judge of the state Court of Probate.

# The New York Convention Wednesday 16 July 1788

### Convention Journal, 16 July 1788

WEDNESDAY, 10 O'CLOCK, The Convention met pursuant to adjournment.

Mr. Hobart made a motion for the Convention to adopt the following resolution, viz.<sup>1</sup>

Whereas since the time of electing the delegates now in Convention assembled, the Constitution submitted to their consideration hath been so far ratified as to have become a system of government for ten of the United States, and the necessary measures are now pursuing for organizing and carrying the same into operation.—

And whereas at the time of the said election, the citizens of divers parts of this State were opposed to certain articles in the said Constitution.

And whereas from the important change, which hath since the meeting of this Convention, taken place in the situation of public affairs, it is desireable that an opportunity should be given to the said delegates to know fully the sentiments at present entertained by their constituents on a subject so interesting to them, and which may so deeply affect the public welfare and tranquillity. Therefore,

*Resolved*, That this Convention do adjourn until the —— day of — — next, then to meet at — $.^2$ 

The said resolution being read, debates arose,<sup>3</sup> and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed until to-morrow.

Then the Convention adjourned until ten of the clock to-morrow morning.

1. John Sloss Hobart's motion was printed in the *Daily Advertiser* on 21 July, and reprinted in the *New York Journal*, 22 and 24 July, *New York Packet*, 22 July, and in fifteen newspapers outside New York by 14 August: N.H. (1), Mass. (2), R.I. (1), Conn. (2), Pa. (3), Md. (2), Va. (1), S.C. (2), Ga. (1). A slightly different version of the motion along with the proceedings for the day, taken from the Convention Journal, was printed in the *Country Journal* on 22 July, and reprinted in the *New York Packet* on 25 July. Summaries also appeared in other newspapers. (See Mfm:N.Y.) When the *New York Journal* reprinted Hobart's motion a second time on 24 July, it included this lead-in heading: "THESE *are the Times to* TRY MEN'S SOULS." (Paraphrased from Thomas Paine, *The American Crisis* I, 23 December 1776.) The vote on Hobart's motion was taken on 17 July, when it was defeated 40 to 22 (below).

2. The manuscript draft of Hobart's motion contained the date—the first Tuesday of September—and the place—the court house in Poughkeepsie—but both the date and place were stricken, as were several lines. These lines, appearing after the second paragraph, stated: "and for removing their objections several plans have been proposed and debated in this Convention but without any prospect of Conciliation" (McKesson Papers, NHi). See also De Witt Clinton Journal, 16 July, and *New York Journal*, 21 July (both below).

3. For the debates that took place in the Convention (not in the committee of the whole) on Hobart's motion to adjourn, see Convention Debates and Proceedings, 16 and 17 July (RCS:N.Y., 2186–90, 2192–99).

# **Convention Debates, 16 July 1788**<sup>1</sup>

JOHN SLOSS HOBART. wishes a pause for a time to consider of the highest consequence—on one hand a part of the state insist on an unconditional adoption—on the other a conditional one we had better adjourn—& give time for the people to consider—have we not reason to apprehend—dreadful consequences if—this question is taken this day—

the Com[m]ercial people may—devise a mode to meet their Northern brethern—while there is a ray of hope—we ought not to loose sight of it—Moves for an adjournment— seconded by Mr Duane and urges the propriety of it—as Mayor, the political father of a great City—has motives peculiar to himself—to wish for peace—

Motion read by the secretary— [Gilbert Livingston, Notes, NN]

#### -

[For Hobart's motion to adjourn, see Convention Journal, 16 July (immediately above).]

\* \* \* \*

JOHN LANSING, JR. opposes the motion—two—reasons urged one to consult with our constituants—that we might the better determine— Much has been said on the subject of the proposition before the committee of this house—condl. amends. no conviction has been produced by all that has been said—if we adjourn—the country will be in a flame—& when we return we shall not be able to deliberate as coolly as we now do— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. wishes a call of the Members in town— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. objects to it as an argumentative Motion—it comes from the wrong side of the house—if the Gent. will say that their sentiments are changed—he will consent— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. it is not for our sentiments but for our constituants—Gent. have said that they wish to meet us on middle ground—this supposes a change of sentiment in our constituants— Argumentative no objection—the rules say nothing about it—Lansing observd—that heat will be kept up—thinks not—they will be pleased by this appeal—the Conven[tio]n are convinced a conven[tio]n cannot be obtd. in the mode proposed—will not both sides of the house publish our sentiments which will tend to increase the heat—thinks the

### CONVENTION DEBATES, 16 JULY 1788

heats by this means will be allayed are the Gent. fully impressed that no other Mode can be adopted—preferable to the one before us—we do want to consult our friends— [Gilbert Livingston, Notes, NN]

# \* \* \* \* \* \* \*

JOHN JAY. mentn a few reasons—Lansg. supposes it would increase heats—some weight—at first sight—this will depend on the temper with which we go home—if—we go with an intention to investigate it will have a different effect—the southern [counties] Wish an adoption unlimited—the North wish conditions—if we go home and carry the proper information from both quarters—and give them a state of the business before us—with the general reasons for and against conditional amendments— [Gilbert Livingston, Notes, NN]

# \* \* \* \* \* \* \*

JOHN BAY. equally impressed with a desire of peace—but thinks it would have a different effect—will the people from the north stop here—they will ask us our opinions—we must tell them—we are not safe—if we go off the Ground we stand on—gent. from the southward will not tell their const[ituent]s that it is their opinion they ought to adopt with conds—we must tell our constit[uents]s our sentiments— News papers—would teem with different sentiments—ferment will continue till the final question is taken—the sooner it is taken the better—we have been in as perilous times as the present & have got safe thro'— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. still of the same opinion—Jay has stated a process of language betwn us & our const[ituent]s before we can talk so—we must have a change of sentiments ourselves till that is done—we have nothing to ask from our const[ituent]s—we have gone a considerable length to meet the Gent—they have remained on the ground they first took—has determined on the main question on Mature deliberation— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

JAMES DUANE. with great concern he sees that a Gent. that has great influence takes this questn. in the point of light he does—can the Gent know, it must be conjecture—a meer chance is an object sufficient to induce us to try—Gent say they have condescended—made advances—to accommodate—to my mind a conditional amendment is a rejection—then where is that spirit of accommodation—Mem[be]rs of congress are to be sworn—they cannot in my op[inio]n admit us without committg. perjury—if we go home & try to reconcile it will have a good effect—but if we try to inflame—it will have the contrary reprobates the Idea—of mentioning—the worst of consequences on this occasion—the Idea of war—blood &t—probable bad consequences to determine hastily—even this makes it wise— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

WILLIAM HARPER. notices 1st. is there any Gent. here which can say there is a possibility that our const[ituent]s have changed their minds—the probability is they have not—the professional men too will not change—then it is us that Must change— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. thinks it is probable they will conciliate [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN BAY. the Gent. Duane has painted sad scene himself—he faults me for [braving?] danger—cool reason ought to regulate us, not passion in the begin[n]ing of the warr we relied on providence—so we do now— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. rises to Ansr. Duane he says we oppose conjectures to conjectures—the subjt. has been exhausted—is not convin[ce]d he is wrong—came here to express the sentiments of his const[ituent]s yet ought to be open to conviction— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. observes on the pictures of horror—& that Bay supposes they were held up for bad designs—not so, in the warr we did consider—and determine—

it is wise to chuse the least of two evils—the Gent himself acceeds to this in his own Mode—for if a conventn. do not mend the Consn. then we must according to the Gent's own proposition accept it—

Lansg has objectd—that they have approachd us—not so—no middle ground—only a right and a wrong—his principle, we have only a right to accept or reject—how can we do what would amount to a rejection—the Gent has given the strongest reason for an adjourn[men]t—for he says he is not satisfied with the mode of adoptn. therefore he ought to consider & Consult— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION DEBATES, 16 JULY 1788

NATHANIEL LAWRENCE. advantages & disadvantages held up—wishes to be indulged with time— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. wishes to give time—Gent. on the other side would run any risk—risk to be recd. into the Union—this a serious risk indeed would it not be prudent to let their constituents consult, whether they will be willing with us to run this risk— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. thinks this Motion an affront to the house without giving evidences of a change of sentiment—we know the mind of our constituents—they will not accept without amends— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN SLOSS HOBART. wishes to exculpate himself from the imputation of affront— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. thinks it was not intend[e]d as an af[f]ront how ever it opperates to postpone the old questn—consents it should go off [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. Gent supposes he meant that the questn. should be finally taken this day—did not Mean to preclude himself from offering any other matter— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. remarks on Mr. Lansg Tredwell's objn. of af[f]ront is it an affront to wish time to consult—can he ansr. for every member of this house—wishes Gent would not wish to irritate—the Gents. observatn. indecent & tend to irritate—has never before observd. any want of temper in that Gent.

every Gent. has a right to time- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. does not mean to be warm—but still thinks it an affront—this Motn. ought to come from our side of the house—as the reasons mentd in the resolution—hold up the Idea of change of sentiment in our side of the house—which does not apr. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. the Gent. treats this house like 2 Armies—he speaks of his constituents these people—are my brethern—my fellow citizens—whom I love—confident the line of conduct the Gent has taken will have a bad effect— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

JOHN LANSING, JR. wished to have the general questn. yesterday it was put off—now on another questn.—one day more is requested—it might thus go on for 6 Months—

cannot give Duane reprobates Tredl. for his expressn. yet themselves have held up a southern & northern interest—which was improper— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

JOHN JAY. Mentd this to shew the propriety of considering the Matter at home—reprobates Tredwell's observation—yet pities him—he is almost consumed— [Gilbert Livingston, Notes, NN]

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JOHN WILLIAMS. wishes to adjourn till four oClock— [Gilbert Livingston, Notes, NN]

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ZEPHANIAH PLATT.<sup>2</sup> wishes to adjn. till the Usual time— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN WILLIAMS. consents— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE. wishes to adjn. till four oClock— Adjd. till 10 oClock to morrow [Gilbert Livingston, Notes, NN]

1. For a commentary on this day's debates, see De Witt Clinton to Charles Tillinghast, 19 July (RCS:N.Y., 2230).

2. Platt (1735–1807), a native of Huntington, Suffolk County, moved in 1761 to Poughkeepsie, where he became a farmer and flour mill owner. A militia colonel during the Revolution, he was also a member of the First, Third, and Fourth Provincial congresses, 1775, 1776–77, the Council of Safety, 1777, the state Senate, 1777–83, and the Council of Appointment, 1778–79, 1781–82. Platt served as the First Judge of the Dutchess County Court of Common Pleas, 1781–95 and as a delegate to Congress, 1785–86. Although an Antifederalist, he voted to ratify the Constitution in the state Convention.

### De Witt Clinton Journal, 16 July 1788<sup>1</sup>

Hobart introduced a motion for adj. until 2 day September at Poughkeepsie—the ostensible reason was that the members might go home

2190

& Consult their Const[ituents]: but the Real design was to Spirit up the latter vs. them.

Lansing, Pray [i.e., Bay], Harper Chancellor Duane &c. Spoke

It appeared this evening that Mr. Smith had a new proposal to make<sup>2</sup>—this was handed amongst the members, and received with indignation & Suspicion by many. The feds. Suspect that the question on adjt. will be doubtful Childs says it will be Carried against by a Majority of 4—M Smith sick to day

1. MS, Clinton Papers, NNC-RB.

2. For Melancton Smith's new proposal, see Convention Debates, 17 July, at note 21 (below).

# Newspaper Report of Convention Debates, 16 July 1788

### New York Journal, 21 July 1788 (excerpt)<sup>1</sup>

Among the variety of accounts received from Poughkeepsie, the following, dated on Saturday, is conceived to be the most authentic, concise, and intelligent:

On Wednesday judge Hobart moved for an adjournment until the 2d of September, then to meet at Poughkeepsie. He guarded his motion on this principle, that as a change of circumstances had taken place since the election of the members, it would be proper that they should return and consult their constituents. This motion was opposed by Mr. Lansing, Mr. Bay, and Mr. Harpur, and advocated principally by Mr. Chancellor Livingston, and Mr. Duane...

1. This item was reprinted in the *Massachusetts Gazette*, 29 July. For the second part of this item, that contains a concluding editorial comment, see RCS:N.Y., 2225–26.

# The New York Convention Thursday 17 July 1788

# Convention Journal, 17 July 1788

### THURSDAY, 10 o'Clock, A. M.

The Convention met pursuant to adjournment, and agreeable to the order of the day, proceeded to the farther consideration of the resolution offered yesterday, which was read separate from the preamble at first attending it, and is in the words following, viz.

*Resolved*, That this Convention do adjourn until the day of next, then to meet at .

After debates being had,<sup>1</sup> Mr. President put the question thereon, and it was carried in the negative, in the manner following, viz.

[For the roll-call vote, see Convention Debates and Proceedings, 17 July (RCS:N.Y., 2199).]

The Convention resolved itself into a committee of the whole, on the report of the Convention of the States lately assembled in Philadelphia, and the resolutions and letter accompanying the same to Congress, and the resolution of Congress thereon; after some time spent therein, Mr. *President* re-assumed the chair, and Mr. Oothoudt reported, that the committee had made further progress, and had directed him to move for leave to sit again.

Ordered, That the committee have leave to sit again.

Then the Convention adjourned until ten of the clock to-morrow morning.

1. For the debate that took place in the Convention (not in the committee of the whole) on Hobart's motion to adjourn, see Convention Debates and Proceedings, 16 July (above) and 17 July (immediately below).

### Convention Debates and Proceedings, 17 July 1788

**CONVENTION PROCEEDINGS.** 

Convention met. took up the order of the day— —Motion for adjournment

THOMAS TREDWELL. Movd. to have the preamble or argumentative part of the Motion struck out<sup>1</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. second[e]d—it would be improper to have the preamble on the minutes— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. wishes it to stand— [Gilbert Livingston, Notes, NN] \*\*\*\*\*

JOHN LANSING, JR. content it should stand—but it will be supposed that the whole reasons for an Adjournment are expressed in the preamble [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. the question will be first taken on the Resolve—then if the conven[tio]n do not chuse the preamble will be struck out— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. wishes the preamble withdrawn— [Gilbert Living-ston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. no difficulty—first take a vote &ct as Ham[ilton]— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. will not the preamble come on the Minutes— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. cannot be before us till after the questn. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. Movd. to have the preamble struck out [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. out of order—questn. must be first taken on the Resolution— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. withdraws his Motion-

Motion for Adjt. read

Questn. on the Adjt. called for- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. scarce any new reasons to be offered they are short—& must have their force it may do good—cannot do evil—while men *hope*, they never become enraged—both parties hope to succeed, therefore will not heat—

things have changed—since we came here—therefore decent we should consult our constituents—

good may come—& no evil can come—

takes notice of an Objectn. by Gent—we are to take no notice of consequences—& compare it to our spirit in 76—

is this a just comparison-or a just state of facts-

Brittn. 3,000 Miles off—we had no share in the representation—they claimd absolute powr over us—is this the case here—? by no means— A Majority of the patriots of America think it sufft. there may be some things in it we would wish Altered—this therefore not paralel—this Govt. built—on all the principles of free Govt—representation—&ct—therefore the camparison not just—Difference of Opinion respecting the supposed defects

Gent look at it only to find out the defects and not to discover its securities—& beauties—turns—on this that Gent. say the state Govts.

will be destroyed—he says they are necessary, & that they will be preserved—

supposes that if the adopn. takes place as proposed we are out of the Union—some may think we may then enjoy our impost—&ct. but lays it down—the Union will not permit us to remain so—because their interest & safety will not permit it—it would divide the Whole—we could not subsist without an Alliance with Brittain—this not probable—this state of importance—if so Gent will say—Congs. will do every thing to take us in—will answer this presently— [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. rises to order—these observations out of order have been heretofore mentioned the question before the house now is solely on the Mo. for adjt. [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON AND ROBERT R. LIVINGSTON. proper to consider the Merits of the original subject— [Gilbert Livingston, Notes, NN]

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WILLIAM HARPER. certainly out of order— [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. wishes the questn. on order— [Gilbert Livingston, Notes, NN]

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JOHN JAY. thinks the Gent. is in order—he thinks we should adjn. & wants to give his reasons—the state—is this—A mode of adoption is on the table—we think it would be injurious & therefore wish an adjt. he lays down reasons which become premisses from which we draw conclusions—Admits we all wish to be in the Union— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH AND SAMUEL JONES. go on— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. gave reasons why we would be out of the Union-

2194

Amends. have been proposed—with a desire to consiliate and appease—therefore not adoptd. on expedience—but the amends. proposed for expedience—

<sup>(a)</sup> In Massachusets—now a fedl. representation<sup>2</sup>

Connecticut—an election—Antis. left out<sup>3</sup>—

N. Ham. adopted—after an adt<sup>4</sup>—

Pensylvania—<sup>2</sup>/<sub>3</sub>ds. adopted—parties are now united<sup>5</sup>—

Virginia—a considerable—opposition—reads a letter from a gent. there, that an address from the Anti's, was rejected<sup>6</sup>—

Now What have we to hope—for from other states—assistance against what?—Will they assist us to oppose themselves—can we compare our strength against the whole—they will have the power of Govt. & the wealth of the whole country against us—the sea ports all for them—is there hope of prevailg in so unequal a contest—whence are we to derive means of assistance—foreign powers—Whom—France or great Brittn—France is the Ally of United states—

Great Brittain? what object could she have has totally given up her claim to this country—will she take the weaker by the hand, to oppose the stronger—Who would wish again to come under her dominion but she never will—because no interest by it—this not all—we are divided among our selves—the southern district warmly attachd to this Govt—this a fact—and a sentimt. which will increase—the Census will give the Northern, a superiority—deeply impressed—with the bad consequences—is it in the power of the Northern—to compel the southern—impracticable—they will be aided & protected by the Union hopes—the election of seperation will never be made—it will take place if we reject the Constn—

What will be the situatn. of the rest of the state—even if they can exist—they must support their whole govt—pay taxes—& must defend themselves &ct—it is said this will not happen—if they are brought to the alternative—to reject the Constitution—or seperate from the rest of the state—they undoubtedly will sepe[rate]—will congress—overcome the obsticles to receive us—they will not—they are jealous of us—and view us as a selfish sister—our neighbours nearest especially

the constitutn. the oath-in it-are against us-

their interest in having us with them will be diminished—by cons[iderin]g that they can have our port—the chief source of wealth—

this our disunion-weakens the force of the state-

pause, & suppose the Minorities in the other states would go with us—to resist—is this desireable—to have the country divided into two Marshal bands—who will com[man]d in this case at any rate, adieu to liberty a despotism will follow—

can any man wish to run this risk-

the cause of Republicanism—should induce us to avoid this—in our late revolution we endeavd. to revive this kind of Govt. & trust to Joint councils—

distinguished patriots on both sides<sup>7</sup>—tho Most—for the Govt. Hancock—acquiesces tho' in a situation that *might tempt* him to oppose it

Adams-he first conceived the bold Idea of independence-he is for it

Govr Livingston, born a republican-he for it

Dickinson—Franklin—this old grey headed patriot looking into the Grave approves it

Genl Washington—came forward—disinterested hazarded all without reward—all parties—Whigs & Tories—Admired—& put confidence in him—at the close of the warr—at the head of a discontented Army—did he take advantage of the scituation of the army or country No—he provd. himself a patriot—this man—came forward—again and hazarded his harvest of Glory—in this case he saw the work he had been engaged in was but half finished—he came forward and, approved this Consn. is it in human Nature to suppose that these good men should loose their virtue and acquiess in a Govt. that is substancially defective to the liberties of their country—departed heroes—

Our sister states, invite us—they have been as Jealous of their Liberty as we—

More safety in joining with us, than to neglect our invitation—all mankind—Heaven patronised us—it now invites us—is it not wonderful, that 10 states should adopt it—

let us take care not to oppose the whole country—if on the verge of eternity would exhort us to union—

(a) [Marginal note:] this is not fav[orabl]e to amends [Gilbert Livingston, Notes, NN]

HAMILTON. [I]

1 not permitted to be out of union

2 Self preservation-West Point<sup>8</sup>

3—Interest to consolidate—

II Discontented minorities-

1 Examine story of expediency

2 history of minorities. Rhode Island N Carolina9-

**III** Unequal contest

1 Government organised

2 Ruling parties in each state Fœderal

3 Sea Coast source of Wealth Fœderal

4 Property abilities Fœderal.

But why risk

IV Suppose contest equal What the consequences of two great parties marshalled against

Where look for aid?

 ${\it \sc sc}$  If to  $G\,B$  will she afford it unless with views of conquest &c. France &c

V Suppose contest equal—

What result of two great parties marshalled against each other &c Who will be the leader?

Who are we willing to trust?

VI—Why risk all this?

1 Will it not be more expedient to acquiesce.

2 What motive—Southern district will join? I N York odious<sup>10</sup>

3 What situation of the rest of the State?

VII History of opinions leading to Convention &c previous measures-

1 Impost begat Convention<sup>11</sup>

2 Rejection of constitution may beget a despotism.

3 Various opinions respecting government

Love of repose would unite all—

VIII Various opinions concerning mode of rectifying—present constitution

1 This peaceable expedient adopted

2 What responsibility if frustrated by us?

1 Republics disgraced till revolution-

2 Situation favourable—

3 Objects not yet obtained

1 4 CAUSE calls upon us to do nothing—improper—

2 Most distinguished Patriots in and out of Convention-

G[overnor] Livingston—

Dickinson Rutlege<sup>12</sup>—

Franklin

Washington—

3 Heroes who have died

4 Sister states

5 Mankind

6—Heaven [Hamilton Papers, DLC]

Mo. for adjournment continued

Preamble withdrawn

HAMILTON. Goes largely into expedience of propositions— [Robert R. Livingston, Notes, NHi]

HAMILTON. The next day, (Thursday) previous to taking the question on this motion, Mr. Hamilton made another display of those great abilities for which he is justly distinguished; he was powerful in his reasoning, and so persuasively eloquent and pathetic, that he drew tears from most of the audience.

When he sat down, the question was called for, and the division of the House was as follows:— [See below for the 22 to 40 roll-call vote that was printed here.] [*Daily Advertiser*, 21 July 1788]<sup>13</sup>

JOHN LANSING, JR. shall call the attention of the house to the point a part of the house wish the adoptn. of a Mode—in Which the adopn. of constn. will be risked— [Gilbert Livingston, Notes, NN]

LANSING. Estimating all disadvantages must determine on propositions [Robert R. Livingston, Notes, NHi]

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JOHN WILLIAMS. the questn. is wheather we shall adjourn or not wished a middle line—cannot vote for a rejection—& cannot vote for an unconditional adopn. wishes some mode May be tho[ugh]t of. [Gilbert Livingston, Notes, NN]

WILLIAMS. Agt. adjournment—hoped for middle line if *none* can not vote *for* or *agt*.

Consequences of disunion dreadful—

Hopes still some middle line-

*Vote agt.* proposition from Dutches

Qustn. adjn negatived 40 to 22 [Robert R. Livingston, Notes, NHi]

\* \* \* \* \* \* \*

MELANCTON SMITH. was not present<sup>14</sup>—& heard the whole of what has been said—the questn. at present is for an adjournt. still wishes something may be brought forward to conciliate— [Gilbert Livingston, Notes, NN]

JOHN SLOSS HOBART. Made this Motion—purely to put off the questn. before the house—but wishes some thing may be proposed—to conciliate [Gilbert Livingston, Notes, NN]

\*\*\*\*\* CONVENTION PROCEEDINGS. Question put for an adjournment—22 against it— 40— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. After debates being had, Mr. President put the question thereon, and it was carried in the negative, in the manner following, viz.

### For the Negative. [40]

Mr. R. Yates,	Mr. Cantine,	Mr. Wood,	Mr. Winn,
Mr. Lansing,	Mr. Schoonmaker,	Mr. Platt,	Mr. Veeder,
Mr. Oothoudt,	Mr. Clark,	Mr. M. Smith,	Mr. Staring,
Mr. Vrooman,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Lawrence,	Mr. G. Livingston,	Mr. Baker,
Mr. Swart,	Mr. Carman,	Mr. D'Witt,	Mr. Hopkins,
Mr. Scudder,	Mr. Haring,	Mr. Harper,	Mr. Van Ness,
Mr. J. Smith,	Mr. Woodhull,	Mr. C. Yates,	Mr. Bay,
Mr. Tredwell,	Mr. Wisner,	Mr. Frey,	Mr. Adgate,
		,	0

# For the Affirmative. [22]

Mr. Jay,	Mr. Duane,	Mr. Schenck,	Mr. P. Livingston,
Mr. R. Morris,	Mr. Harison,	Mr. Lefferts,	Mr. Hatfield,
Mr. Hobart,	Mr. Low,	Mr. Vandervoort,	Mr. Van Cortlandt,
Mr. Hamilton,	Mr. Havens,	Mr. Bancker,	Mr. Crane,
Mr. R. Livingston,	Mr. Jones,	Mr. Ryerss,	Mr. Sarls,
Mr. Roosevelt,		Mr. L. Morris,	
		[Convention Journal, 38–39] <sup>15</sup>	

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CONVENTION PROCEEDINGS. Motn. to go into the committee of the whole

In Committee-

Jay's Motn read<sup>16</sup>—

Smiths Motn. read<sup>17</sup>— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. The Convention then went into a Committee of the whole.

A proposition of Mr. Smith, that had been moved as an amendment to Mr. Jay's motion of the 11th inst. for adopting the Constitution; and a motion of Mr. Hamilton as an amendment to Mr. Smith's, were then read.—(These motions, being too long for insertion to-day, will be given in to-morrow's paper.) [*Daily Advertiser*, 21 July 1788]

**CONVENTION PROCEEDINGS.** 

Mr. SMITH's Motion in Convention.<sup>18</sup>

THIS CONVENTION having deliberately and maturely examined and considered the proposed Constitution, reported to Congress by the Convention of Delegates from the United States of America, and submitted to their consideration by concurrent resolutions of the Senate and Assembly of the State of New-York, passed at their last session, DO, in the name and in the behalf of the PEOPLE of the STATE of NEW-YORK, declare,

That all freemen have essential rights, of which they cannot by any compact deprive or divest their posterity; among which are, the enjoyment of life, liberty and the pursuit of happiness.

That all power is originally vested in and consequently derived from the people; and that government is instituted for their common benefit, protection and security.

That in all cases in which a man may be subjected to a capital or infamous punishment, no one ought to be put on his trial unless on an indictment by a grand jury; and that, in all capital or criminal prosecutions, the accused hath a right to demand the cause and nature of his accusation, and witnesses;—to produce testimony and have counsel in his defence, and to a fair, public and speedy trial by an impartial jury of the county in which the crime was committed, without whose unanimous consent he ought not to be found guilty (except in the government of the land and naval forces), nor ought he to be compelled to give evidence against himself.

That no freeman ought to be taken, imprisoned, or disseized of his freehold, or be exiled or deprived of his privileges, franchises, life, liberty, or property, but by the law of the land.

That no person ought to be put in jeopardy of life or limb, or otherwise punished twice for one and the same offence, unless upon impeachment.

That every freeman, restrained in his liberty, is entitled to an enquiry into the lawfulness of such restraint, without denial or delay; and to a removal thereof, if unlawful. That in all controversies respecting property, and in all suits between man and man, the ancient trial of facts by jury is one of the greatest securities of the rights of a free people, and ought to remain sacred and inviolate forever.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel, or unusual punishments inflicted.

That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and his property, without information upon oath or affirmation of sufficient cause; and that all general warrants to search suspected places, or to apprehend any suspected person, without specially describing or naming the place or person, are dangerous and oppressive, and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the legislature for a redress of grievances.

That the Freedom of the Press ought not to be violated or restrained.

That the militia should always be kept well organized, armed and disciplined, and include, according to past usages of the State, all the men capable of bearing arms, and ought not to be subject to martial law (except in time of war, invasion, or rebellion) and that in all cases the militia should be under strict subordination to the civil power.

That standing armies in time of peace are dangerous to liberty, and ought not to be kept up but in cases of absolute necessity.

That no soldier in time of peace ought to be quartered in any house without the consent of the owner; and in time of war, only by the civil magistrate, in such manner as the laws may direct.

That any person religiously scrupulous of bearing arms ought to be exempted therefrom, upon payment of an equivalent.

That the free and peaceable enjoyment of religious profession and worship is a natural and unalienable right, and ought never to be abridged or violated.

That nothing in the said Constitution is to be construed to prevent the Legislature of any State to pass laws from time to time to divide such State into as many convenient districts as the State shall be entitled to elect representatives for Congress; nor to prevent such Legislature from making provision that the electors in each district shall chuse a citizen of the United States, who shall have been an inhabitant of the district for the term of one year immediately preceding the time of election, for one of the representatives of such State.

That no power is to be exercised by Congress, but such as is expressly given by the said Constitution, and all other powers not expressly given, are reserved to the respective States to be by them exercised. That the prohibition in the said Constitution against passing ex post facto laws, extend only to laws concerning criminals.

That all appeals from any Court, proceeding according to the course of the common law, are to be by writ of error and not otherwise.

That the judicial powers of the United States, as to controversies between citizens of the same State claiming lands under grants of different States, is not to be construed to extend to any other controversies than those relating to such lands as shall be claimed by two or more persons under grants of different States.

That nothing in the said Constitution contained, is to be construed to authorise any suit to be brought against any State in any manner whatever.

That the judicial powers of the United States in cases in which a State shall be a party, is not to be construed to extend to criminal prosecutions.

That the judicial power of the United States as to controversies between citizens of different States, is not to be construed to extend to any controversies relating to any real estate not claimed under grants of different States.

That nothing in the said Constitution contained, is to be construed to authorise Congress to grant monopolies, or to erect any company with exclusive advantages of commerce.

That no treaty is to be construed to operate so as to alter the Constitution of any State; that the jurisdiction of the Supreme Court of the United States, or of any other Court to be substituted [i.e., instituted] by the Congress, is not in any case to be encreased, enlarged, or extended by any fiction, collusion, or mere suggestion.

That the clauses in the said Constitution which declare that the Congress shall not have or exercise certain powers, are not to be interpreted in any manner whatsoever, to extend the powers of the Congress, but are to be construed either as exceptions to the specified powers, or as inserted for great caution.

And with a firm reliance and on the express condition that the rights aforesaid, will not and shall not be lost, abridged, or violated, and that the said Constitution shall, in the cases above particularised, receive the construction herein before expressed, with a solemn appeal to the searcher of hearts for the purity of our intentions, and in the confidence that whatever imperfections may exist in the Constitution, will as soon as possible be submitted to the consideration of a General Convention: WE, the said DELEGATES in the name and in the behalf of the PEOPLE of the STATE of NEW-YORK, DO, by these presents, assent to and RATIFY the said Constitution (a copy whereof precedes

2202

this ratification) upon condition nevertheless that until the amendments herein contained and herewith recommended, shall have been submitted to and determined upon by a General Convention to be called in the mode prescribed by the said Constitution, the militia of this State shall not be continued in service out of this State for a longer term than six weeks without the consent of the Legislature thereof; that Congress shall not be authorised to make or alter any regulation in this State, respecting the time, places, or manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power shall only be exercised until the Legislature of this State shall make provision in the premises; that no excise shall be imposed on any articles of the growth or manufactory of the United States or any of them within this State; and that Congress do not lay distinct [i.e., direct] taxes within this State, but when the monies arising from the impost and excise shall be insufficient for the public exigencies, nor then until Congress shall first have made a requisition upon the State, to assess, levy and pay its proportion of such requisition agreeable to the census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best, but that in such case if the State shall neglect or refuse to pay its proportion pursuant to such requisitions; then the Congress may assess and levy this State's proportion, together with interest at the rate of six per cent. per annum, from the time at which the same was required to be paid.

DONE in CONVENTION the — day of —, in the year —. [Daily Advertiser, 22 [uly]

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SAMUEL JONES. Wishes both may be taken back, as it is not proper to ingraft one on the other—especially as the questn. on one Would forestall himself [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. 1st a proposition was submitted to adopt conditionally—tho 1st. A Motion was made for an absolute rejection or adoption the other Movd. as an amendt.

the questn. for a Condl. amendt. must be taken before we can proceed [Gilbert Livingston, Notes, NN]

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JAMES DUANE. states the situation of the business before the Comee— [Gilbert Livingston, Notes, NN]

JOHN LANSING, JR. this questn. must be taken, to determine on Conds. first or last—but first [Gilbert Livingston, Notes, NN] \*\*\*\*\*

SAMUEL JONES. improper to take a questn. which will give a complectn. to the whole business—before we have gone thro' the Matters which we do not agree in— [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. no moment in what manner it is brought on but the questn. that will give a complectn. must be taken— [Gilbert Livingston, Notes, NN]

JOHN JAY. taking this single questn—will involve 30 propositions in it— [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. shows how this questn. will give a complectn. to the business—reads the different propositions we ought not to be actuated by improper motives [Gilbert Livingston, Notes, NN]

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SAMUEL JONES. hopes we are *all* thus actuated—

Never saw any good from inverting the order of things—why should we take a questn on the conditional amendts. which may foreclose us— [Gilbert Livingston, Notes, NN]

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MELANCTON SMITH. disputing about nothing—first a motion from the Gent from N.Y. himself. moved an amendt. the Gent. from N.Y have brought another—we must go properly thro' them—wishes to submit something—but does not [know] how to bring them in—thinks it best to withdraw the whole— [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. will consent that a questn. should be taken which proposition should be the basis [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. [James] Duane. Moves that Smiths propn. be postponed and his taken up.— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS.

Com: of the whole—

Mo. for postponing amt. from Dutches to take up ours— [Robert R. Livingston, Notes, NHi]

2204

CONVENTION PROCEEDINGS. The Hon. Mr. Duane then moved, That the consideration of Mr. Smith's propositions should be postponed, in order to take up Mr. Hamilton's. [*Daily Advertiser*, 21 July 1788]

CONVENTION PROCEEDINGS. That on the 17th day of July, Mr. Duane made a motion, that the amendments proposed by Mr. M. Smith should be postponed, to take into consideration the propositions following, viz.<sup>19</sup>

"WE the Delegates of the People of the State of New-York, in Convention assembled, having maturely considered the Constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, at Philadelphia, in the Commonwealth of Pennsylvania, by the Convention then and there convened; and having also seriously and deliberately considered the present situation of the United States, and being convinced that it is adviseable to adopt the said Constitution, DO DECLARE AND MAKE KNOWN, in the name and behalf of the people aforesaid, That the powers granted in and by the said Constitution, being derived from the people of the United States, may be re-assumed by them whenever they shall judge it necessary to their happiness: That every power not granted thereby, remains either to them or to their respective State Governments, to whom they may have delegated the same: That therefore no right of any kind, either of the people of the respective States, or of the said Governments, can be cancelled, abridged, restrained or modified by Congress, or by any Officer or Department of the United States, except in conformity to the powers given by the said Constitution: That among other essential rights the liberty of conscience, and of the press, cannot be cancelled or abridged by any authority of the United States. With these impressions, with a firm reliance on the blessing of Providence upon a government framed under circumstances which afford a new and instructive example of wisdom and moderation to mankind; with an entire conviction that it will be more prudent to rely for whatever amendments may be desirable in the said Constitution, on the mode therein prescribed, than either to embarrass the Union, or to hazard dissentions in any part of the community, by pursuing a different course; and with a full confidence that the amendments which shall have been proposed will receive an early and mature consideration, and that such of them as may in any degree tend to the real security and permanent advantage of the people will be adopted;

"We the said Delegates, in the name and behalf of the people of this State, do by these presents assent to and ratify the Constitution aforesaid, hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following, (Here insert the Constitution.)

Done in Convention, at Poughkeepsie in the State of New-York, this —— day of July, in the year of our Lord, one thousand seven hundred and eighty-eight.

## By Order of the Convention.

And to the end that the sense of the people of this State may be manifested, touching certain parts of the said Constitution, concerning which doubts have been raised, WE the Delegates aforesaid, in the name and behalf of the people aforesaid, do by these presents further declare and make known, that according to the true intent and meaning of the said Constitution, Congress ought not to interfere in the regulation of the times, places, and manner of holding elections for Senators and Representatives, except only in such cases in which the Legislature of the respective States, or any of them, may neglect, refuse, or be unable to make provision, or for the purpose of appointing an uniform time for the election of Representatives; and that the Legislature of any State may, at its discretion, lay out such State into convenient districts, for the election of Representatives, and may apportion its Representatives to and among such districts: And also, that except as to duties on imports and exports, or the post-office, and duties of tonnage, the United States, and the States respectively, have concurrent and co-equal authority to lay and collect all taxes whatever; and therefore, that neither of them can in any wise contravene, controul, or annul the operation or execution of any law of the other, for the imposition or collection of any tax, except as aforesaid: And also, that there must be once in every four years an election of the President and Vice-President; so that no Officer who may be appointed by Congress to act as President, in case of the removal, death, resignation, or inability of the President and Vice-President, can in any case continue to act beyond the termination of the period for which the last President and Vice-President were elected: And also, that the judicial power of the United States, in cases in which a State may be a party, does not extend to criminal prosecutions, or to any suit by private persons against a State; and that the appellate jurisdiction of the Supreme Court cannot authorise a second trial of the fact in any criminal case whatever, or a second trial of any fact determineable in the course of the common law by a Jury, and which shall have been so determined in the original cause: And lastly, that the process of presentment and indictment by a Grand Jury, ought to be observed in every prosecution for any crime, as a necessary preliminary to the trial thereof.

And in order that the foregoing declarations and constructions may be recognized and inviolably observed in the administration of the government of the United States, this Convention, in the name and behalf of the people aforesaid, do hereby enjoin it upon the Senators and Representatives of this State in the Congress, to procure, as soon as may be after the meeting of Congress, a declaratory act, in conformity to these presents.

Done in Convention, at Poughkeepsie, in the State of New-York, on the day, and in the year last aforesaid.

By Order of the Convention.

Amendments to the Constitution (attending the preceding) to be recommended.

I. That there shall be one Representative for every thirty thousand, according to the enumeration or census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as Congress shall direct, and according to such ratio as Congress shall fix, in conformity to the rule prescribed for the appointment of Representatives and direct taxes. ("A." "1.")

II. That the Court for the trial of impeachment shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or senior Judge for the time being of the highest Court of general and ordinary common law jurisdictions in each State: That Congress shall, by standing laws, designate the Courts in the respective States answering this description; and in States having no Courts exactly answering this description, shall designate some other Court, preferring such, if any there be, whose Judge or Judges may hold their places during good behaviour; provided, that not more than one Judge shall come from one State: That Congress be authorised to pass laws for compensating the said Judges, and for compelling their attendance; and that a majority at least of the said Judges shall be requisite to constituting the said Court: That no person impeached shall sit as a member thereof: That each member shall, previous to the entering upon any trial, take an oath or affirmation, honestly and impartially to hear and determine the cause; and that — of the members present shall be necessary to a conviction. ("Agreed to" "22.")

III. That the authority given to the Executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.  $\langle$  "Agreed to" "20." $\rangle$ 

IV. That the compensation for the Senators and Representatives be ascertained by standing laws; and that no alteration of the existing rate of compensation shall operate for the benefit of the Representatives, until after a subsequent election shall have been had. ("Agreed to" "11.")

V. That no appropriation of money, in time of peace, for the support of an army, shall be by less than two-thirds of the Representatives and Senators present.

VI. That the Executive shall not take the actual command in the field of an army, without the previous desire of Congress.

VII. That each State shall have power to provide for organizing, arming, and disciplining its militia, when no provision for that purpose shall have been made by Congress, and until such provision shall have been made; and that the militia shall never be subjected to martial law but in time of war, rebellion, or insurrection.

VIII. That the Journals of Congress shall be published at least once a year, with the exceptions of such parts relating to treaties or military operations, as in the judgment of either house shall require secrecy. ("Agreed to" "12.")

IX. That the judicial power of the United States shall extend to no controversy respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of land between individuals, or between States and individuals, under the grants of different States.  $\langle$  "Agreed to" "25." $\rangle$ 

X. That no Judge of the Supreme Court shall hold any other office under the United States, or any of them.

XI. That when the number of persons in the district of territory to be laid out for the seat of the government of the United States shall, according to the rule for the apportionment of Representatives and direct taxes, amount to ——, such district shall cease to be parcel of the State granting the same, and provision shall be made by Congress for their having a distinct representation in that body. ("Mr. Hamilton Motion as an Amendt. on Mr. Lansing's 22d. July 1788")

XII. That the Representatives, Senators, President, Vice-President, and Judges of the United States, shall each take an oath or affirmation not to infringe or violate the Constitutions of the respective States.

XIII. That no capitation tax shall ever be laid by Congress. ("Agreed to *unanimous*" "13.") [*Convention Journal*, 44–48]

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JOHN JAY. explains— [Gilbert Livingston, Notes, NN]

MELANCTON SMITH. now a questn. before the house wheather—we set aside his Motion— [Gilbert Livingston, Notes, NN]

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WILLIAM HARPER. explains— [Gilbert Livingston, Notes, NN]

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JAMES DUANE. explains— [Gilbert Livingston, Notes, NN]

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WILLIAM HARPER. D[itt]o D[itt]o- [Gilbert Livingston, Notes, NN]

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SAMUEL JONES. believes that we yet do not understand explains— [Gilbert Livingston, Notes, NN]

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GEORGE CLINTON. all out of order—wishes to [presume?] it explains— [Gilbert Livingston, Notes, NN]

CLINTON. Our amt. *comprized* in our 1st Mo. therefore irregular— [Robert R. Livingston, Notes, NHi]

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JAMES DUANE. the Chair—will correct the matter, and state the facts— [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. Gent. forgets facts—explains [Gilbert Livingston, Notes, NN]

HAMILTON. Mo. to postpone regular [Robert R. Livingston, Notes, NHi]

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GEORGE CLINTON. willing to take the questn. either way— [Gilbert Livingston, Notes, NN]

CLINTON. Many things in ours that he likes [Robert R. Livingston, Notes, NHi]

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WILLIAM HARPER. again explains—(itterum que)<sup>20</sup>—second Motion can not be taken till the first is withdrawn— [Gilbert Livingston, Notes, NN]

MELANCTON SMITH. business simple—the questn. which shall be the basis—of consideration— [Gilbert Livingston, Notes, NN]

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SAMUEL JONES. really does not understand it so—explains [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. both propositions read— Questn. for the postponing Smiths Motion division taken for the question—20 against it— 41— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. Questn to pos[t]pone negatived 40 to 20— [Robert R. Livingston, Notes, NHi]

CONVENTION PROCEEDINGS. That debates arose on the said motion of Mr. Duane, and that the question having been put thereon (and on motion of Mr. Duane, the yeas and nays being taken) it passed in the negative in the manner following, viz.<sup>21</sup>

### For the Negative. [41]

Mr. R. Yates,	Mr. Cantine,	Mr. Wood,	Mr. Winn,	
Mr. Lansing,	Mr. Schoonmaker,	Mr. Platt,	Mr. Veeder,	
Mr. Vrooman,	Mr. Clark,	Mr. M. Smith,	Mr. Staring,	
Mr. I. Thompson,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Parker,	
Mr. Ten Eyck,	Mr. Wynkoop,	Mr. Akins,	Mr. Williams,	
Mr. Swart,	Mr. Schenck,	Mr. G. Livingston,	Mr. Baker,	
Mr. Scudder,	Mr. Lawrence,	Mr. D'Witt,	Mr. Hopkins	
Mr. Havens,	Mr. Carman,	Mr. Harper,	Mr. Van Ness,	
Mr. J. Smith,	Mr. Haring,	Mr. C. Yates,	Mr. Bay,	
Mr. Tredwell,	Mr. Woodhull,	Mr. Frey,	Mr. Adgate.	
Mr. President,				
For the Affirmative. [20]				

Mr. Jay,	Mr. Roosevelt,	Mr. Lefferts,	Mr. P. Livingston,
Mr. R. Morris,	Mr. Duane,	Mr. Vandervoort,	Mr. Hatfield,
Mr. Hobart,	Mr. Harison,	Mr. Bancker,	Mr. Van Cortlandt,
Mr. Hamilton,	Mr. Low,	Mr. Ryerss,	Mr. Crane,
Mr. R. Livingston,	Mr. Jones,	Mr. L. Morris,	Mr. Sarls.
		[Convention Journal, 48–49]	

CONVENTION PROCEEDINGS. On this motion the division was called. [The 41 to 20 roll-call vote follows.] [*Daily Advertiser*, 21 July 1788]

MELANCTON SMITH. when he laid the proposition before the committee he really did believe—congress would receive us on the adoption proposd yet at present considers it very doubtful Our Objects were—to propose a mode which would bring us into the Union—next to have our objections considered by a convention he did suppose then, that congress had power to call a convention—now finds he was mistaken—next object—to secure the Amends.—

keeping this object in view—if we can be admitted—& yet have a reconsideration—Objecn. that congress cannot relinquish any part of their power—then it would be wise to relinquish our plan—and adopt one I shall have the honor to propose—which I think will avoid the objections on both sides—

May be left alone—yet duty oblidges him to bring them—& risk them—

brings forward his propositions—reads it—perhaps other reasons may be added—&ct—

When ever the amendments are considered—the Govt is to take effect—in this case we withdraw—if in a certain time they are not submitted—

Moves to postpone the motion before the house & take up the proposition— [Gilbert Livingston, Notes, NN]

### **\_\_\_**

SMITH. weight in our objns. tho not conclusive-

doubtful whether they will—

Objs. com: to get such ratification as congress might accept & still procure convention—

Congress have no power to call convention—

presuming proposition wd. bring them into union-2 Objs secure proper amends.

Our objs. rest on suspention of powers—which Congress cannot exist that power

Same objs can be accomplished independant this—shd. take that ground—

Brings forward mo. to ratify for a *time*—mo. to postpone one to take up other— [Robert R. Livingston, Notes, NHi]

SMITH. When I laid before the Committee the propositions now before them, I did sincerely believe they propd. such a mode of ratification as Cong. could & would accept—Much has been said to shew that they cannot. I confess my mind is not yet convinced the constitution absolutely prohibits it—But candor at the same time obliges me to say, that there is weight in the objections—and that taken all circumstances

together I beleive they would not-Perhaps my wish and the wishes of those who think with me on the merits of the system, to be admitted on these terms, may have been the reason that those arguments who appear to have the force of demonstration in the minds of those Gentn. who have offered them, may have not that evidence in our minds-Be that as it may I confess I see but little reason to expect that we shall be recd. on these terms-I presume Sir, the objects wch. those who advocate this had in view, was to bring the question of amendments before the people of America, as soon as possible-To effect this was the design of the condition of the suspension of the powers, for no one apprehends that any great inconveniency will result from the exercise of these powers for some time to come—It was supposed that a stipulation to restrain the exercise [of] these powers wd. be an inducement to call a Convention—The objection to this plan is that the Congress will have no authority under the Cons[titution] to suspend any powers.—If some other mode can be devised, to attain the end, we who oppose the Const. wish, the bringing these amends. before the people, with equal certy. & at the same time to avoid the object[ion]s, that are made agt. this plan, it ought to be embraced—

We wish to be received into the union but to insure if possible a submission of the amendmts proposed to the people of America—The plan proposed it is said will not admit us—if it be true we lose our object by adhering to it—The question is can a way be devised, to secure both these objects—

The plan I now have to propose, aims at both these whether it will obtain them the Committee must judge—I suspect it will not please either side of the house—I can only say it comes nearer the object, than any thing I can offer, and that in my conscience I beleive it will answer the end of the side of the house in wch I rank myself equal well w[it]h the other—And I think avoids all the objectn of any weight made against the other: If I am mistaken, I shall regret it, and can only say I propose it from the sincerest desire to accommodate—I only beg Gent. not to decide hastily but consider well—to lay aside passion & predj [i.e., prejudice]—I am well aware I stand on ticklish ground—That the proposition will not meet the entire approb[ation] of either side—

Those who advocate the Cons. will say, we must adopt or reject with cond[itions]—this prop. is still condl.—Gen. on the other side will charge me w[it]h leaving the ground I have been striving to maintain & yielding the point [in dispute?]—To the one I shall say, it is true it is not an uncondl. adopn., but still it is such an one as avoids the

objections raised against this—To the other, that tho' it be true I have shifted the ground, it is only to take a better position—The objects we have in view will be better attained by this system than the former we shall better secure an admission into the union & procure a considn. of amendmts by the people of america—

I entreat both sides, not to decide hastily, to consider well before they give an opinion—to lay aside predjudices & passion & to consider from the nature of things neither side can be entirely Suited—

Before I read the proposal, I observe that they have been hastily penned—and will want correction—I only aim to bring forward the Ideas, shall chearfully consent that they shd. be moulded in any form that will retain the substance—

The first part states the sentiments of the majy. respg. the merits of the Constitution—& the induce[men]t upon the condn. on wch. we come in—and these are followed by Resol—

(read it) [Smith Papers, Notes for Speech, N]

SMITH. The Committee then took up the proposition of Mr. Smith, as the principle on which they would proceed;—after some time had elapsed, in which nothing particular was urged, Mr. Smith got up, and with much candor confessed that the arguments that had been offered against his proposition, were not only weighty, but such as had induced him to relinquish it; and that he wished to withdraw that, in order to make the following. He begged that he might be excused for many incorrections that were in it, as it had been drawn up in great haste, and hoped that he might have an opportunity of amending it. It was such a proposition, he said, as he thought would remove the objections of the Federal party, while at the same time it would afford to the opposition, all that security for the consideration of the amendments which they wished. [*Daily Advertiser*, 21 July 1788]

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JOHN LANSING, JR., said, if Mr. Smith withdrew his other proposition, he should again move it;—and of course both propositions remained before the convention.— [*Daily Advertiser*, 21 July 1788]

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CONVENTION PROCEEDINGS. The [Melancton Smith] motion<sup>22</sup> is as follows:—

WE, the Delegates of the people of the State of New-York, duly elected in pursuance of concurrent resolutions of the Senate and Assembly of the said State, passed the —— day of ——, and now met in

Convention, having fully and fairly discussed the Constitution proposed to our consideration, agreed upon by the Federal Convention held in Philadelphia on the <u>day of </u>, do make known and declare:

That after the most mature deliberation they have been able to give the subject, a majority of them cannot approve the whole of the said Constitution, without amendments or alterations for the following among other reasons:—

lst. Because the most important powers granted by this Constitution, are expressed in terms so general, indefinite and ambiguous, as to leave the rulers in the exercise of them, to act too much at discretion.

2d. The limits of the powers of the General and State Governments are not marked out with sufficient precision; nor those of the former so defined as entirely to prevent a clashing of jurisdiction; and there is reason to fear that the State Government may be impaired by the General Government in the exercise of powers granted in such general words and by implication only;—especially

3d. Because the Constitution gives to the Congress an indefinite and unlimited power over all the sources of revenue in the Union; by which means there is reason to fear that the individual States will be left without adequate means of discharging debts, or maintaining their civil establishments.

4th. Because the number of Representatives are not sufficiently numerous at present to possess a competent knowledge of and attachment to the interests of their constituents, or to afford a reasonable degree of confidence; and no certain ratio of increase is fixed, but left at the discretion of Congress.

5th. Because the power of regulating the times, places and manner of holding elections, tho' in the first instance given to the respective State Legislatures, is yet ultimately placed under the control of Congress, by which means they will have it too much in their power to secure their own continuance.

6th. Because an improper mixture of the Legislative, Executive and Judicial powers are lodged in the Senate. It is a maxim in a free government, that the Legislative, Executive and Judicial departments should be kept separate; tho' this cannot be effected in all its extent, yet it may be much nearer attained than is done in this system, for the Senate not only form a branch of the Legislature, but are also associated with the President in the exercise of the most important Executive powers, and form the highest Judicial Court in the nation for the trial of impeachments.

7th. The judicial powers in this Constitution, are given in too general and indefinite terms; are so various and extensive, that they may easily be made by legal fiction to extend too far and absorb some of the judicial powers of the respective States. No explicit security is given for Trial by jury in common law cases, and the ancient and usual mode of trial in criminal matters is not secured. The appellate jurisdiction both as to law and fact, may deprive the citizen of safety from juries and render the obtaining justice difficult, dilatory and expensive.

For these and various other reasons, this Convention would be induced not to accede to this Constitution, did not other weighty considerations interpose; but the strong attachments they feel to their sister States, and their regard to the common good of the Union, impel them to preserve it.

This Convention have the firmest confidence in the common councils of the people of the United States, and the highest expectations that all the necessary amendments will be produced from their further deliberations; they therefore consent with the utmost chearfulness to abide by the result of such deliberations;—but as some time will be necessary to effect this, the Convention will forbear to dissent from their brethren of the other states:—they have therefore agreed to assent to and ratify the said Constitution, in the firmest confidence that an opportunity will be speedily given to revise and amend the said Constitution, in the mode pointed out in the fifth article thereof; expressly reserving nevertheless to this state a right to recede and withdraw from the said Constitution, in case such opportunity be not given within — years.

And this Convention do recommend to the Congress, that the power to lay and collect taxes and excise, to call out the militia, &c. &c. &c. be not exercised or made to operate on this state in any other manner than is proposed in the amendments recommended by this Convention, until the sense of the people of the United States be taken on the propriety of the amendments to the Constitution, in one or the other of the modes pointed out in it.

Resolved, that it be recommended to the Legislature of this State, to request the Congress to call a Convention to consider of and propose amendments to this Constitution at their first session; and that the amendments agreed to by this Convention be transmitted to such Convention, when met, to be laid before them.

Resolved, that a circular letter be addressed to all the States in the Union, inclosing the foregoing, and earnestly inviting them to join with this Convention in requesting the Congress at their first meeting, to call a Convention of the States, to consider of the amendments proposed by all the States. [*Daily Advertiser*, 21 July 1788]<sup>23</sup>

## CONVENTION PROCEEDINGS. committee rose & reported Adjournd— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. Adjourned [Robert R. Livingston, Notes, NHi]

1. The resolution and its preamble—aimed at adjourning the Convention—were moved on 16 July by John Sloss Hobart and seconded by James Duane. For the text of the resolution and its preamble, see Convention Journal, 16 July, at note 1 (above).

2. For the Federalist victories in the spring 1788 elections in Massachusetts, see "The State Elections," 7 April–29 May (RCS:Mass., 1729–32). See also Van Beck Hall, *Politics Without Parties: Massachusetts, 1780–1791* (Pittsburgh, Pa., 1972), 294–305.

3. For a brief description of "The Triumph of Federalism" in Connecticut, see Jonathan Trumbull, Jr., to George Washington, 20 June (RCS:Conn., 600–601).

4. The first session of the New Hampshire Convention adjourned on 22 February 1788 without ratifying the Constitution, but on 21 June the second session of the New Hampshire Convention ratified the Constitution with recommendatory amendments by a vote of 57 to 47. See "The Adjournment of the New Hampshire Convention," 22 February (CC:554), and "New Hampshire Convention Amendments," 21 June (CC:785).

5. The Pennsylvania Convention ratified the Constitution on 12 December 1787 by a vote of 46 to 23, but opposition to the Constitution continued. On 18 December the minority of the Pennsylvania Convention published in the *Pennsylvania Packet* a well-circulated dissent which included amendments to the Constitution (CC:353). In the first months of 1788, Antifederalists mounted a petition campaign to overturn the state's ratification, collecting more than 6,000 signatures. Moreover, there were several instances of rioting in the state's backcountry. (See "The Aftermath of Ratification in Pennsylvania," RCS:Pa., 642–725.)

As more states ratified the Constitution, however, some Pennsylvania Antifederalists realized that they would have to accept the Constitution, but they insisted that it be amended. After Virginia became the tenth state to ratify the Constitution on 25 June, Antifederalists in Cumberland County, Pa., called for a convention to meet in September in Harrisburg to propose amendments to the Constitution and to nominate candidates to serve in the first Congress under the Constitution. (See DHFFE, I, chapter on Pennsylvania.)

6. The Virginia Convention ratified the Constitution on 25 June 1788 by a vote of 89 to 79, and two days later it adopted forty recommendatory amendments to the Constitution. (See CC:790, or RCS:Va., 1550–59.) For a discussion of the address of the minority, written by George Mason, see RCS:Va., 1560–62. On 29 June Virginia Convention delegate James Madison wrote to Hamilton about that address. See RCS:Va., 1720.

7. John Hancock, after being slow to commit himself on the Constitution, voted to ratify it in the Massachusetts Convention. (See RCS:Mass., 1117–18.) John Adams, the former minister to Great Britain who returned to America in June 1788, supported the Constitution and praised it in the third volume of his *Defence of the Constitutions* which was excerpted and widely circulated in newspapers. One such excerpt indicated that Adams supported the Constitution (Adams, *Defence*, CC:16 and 557). As members of the Constitutional Convention of 1787, William Livingston, John Dickinson, Benjamin Franklin, and George Washington signed the Constitution.

8. Hamilton was probably referring to the strategic importance of West Point in Orange County on the west bank of the Hudson River. During the Revolution, the Americans built a series of fortifications, including West Point, along the river in the Highlands, in order to prevent the British from wresting control of the river. If the British controlled the river, New England would be isolated from the rest of the Union. Although the British tried, they were never able to obtain control of the river. In particular, they failed to take West Point, either by military action or the treachery of its commander, General Benedict Arnold. After the war, Americans kept a garrison at West Point—the only Highlands fortification they did not abandon. If the area north of the Southern District, where Antifederalism was strongest, remained out of the Union because it refused to ratify the Constitution, New England would be isolated from the rest of the Union. Moreover, whoever held West Point could control the flow of goods and produce up and down the river.

9. In Gilbert Livingston's notes for Hamilton's second speech, Hamilton discussed the minorities opposed to the Constitution in several named states. (See Convention Debates, 17 July, at notes 2–6, above.) However, Livingston did not name Rhode Island and North Carolina. North Carolina had elected delegates to a Convention that met on 21 July. Rhode Island had rejected the Constitution by a statewide referendum held on 24 March.

10. New York's Southern District, especially New York City, overwhelmingly favored the Constitution. New York State was odious in the eyes of the rest of the country because it refused to adopt the Impost of 1783 except with conditions unacceptable to Congress.

11. The reference is to the failure, largely due to New York, to adopt the Impost of 1783 that prompted the congressional resolution of 21 February 1787 calling for a constitutional convention to revise and amend the Articles of Confederation. (For New York's role in the failure to adopt the Impost of 1783, see RCS:N.Y., Vol. 1, xxxvi–xl, xlv–xlvi. For the passage of the congressional resolution, see CDR, 185–90.)

12. Either John Rutledge, who signed the Constitution and voted to ratify it in the South Carolina Convention in May 1788, or Edward Rutledge, who signed the Declaration of Independence.

13. The commentary on Hamilton's speech was reprinted in the *New York Packet*, 22 July, *New York Journal*, 22 and 24 July, and fifteen other newspapers by 14 August: N.H. (1), Mass. (2), R. I. (1), Conn. (2), Pa. (3), Md. (2), Va. (1), S.C. (2), Ga. (1).

The entire account of the Convention proceedings for 17 July that appeared in the 21 and 22 July issues of the *Daily Advertiser* (mentioned in this and other notes) is on Mfm:N.Y. Parts of both issues are printed here and elsewhere under 17 July. Full information on the reprinting of the account in these two issues will be found on Mfm:N.Y.

14. According to De Witt Clinton, illness prevented Smith from attending the Convention on 16 July (RCS:N.Y., 2191).

15. The proceedings on Hobart's motion were first printed in the *Daily Advertiser* on 21 July (including the roll-call vote) (Mfm:N.Y.). These proceedings were also printed in whole or in part in the *Country Journal*, 22 July (roll-call vote), *New York Journal*, 22, 24 July (roll-call vote), *New York Packet*, 22, 25 July, and Lansingburgh *Federal Herald*, 28 July, and in thirteen newspapers outside New York by 6 August: N.H. (1), Mass. (3), R.I. (1), Conn. (1), Pa. (3), Md. (1), Va. (1), S.C. (2). Four of the out-of-state newspapers—two in Pennsylvania and two in South Carolina—printed the roll-call vote.

16. The reference is to John Jay's resolution of 11 July in which he called for the ratification of the Constitution. (See Convention Debates, 11 July, at note 1 [above], and *Daily Advertiser*, 15 July [RCS:N.Y., 2147].)

17. The reference is to Melancton Smith's resolution of 15 July, moved as an amendment to Jay's resolution of 11 July (note 16, above. Smith actually offered his form of ratification for the first time on 11 July, but it appears in the official *Convention Journal* as having been made on 15 July.). Smith's resolution of 15 July called for a conditional ratification of the Constitution. Smith's motion for adoption of the Constitution printed at note 18 incorporates his 15 July resolution into a form of ratification which includes a prefatory declaration of rights and structural amendments. For Smith's resolution of 15 July, see RCS:N.Y., 2177–78.

It should be noted that neither the *Convention Journal* nor Childs, *Debates*, printed Smith's amendments. They only appeared in print in the *Daily Advertiser*, 22 July, *New York Journal*, 24 July, and *Virginia Independent Chronicle*, 6 August. A manuscript of these amendments, in the handwriting of John Lansing, Jr., is in the McKesson Papers at the New-York Historical Society. This manuscript includes marginalia indicating the action taken on the amendments. See Convention Debates, 10 July (RCS:N.Y., 2119–27) for Lansing's manuscript.

18. According to several sources, the Convention voted 41 to 20 to take up Smith's motion rather than Jay's. (See De Witt Clinton Journal, 17 July, *New York Journal*, 21 July, Cornelius C. Schoonmaker to Peter Van Gaasbeek, 18 July, and De Witt Clinton to Charles Tillinghast, 19 July, all below following the Convention Debates for 17 July.) Later in the day, Smith said that he wished to withdraw his motion and to propose another motion. See RCS:N.Y., 2211, 2213.

19. The propositions that Duane moved to consider in lieu of Smith's amendments are transcribed from the committee of the whole report published in the *Convention Journal* entry for 25 July. These propositions were first read to the committee of the whole by Hamilton on 15 July (RCS:N.Y., 2178–79). In the working draft of the committee of the whole report (McKesson Papers, NHi; Mfm:N.Y.), convention secretary McKesson described these propositions as "the Draft of Ratification in the handwriting of Mr. Jay and the Amendments in the handwriting of Mr. Hamilton. See Letter B." Letter B (*ibid.*) is a two-part document. The first three pages consist of a form of ratification in Jay's handwriting which is dated 15 July in another hand. The second part consists of three pages in Hamilton's handwriting and is also dated 15 July in another hand. The first part, in Jay's handwriting, is a clean final version. Hamilton's amendments contain cross-outs, interlineations, and marginal notes. The marginal notes indicate if the amendment was agreed to and the order in which the amendment was to appear in the Form of Ratification. The marginal notes are printed here in angle brackets. The manuscript differs from the *Convention Journal* in capitalization, punctuation, and spelling.

Duane's motion and the accompanying "propositions" were first printed in the *Daily* Advertiser, 22 July (Mfm:N.Y.), and reprinted in the *New York Journal*, 24 July; *Virginia* Independent Chronicle, 6 August; and Country Journal, 26 August and 2 September. The Middletown, Conn., Middlesex Gazette, 28 July, reprinted just the amendments.

20. Latin: and again.

21. This roll-call vote was printed in the *Daily Advertiser*, 21 July (Mfm:N.Y.), and *Country Journal*, 2 September.

22. Zephaniah Platt seconded Smith's motion. Like Smith, Platt was an Antifederalist and a Dutchess County delegate. Both men eventually voted to ratify the Constitution. (For Platt's role, see John Jay to George Washington, 18 July, below; and Platt's speech, Convention Debates, 18 July, at note 1, below.) Three manuscript drafts of Smith's motion are in Smith's Papers in the New York State Library. (The drafts are in Mfm:N.Y.) The copy perhaps presented to the committee of the whole is in the McKesson Papers at the New-York Historical Society (Mfm:N.Y.). Jay also enclosed a copy of Smith's motion in his 18 July letter to Washington (below). The text of the motion printed here is taken from the *Daily Advertiser* of 22 July. It is more complete and polished than any of the three draft motions.

23. In addition to the *Daily Advertiser* of 21 July, the proceedings concerning Smith's motion and the motion itself were printed in whole or in part in the *New York Journal*, 22, 24 July and *New York Packet*, 22 July, and in ten newspapers outside New York by 7 August: N.H. (1), Mass. (4), R.I. (1), Pa. (2), Md. (1), Va. (1). For commentaries on

Smith's motion, see De Witt Clinton Journal, 17 July, Abraham Bancker to Evert Bancker, 18 July, John Jay to George Washington, 18 July, and Cornelius Schoonmaker to Peter Van Gaasbeek, 18 July (all four below). See also Ezra L'Hommedieu to John Smith, 20 July, James Madison to George Washington, 21 July, Thomas Tudor Tucker to St. George Tucker, 22, 28 July, and John Francis to Nicholas Brown, 23 July (RCS:N.Y., 1328–30, 1331–32, 1334–35, 1336–37).

## De Witt Clinton Journal, 17 July 1788<sup>1</sup>

Hamilton made a long speech. called to order by Lansing for not speaking to the question. proceeded notwithstanding. Question taken on adj Ayes 22 Noes  $40^2$ 

Jones, Havens &. Schenck with the feds. for adj.—Hedges & E. Thompson<sup>3</sup> absent President<sup>4</sup> did not vote Here a question arose Whose motion should be taken up, and for the postponement of Jays & the taking up of M Smiths Carried Noes 20 ayes 41.<sup>5</sup> with the feds.—M Smith then rose & offered a new proposal with bill of rights explanatory amendts censure of the Constitution, writing Circular letters to the other states for Calling a Convention and Condition that if a new Convention was not within years after the adoption, the State would be at liberty to recede.

E Thompson went hastily home this morning—thro' fear it is Supposed, Smiths proposal was brought on too rapidly the minds of the Members ought to have been prepared gradually for it—he Says some of the leading antis in Pensylv & Massachusetts wish this state to Join and adopt it and Co-operate in obtaining Amendts in A Constitutional way.—Mr Redick<sup>6</sup> one of the Executive Council of Pennsylvania Says the minority have agreed to obtain amendts. by the way of the Constitution

Genl Montgomery must have had a bad taste if We may Judge from the Countenance of his The Chancellor<sup>7</sup> has done by his ridicule and terror more harm than Good to the feds. I like to hear him speak he does it so impolitically

1. MS, Clinton Papers, NNC-RB.

2. For the roll-call vote on John Sloss Hobart's 16 July motion to adjourn the Convention, see Convention Debates, 17 July, at note 15 (above). For the text of Hobart's motion, see Convention Journal, 16 July, at note 1 (above).

3. All five delegates were Antifederalists. Samuel Jones, Jonathan N. Havens, and John Schenck voted for ratification. David Hedges did not vote on ratification and Ezra Thompson left the Convention early.

4. The debate took place in the Convention, not in the committee of the whole. As President of the Convention, George Clinton did not vote.

5. For John Jay's resolution calling for the ratification of the Constitution, see Convention Debates, 11 July, at note 1 (above), and for Melancton Smith's motion, see Convention Debates, 17 July, at note 18 (above).

6. David Redick, a Washington County Antifederalist, initially opposed the Constitution as dangerous to "American liberty," but he encouraged other Antifederalists to support it after the Constitution was ratified. (See RCS:Pa., 135–36, and Mfm:Pa. 476, 531.)

7. See "A Real Federalist," *Albany Register*, 5 January 1789 (Supplement), at note 21 (Appendix III, below).

# George Clinton's Remarks on the Mode of Ratifying the Constitution, 17 July 1788<sup>1</sup>

Remarks made in the N.Y. State Convention on the question as to the mode, in which the State should express its acceptance of the new Constitution.

Altho' I came to the Convention impressed with an idea that the system of Government proposed for our adoption was unsafe and dangerous to the liberties of the people, and I conceive that the measures which were taken to introduce this change of govt. were equally exceptionable. Yet I was sensible that I was as all other men are liable to error and as I entertained a high opinion of the good sense, and patriotism of many of the gentlemen who advocated it, I came here with a firm determination to hear with coolness, and candor the arguments which might be offered in its favor and to give them their due weight.

I have therefore avoided taking any considerable part in the debates lest as is too apt to be the case, I might become prejudiced in favor of my own reasoning—the little that I have said, it must appear has been rather to raise objections with a view of having them answered than to support any opinion on either side of the question—I have listened with candor and attention to every argument that has been offered in support of the system when under debate by paragraphs and as far as I have been capable, I have given them their due weight, and if they had been such as would have convinced me that my first opinion was wrong, I would have cheerfully acquiesced and used my utmost endeavours by the same arguments to spread conviction among my constituents and to reconcile them to the plan.

Unfortunately, however, this has not been the case—some explanations indeed have been made of articles doubtful in their nature, which I never thought very material—but I can with great truth and sincerity declare that notwithstanding every thing I have yet heard the principal objections agt. the system remain in my mind unimpaired and in full force.

Nothing has been offered to convince my judgment that the representation is not too feeble and imperfect considering the extensive and undefined powers that are committed to this government or that there is a sufficient degree of security under this Constitution that the will of

## 2220

the people will be the law. And this it must be admitted is the only true definition of a free government. Nor is there sufficient security afforded for the existence of the states Sovty. which I consider the only stable security for the liberties of the people against the encroachments of power.

The system still appears to be radically defective in its organization the most important legislative, judicial and executive powers being dangerously blended together in the President and Senate.—whereby responsibility is in a great measure destroyed.

The judicial department also appears to me equally defective—it is not however my intention at this time to enter into a detail of arguments to establish these points—it is not necessary to take up the time of the Committee in repeating arguments that have been already alledged by other gentlemen, especially as the amendments proposed which are calculated to cure these defects in some degree will naturally recal to the minds of gentlemen the reasons upon which they are founded.

In the course of the debate some new doctrines have indeed been attempted to be established which if they could be supported would seem in a degree to obviate some of the objections that have been made to the system. to wit. that the only true security the people can have in a govt. is its being a representative governt. formed upon republican principles and a proper distribution of the Legislative, Judicial & Executive powers—

But it will be easily perceived that this doctrine is not only wrong in itself but even a departure from the principles pursued by the very framers of this Governt. because we will find that it contains several limitations such as the suspension of the Writ of Habeas Corpus, the passing of Bills of attainder and Ex post facto laws and the creation of a Nobility—Whereas if the doctrine attempted to be established was true in almost any extent these provisions would have been utterly unnecessary—for after having provided for the organization of the government and the due distribution of its powers the whole system might have been comprised in these words—Congress shall have power to provide for the common defence and general welfare and to make all laws which in their judgment may be necessary and proper for these purposes or in the words of the powers that were given to the Roman Dictators So take care that the Republic receives no detriment<sup>2</sup>

The other principle I allude to will be found among the reasonings offered against the amendment rendering the Senate in a greater degree responsible to their constituents than they now are.<sup>3</sup> It will be remembered that it was alledged it would render them too dependent upon the will of the Legislatures of the States and that they might be influenced from pursuing the public good by the local views, passions and prejudices of their Constituents. I will only observe that these sentiments will not apply to a deliberative body and that it must appear that they are in every point of view contrary to the principles of a free representative government for if the representative is not to be subject to the will of his Constituents, lest he might be influenced to do wrong, but is in his Representative capacity to express his own not their will, then it is evident that the will of a few must become the law, and this is the essence of Tyranny.

The Committee I trust will pardon me for this digression from the point in question. I shall now proceed to make some objections more particularly applicable to the question now before the Committee—

The motion on which the question arises is for postponing one previously made (the purport of which is to procure an unconditional adoption of the Constitution) and to introduce a different plan of adoption<sup>4</sup>—The principal question that has been raised upon this subject, is whether the last mode will be such an adoption as that Congress can receive us into the union—

This matter has been so fully and ably debated by Gentlemen on both sides of the House, that it would be vain in me to attempt to offer any new arguments, as it is fairly exhausted—That doubts may be raised and supported with a great degree of plausibility upon almost any political subject is certain-that in all questions of this kind, where the matter might depend upon the will of a public who are perhaps as frequently if not more so governed by motives of political expediency than other considerations, the issue must be attended with a degree of uncertainty—I have weighed with care and attention the arguments offered on both sides—I do not pretend to be capable of forming a perfect judgment upon the subject-but as far as my reasoning and reflection go, to me it appears that Congress may without a violation of the Constitution, receive the states on the terms of ratification proposed into the union-nay, I believe if they do not that their denial will not arise from the want of power. I believe I may venture to say that a refusal on this ground will be a more rigid adherence to compact and that too upon more refined constructive reasoning & metaphysical distinctions than ever a body of this kind adhered to before. I am persuaded there is not a State in the Union nay I question if there is in the world, who have not upon less interesting occasions made greater departure from the fundamental principles of the Government than this will be if it can be called a departure at all.

I would ask whether in the establishment of this new Government, we find such a religious adherence to Compact—Has it not originated

and grown into what it is from motives of political expediency? Has it not been submitted to upon this consideration alone? Have not all the measures that have introduced it and that are now bringing into action been in the face of compact, in direct violation of solemn plighted faith?<sup>5</sup> Can this govt. ever be consistently with compact put into operation without the consent of every state in the Union? Why then should we suppose upon this occasion that the states who have acceded to it contrary to original compact, should hesitate to receive us when only justified in a refusal by refined and subtle distinctions? Would not this be indeed like swollowing a Camel and choaking with a gnat?

But by one Gentlmn. arguments have been alledged to show that it would not be the interest of the other States to receive us into the union<sup>6</sup>—Let us examine the matter upon this ground. I will not take up the Honble. Gentmn's. reasoning with respect to the increase or decrease of influence it might occasion to the greater or smaller states—these might have weight if the Govt. was fairly and firmly established and brought into operation—but I humbly conceive they can have none in the present situation of affairs. I beg Gentm. to reflect upon the real situation of the U. S. as to this Govt. Let them cooly and calmly reflect whether it is probable that they will be able to establish and support it—against the will of so large a proportion of the Community from one end of the Continent to the other unless essential amendments take place and in the mean time a suspension of the exercise of certain powers most obnoxious to the people?

It has been observed by an Honble. Gentm. that it has had 11 verdicts in its favor,<sup>7</sup> the Convention at Philadelphia and 10 other states and that therefore we ought to acquiesce in it.—That Gentn. well knows it is essential to a verdict that the Jury be unanimous and in this view it will be found to have but very few verdicts indeed, and if we apply the evidence that may be drawn from the arguments to which we allude it affords the strongest testimony[,] the testimony of its warmest friends and advocates that it is dangerously and radically defective, since they have recommended essential amends.

Have Gentmn. the smallest hope that the question will be carried on the motion—have they not the most convincing proofs to the contrary? Will not a negative be a rejection? Have they any reason to suppose it will promote the peace and harmony of the State? I entreat Gentlemen to reflect what will be the consequences if this proposal should be rejected and [the] question taken upon the original motion. We have been told of the necessity there is for a spirit of conciliation and unanimity upon this important point—An honble. Gentn. has in the most lively and pathetic manner pointed out the calamities that would ensue [from] our rising divided upon this subject—I will not repeat what has been said upon this occasion because I conceive that many of the observations that were thrown out by the Honble. Gentn. were highly indiscreet and improper<sup>8</sup>—I wish they may never be repeated out of these walls—I verily believe they will tend to occasion the evils which I hope they were intended to prevent. Gentlemen ought to consider that the Country is divided upon this question that they have made up decidedly their sentiments and are warmly engaged in the support of them—that from the most conclusive testimony, a large majority of the people are opposed to the unconditional adoption of the system some respect ought surely to be paid to their opinions it cannot be reasonably supposed that they will yield to [a] minority without the least concessions on the part of the latter—and if we reason rightly I believe we will be convinced that the danger will chiefly be in a deviation from the will of a majority.

Mr. Chairman

altho' I have as I before mentioned heard nothing in the Committee to change my opinion of the Constitution yet I shall be in favor of the present motion that I may have an oppertunity of yielding my assent to the proposition made by the Honble. Gentn. from Dutchess.<sup>9</sup> I think it my duty at the same time to declare that I could only be induced to this from a strong attachment to the union—from a spirit of conciliation and an earnest desire to promote peace and harmony among the Citizens of the states to forward the interest and happiness of whom I am bound by ties uncommonly strong.

I shall conclude sir by just observing that I think the proposition is a reasonable one, that it contains nothing that can give offence or that can prevent its being accepted—its object is barely to prevent the immediate operation of powers the most odious to our Constituents until they can be considered by the people of America to whose decision we declare our willingness to submit—There is nothing in the Proposition that can prevent the Government's going into full Operation and having full effect as to all essential National Concerns—The Conditions go only as to the Mode of changing the Government's Operations in the few instances mentioned in the Propositions—

I am convinced Sir, we have gone even beyond the will of our Constituents upon this occasion—but I have hopes that the reasons which have influenced us so to do will be satisfactory to them—

I will only add that the earnestness which has been discovered in this Committee to support most of the Clauses included among those termed conditional is with me an additional reason for holding them up in a conspicuous point of view as objects most wanting amendts. Because I know most certainly that they are those which have given greatest Discontent—

1. Copy, George Bancroft Collection, NN. In a marginal note, historian George Bancroft stated that Clinton's speech, in support of Melancton Smith's motion of 15 July (RCS:N.Y., 1971), was probably delivered on 17 July. For a brief discussion of the Bancroft Transcripts, see the headnote to George Clinton's Remarks on the Taxing Powers of Congress, 27 June (RCS:N.Y., 1971).

2. For a similar argument with the same phraseology, see Clinton's speech on 27 June (RCS:N.Y., 1973, at note 1).

3. The reference is to an amendment on the Senate proposed by Gilbert Livingston on 24 June, when leading off the debates for that day (RCS: N.Y., 1838).

4. The reference is probably to the motions made by John Jay and Melancton Smith on 11 and 15 July, respectively (RCS:N.Y., 2130, 2177–78).

5. Article XIII of the Articles of Confederation provided for the adoption of amendments when approved by Congress and all of the state legislatures.

6. Probably a reference to Alexander Hamilton's second speech on 17 July. See Gilbert Livingston's notes of that speech (RCS:N.Y., 2195).

7. A reference to John Jay's speech of 11 July (RCS:N.Y., 2131, at note 3).

8. Probably a reference to two different speeches delivered by Alexander Hamilton on 17 July in which he speaks of the consequences of ratifying in such a way that New York would be out of the Union, which would lead to a division of New York into northern and southern counties.

9. A reference to Melancton Smith's motion of 15 July (RCS:N.Y., 2177-78).

#### Newspaper Report of Convention Debates, 17 July 1788

## New York Journal, 21 July 1788 (excerpt)<sup>1</sup>

... The question<sup>2</sup> was taken upon it the next day, and there appeared 22 for, and 40 against it. A question of order then arose, which proposal should be first taken up, and it was determined by 41 against 20, that Mr. Smith's first proposition (which contained the conditional articles)<sup>3</sup> should be first considered: Mr. Smith then arose, and after an introductory speech, offered a new proposal, the substance of which was, a censure upon the constitution, a detail of the reasons which should induce the accession of the state—a bill of rights, and explanatory amendments;—the writing a circular letter to all the states, entreating them to join in calling another convention; and a condition, that if a general convention does not take place in — years, then this state shall be at liberty to recede.<sup>4</sup>

We cannot discover the least feature in these momentous debates by which an adequate idea can be formed of its final result; hoping for the peace of the community, all we attempt is faithful narration, leaving our readers to judge for themselves. The convention stands adjourned to this morning.

1. Reprinted: *Massachusetts Gazette*, 29 July. For the first part of this item, see RCS:N.Y., 2191.

2. For "the question"—John Sloss Hobart's motion to adjourn the Convention—see Convention Journal, 16 July, at note 1 (above). For the roll-call vote on Hobart's motion, see Convention Debates, 17 July, at note 15 (above).

3. For the text of Melancton Smith's 15 July motion, see Convention Debates, 15 July, (RCS:N.Y., 2177–78).

4. For Melancton Smith's speech introducing his "new proposal" for ratifying the Constitution, see Convention Debates, 17 July (RCS:N.Y., 2211–13), and for his motion, see RCS:N.Y., 2213–15.

#### Private Commentaries on the Convention, 17 July 1788

## Abraham Bancker to Evert Bancker

Poughkeepsie, 18 July 1788 (excerpt)<sup>1</sup>

My dear Uncle.

My last<sup>2</sup> was written at a Time when my Mind was filled with gloomy discontent, when every Gleam of Hope appeared to be lost, and nothing to be apprehended but a fatal Stab to the Liberties and the dignity of the State. That Mist has continued to overspread our political Horizon untill Yesterday, when after a Trial of every plan which was conceived feasible to avert the impending disaster, and after a Sad experience of their Inefficacy and ill Success—a favorable Omen presented itself to our view, and displayed a Plan yet however in Embryo, which if it rises to Maturity will I verily believe, answer our purposes. We failed in obtaining an Adjournment, which we had always held as a dernier Resort,<sup>3</sup> and which as the only probable Means of preventing the Mischief which threatened us, we Yesterday brought into Question.

We have now a new Proposition before the House unconnected with and entirely independent of the two former. The Idea of a Conditional Adoption<sup>4</sup> is therein done away It was introduced by Melancton Smith;<sup>5</sup> who candidly expressed his Apprehensions, that a Conditional Adoption could not be had. He acknowledged that he was now convinced that Congress could not comply with any Terms, and as he valued the Union, he was resolved that this State Should not be excluded; he was therefore unwilling to run any hazards of being rejected, and would not vote for any Adoption, which might possibly preclude us.—He has gained much Credit by this Step.—The Proposition, it is probable will be considered of, and I am of Opinion it can be So Amended that it will, in the Estimation of Congress be acceptable. It first contains a number of reasons, for our not wishing to accede to the proposed System, States the principal Defects in the Constitution, but at the Same time expresses a high Sense of Union and the greatest Respect for our Sister States. that however defective the Constitution may be, yet we are convinced of the expediency of Adopting it, and therefore most chearfully enter into the Measure, confiding however that as Soon as may

#### 2226

be, a Convention Shall be called to consider of the Amendments that may be proposed, agreeable to the 5th. Article of the Constitution expressly reserving to the State a right to recede or withdraw from the Union after a certain Term of Years Shall elapse without a Convention being called for the purposes aforesaid Some Such mode of Ratification will be Signed, it is thought But the ultimate Result of our Deliberations is yet uncertain therefore can form no Judgment from present Appearances—the State of our politicks being very fluctuating and uncertain ...

1. RC, Bancker Papers, NHi. This letter was docketed as received on 21 July and answered on 24 July. For the reply, see RCS:N.Y., 1338.

2. See Bancker to Bancker, 12 July (RCS:N.Y., 2148-50).

3. The reference is to John Sloss Hobart's 16 July motion calling for the Convention to adjourn, which was defeated on 17 July by a vote of 40 to 22. For Hobart's motion, see Convention Journal, 16 July, at note 1 (above), and for the roll-call vote, see Convention Debates, 17 July, at note 15 (above).

4. For the text of Melancton Smith's 15 July motion for a conditional ratification of the Constitution, see Convention Debates, 15 July (RCS:N.Y., 2177–78).

5. The reference is to Melancton Smith's "proposition" to ratify the Constitution that was printed in the *Daily Advertiser* on 21 July. See Convention Debates, 17 July, at note 22 (above).

## John Jay to George Washington Poughkeepsie, 18 July 1788 (excerpt)<sup>1</sup>

## Copy

[Jay copied Melancton Smith's 17 July motion for ratification here.]<sup>2</sup>... Since my arrival here I have written you two or three hasty Letters<sup>3</sup>—being constantly involved in Business or Company from wh. it would not be here very practicable or perhaps prudent to retreat, I have been able to write but very little—The Convention this moment adjourned and I am writing in their Chamber—

a Question being about to be put on the mode of adoption which you have seen, we moved that the House adjourn for a month or two— It was yesterday carried against us<sup>4</sup>—the former Question was again pressed with Earnestness—at that Period Mr. M. Smith seconded by Mr. Platt (both of whom dislike the Constitution, and are classed with its opposers) proposed the mode of adoption, of which the above is a Copy—their own party were not pleased and the House adjourned.

This Morning [18 July] it was expected that the Question to postpone the former plan, and proceed to the Consideration of the latter would be put. The House went into a Committee of the whole according to the order of the Day—A long Silence ensued—the Party seemed embarrassed—fearful to divide among themselves, and yet many of them very averse to the new Plan. The Committee rose, and the House adjourned,<sup>5</sup> with very little opposition—It is difficult to conjecture what may be done out of Doors to Day. I am inclined to think that the new plan will expel the other, and I wish it may, not because I approve of it, but because I prefer it as being less exceptionable than the other—

1. RC, Washington Papers, DLC. A draft of Jay's letter is in the John Jay Collection in the Rare Book Room of the Columbia University Library. The letter sent is dated 17 July; the draft was dated 17 July but this was overwritten as 18 July, and internal evidence reveals that the draft and the letter were written on 18 July. (See notes 4 and 5, below.)

2. Jay attached his letter to a copy of Melancton Smith's 17 July motion calling for the ratification of the Constitution. For Smith's proposal, as printed in the *Daily Advertiser* on 21 July, see Convention Debates, 17 July, at note 22 (above). For Jay's copy see Mfm:N.Y.

3. See Jay to Washington, post-24 June (VI, below), and Jay to Washington, 4, 8 July (RCS:N.Y., 2114–15).

4. The reference is to John Sloss Hobart's 16 July motion calling for the Convention to adjourn, which was defeated on 17 July by a vote of 40 to 22. For the Hobart motion, see Convention Journal, 16 July, at note 1 (above), and for the roll-call vote, see Convention Debates, 17 July, at note 15 (above).

5. See Convention Debates and reports thereon, 18 July (RCS:N.Y., 2231-33).

## Cornelius C. Schoonmaker to Peter Van Gaasbeek Poughkeepsie, 18 July 1788<sup>1</sup>

I embrace this Opportunity to inform you that the Convention are yet laboring under great embarrasments to determine on the Principles of the Adoption of the proposed Fedral Constitution-After haveing gone through the Constitution by Paragraphs and proposing Amendments thereto some time was spent to Arrange the amendments proposed, which were arranged under three heads (to Wit) first a Bill of Rights and some explanatory Amendments Secondly, that the Militia should not be called out of the State for more than Six Weeks without the consent of the Legislature-that the General Goverment should not interfere with the Regulation of Elections unless the Legislature should neglect or Refuse to make provision therein-And that no Excise be laid on the Growth or Manufactures of this State nor any direct Taxes laid by the General Goverment on this State without previous Requisitions having been made, and not complied with by the Stateuntil these last amendments, and others which are thirdly proposed to be Recommended shall have been Submitted to and determined on Agreeable to the Mode pointed out by the Constitution these propositions under this Arrangement were introduced Yesterday a Week ago,<sup>2</sup> followed the next day with a Motion by Mr. Jay for an Unconditional Adoption of the Constitution with explanatory and Recommendatory

Amendments<sup>3</sup>—upon the principles of these propositions we have had great debates in the Convention for some days-the Result of which was a Resolution, Moved for the day before Yesterday for an Adjournment of the Convention until September that the Members might have an Opportunity of going home to Consult their Constituents This Motion was Yesterday Negatived 22 for an Adjournment & 40 Against it<sup>4</sup>it was then Moved that the sense of the Convention be taken, which of the two proposed plans of Adoption should be taken into Consideration, and on this Question, there were 20, for Mr. Jays plan & 41, for our plan-then proceeded to the Consideration of it. and after some time spent therein Mr. M. Smith introduced another plan to be in the Room of the Second part of our Amendments or propositions-Which is, that instead of Restricting the Operation of the General Goverment in this State as to the three Articles mentioned in the Second part of our proposition-This Convention should first declare their disapprobation of the Constitution-but Ten of the States having Ratified the Constitution, from Expediency &c therefore this Convention with a firm Reliance on the Aid of the other States to Obtain the Amendments after the Adoption should Ratify the Constitution, with this Condition, that if Congress should not in Years call a Convention of the States to decide on the Amendments proposed by this and the other States, this State shall be at liberty to withdraw itself from the Union &c.-After Mr. Smith Introduced this plan the Convention Adjourned<sup>5</sup>—this Morning [18 July] after we met the propositions were Read—and a long pause took place without any observations on the plan last proposed—after some time the Convention Adjourned Untill to morrow 10 o Clock.<sup>6</sup> Which of the plans will take place I cannot tell you believe the fedralists will agree to the latter as the most favorable to them, and having no great hopes of a better-they say the lesser Evil of the two—I believe the Anti's will divide on this plan which will I fear be against us. it appears to me very little short of an absolute Adoption—My Wishes are to give you a proper statement of the Business of the Convention-but as our Difficulties and Embarrasments are very great, nay in a great Degree Unsurmountable as to the Event of our Decision, let the present suffice from one who most ardently Wishes that our Decision may tend to promote the General Weal of the United States in General and this State in particular, [P.S.] Excuse my incorrectness in this being in haste

1. RC, Roosevelt Collection, NHyF. This letter was addressed to Van Gaasbeek in Kingston and was endorsed as "favord by Mr. Morris."

2. John Lansing, Jr., brought forward these amendments on 10 July. (See RCS:N.Y., 2118-27.)

3. For John Jay's motion, see Convention Debates, 11 July, at note 1 (above).

4. The reference is to John Sloss Hobart's 16 July motion calling for the Convention to adjourn, which was defeated on 17 July. For Hobart's motion, see Convention Journal, 16 July, at note 1 (above), and for the roll-call vote, see Convention Debates, 17 July, at note 15 (above).

5. For Melancton Smith's plan, see RCS:N.Y., 2177-78.

6. See Convention Debates and reports thereon, 18 July (RCS:N.Y., 2231-33).

## De Witt Clinton to Charles Tillinghast Poughkeepsie, 19 July 1788<sup>1</sup>

To detail the complicated proceedings and political maneuvres at this place would be inconsistent with the brevity of a letter—The proposal I mentioned in my last (and which for distinction's sake I shall call Smith's I proposal)<sup>2</sup> was violently opposed by the fedl. party—a few days ago Hamilton introduced a proposition with explanatory and recommendatory amendts.3-The next day (last Wednesday) Judge Hobart moved for an adjournment until the 2 day of Next September at this place—The ostensible reason was that as a change of circumstances had taken place since the election of the members, it would be proper that they should go home and consult their constituents but the real design was I believe different This motion was opposed by Lansing, Bay, & Harper and advocated by the Chancellor and Duane principally—The question upon it was taken the next day and there appeared 22 for and 40 against it-Jones, Schenck, & Havens voting with the 19 feds. Here a question of order arose which proposal should be first taken up, & it was determined by 41 ayes and 20 noes (Jones voting again with the feds.) that Smith's I proposition should be first considered<sup>4</sup>—Smith then rose and after a speech offered a new proposal— The substance of which a censure upon the Constitution, and the reasons notwithstanding of the accession of this state, a bill of rights and explanatory amendts. the writing a circular letter to all the states entreating them to join in calling another Convent. and a condition that if a genl. Convention does not take place in years then this state shall be at liberty to recede<sup>5</sup>—What will be the result of all these propositions I cannot determine-I look forward with anxiety-The Scylla and Charybdis I would wish to avoid are non-conditional adoption & a disunion of the party opposition. I would have written to you oftener were it not that the political sky is so frequently overcast and so variable to appearance that I am oftentimes at a loss what to think or what to say—My best respects &c.

1. FC, Clinton Papers, NNC-RB.

2. Clinton refers to his letter of 12 July (RCS:N.Y., 2150-51).

#### 2230

#### CONVENTION DEBATES AND PROCEEDINGS, 18 JULY 1788

3. Hamilton presented his amendments on 15 July. See RCS:N.Y., 2178-79.

4. For both roll-call votes, see Convention Debates, 17 July, at notes 15 and 21, above.

5. For Smith's speech introducing his motion to ratify the Constitution and for his motion, see RCS:N.Y., 2211–15.

# The New York Convention Friday 18 July 1788

#### **Convention Debates and Proceedings**, 18 July 1788

CONVENTION PROCEEDINGS. Convention met-

in Committee—

Proposition of Yesterday by M. Smith read— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. Mo. to postpone under consideration— [Robert R. Livingston, Notes, NHi]

\* \* \* \* \* \* \*

ZEPHANIAH PLATT. when he seconded the Motn. of Mr. Smith<sup>1</sup> he supposed it obviated the Objections which were brought against the first—Motion that the committee rise— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

DAVID HOPKINS. objects, without something is said on the propositions to illucidate— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ZEPHANIAH PLATT. mentions his reasons as above—thinks the gent. opposed to us may wish to take More time— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. sees no reason why the commee. should rise— Moves as an amendt. that the question on the two propositions be taken [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. dont see the advantage—proposed by the comees. risg. the propposition dont Meet with his approbn. the govt. if in Opperation for four Years—cannot be again dissolved— [Gilbert Livingston, Notes, NN]

JOHN WILLIAMS. does not approve of the propposition of yesterday but doubts wheather we shall be recd. by congress—the eyes of the Whole country are on us let us take every step— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. considers the last proposition less evil than the former— & shall vote for making it the basis—to proceed on—

Committee rose—Adjd. [Gilbert Livingston, Notes, NN]

1. For the text of Melancton Smith's motion made on 17 July, see Convention Debates, 17 July, at note 22 (above).

#### De Witt Clinton Journal, 18 July 1788<sup>1</sup>

Convention met—Smiths 2d proposal read<sup>2</sup> No Speaking of Consequence—Convention adjourned. What will be its fate I cannot tell, the feds. like it better than the first-and perhaps may vote for it,-its avowed supporters are M Smith, J Smith, Platt, N Lawrence, G Livingston &c. if it is not agreed to, its friends will I expect vote with the feds. for unconditional adopt: and allege this as an excuse-Some of the Violent ungenerously suppose this was designed—Jones pretends to be inimical to the proposed Const but thinks it a matter of expediency to adopt it. My 2 essential objects are 1 no unconditional adopt. 2 no disunion of the party-the last would be more pernicious to the party than the first-Childs told me that the feds. in the other States look up to Hamilton as the leader of the party. J S. M S. G. L.<sup>3</sup> have all spoke to me about the 2d proposal and all spoke of their uneasiness about his Mr G L['s] situation it is indeed the most delicate of any man's in the Convention<sup>4</sup>—I wish he had never been in it—It was a great error in policy that our Convention was not called sooner-I always thought so-this was a very cunning trick of Bensons<sup>5</sup>—Can an instance from history be produced of a free peoples being forced to agree to a form of government repugnant to their wishes The Convention of New York. The Governor and Lansing appear to be against Smiths 2d proposal-perhaps this may be political in order to keep in with the violent members.

The Antis had a meeting to night and Could not agree Concerning it. They are to meet again to-morrow at 8 O Clock—Some are much enraged at it and its author—Some now wish instead of agreeing to it or splitting for an adjournment & some would be willing to reject it. Some detest Smith as much as Hamilton. Jones comes openly out & Declares We must join the union sooner or later and We might as well now and trust to future amendts.

I have seen a letter from Smith to the G[overnor] last Winter in which he declares for standing out if 12 States  $agree^6$ —I have heard

him say he always thought that all the States but N.Y. would agree to the Const.

If any divisions take place in the party I must impute the principal blame to Jones and Smith—G. Living. told me he could not as a Conscientious man vote for Smiths first proposal. I am informed that Winne means to move for an adjournment to day Seconded by the violent members<sup>7</sup> M. Smith goes so much among the feds. that he has raised jealousies against him

1. MS, Clinton Papers, NNC-RB.

2. See Convention Debates, 18 July, note 1 (above).

3. John Smith, Melancton Smith, and Gilbert Livingston.

4. On 26 July—before the Constitution was ratified—Gilbert Livingston delivered a speech explaining the "severe struggle in my mind, between *duty* and *prejudice*" (RCS:N.Y., 2321–23).

5. A reference to Federalist Egbert Benson, a Dutchess County delegate to the state Assembly. For his role in calling the state Convention, see "The New York Legislature Calls a Convention," 11 January–1 February 1788 (RCS:N.Y., 687–731, especially 728–29).

6. This letter has not been found.

7. There is no evidence that Antifederalist John Winn of Montgomery County presented a motion for the Convention to adjourn. Dirck Swart, an Albany County delegate who left the Convention on the morning of 19 July, arrived in Albany on 20 July, where he informed Antifederalist Abraham G. Lansing that a motion to adjourn would be made and carried by a majority on 19 July. Lansing thought that an adjournment would be disastrous to the Antifederalist cause. If the Convention adjourned, manor lords would pressure the yeomanry to issue new instructions to their Convention delegates to ratify the Constitution (Lansing to Abraham Yates, Jr., 20 July, RCS:N.Y., 1330).

#### Newspaper Report of Convention Debates, 18 July 1788

New York Daily Advertiser, 21 July 1788 (excerpt)<sup>1</sup>

On Friday, when the Convention met, silence pervaded the house; and it being evident that they were not prepared for a decision, after sitting about an hour, they adjourned till the next day....

1. Reprinted in the *New York Journal*, 22, 24 July, *New York Packet*, 22 July, and fourteen times outside New York by 6 August: N.H. (1), Mass. (3), R.I. (1), Conn. (1), Pa. (3), Md. (3), Va. (1), S.C. (1). The remainder of this item is printed under 19 July (below).

# The New York Convention Saturday 19 July 1788

#### **Convention Debates and Proceedings, 19 July 1788**

## Met—in Committee—

JOHN LANSING, JR. now 3. proposi[tion]s<sup>1</sup> before the committee best resort to his system to take one of the prop[ositio]ns as a basis—& go

thro' it by clauses—Mov[e]s to take up the first— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That on the 19th day of July, Mr. Lansing moved that the several other propositions before the committee be postponed, to take into consideration the draft of a Ratification and amendments, which are in the words following, viz.<sup>2</sup>

WE the Delegates of the People of the State of New-York, duly elected and met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the 17th day of September, in the year 1787, by the Convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania (a copy whereof precedes these presents) and having also seriously and deliberately considered the present situation of the United States, DO DECLARE AND MAKE KNOWN,

That all power is originally vested in, and consequently derived from the people; and that government is instituted by them for their common interest, protection and security: That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every government ought to respect and preserve.

That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness: That every power, jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several States, or to their respective State Governments, to whom they may have granted the same: And that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favoured or established by law in preference of others.

That the people have a right to keep and bear arms: That a well regulated militia, including the body of the people *capable of bearing arms*, is the proper, natural and safe defence of a free State: That the militia should not be subject to martial law, except in time of war, rebellion or insurrection.

2234

That standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power.

That in time of peace no soldier ought to be quartered in any house, without the consent of the owner, and in time of war only by the civil Magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned, or disseized of his freehold, or be exiled, or deprived of his privileges, franchises, life, liberty, or property, but by due process of law.

That no person ought to be put twice in jeopardy of life or limb for one and the same offence, nor unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an enquiry into the lawfulness of such restraint, and to a removal thereof, if unlawful; and that such inquiry and removal ought not to be denied or delayed, except when on account of public danger, the Congress shall suspend the privilege of the writ of *habeas corpus*.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

That (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a Grand Jury, ought to be observed as a necessary preliminary to the trial of all crimes cognizable by the Judiciary of the United States; and such trial should be speedy, public, and by an impartial Jury of the county where the crime was committed; and that no person can be found guilty, without the unanimous consent of such Jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the enquiry and trial may be in such county as the Congress shall by law direct; which county, in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed: And that in all criminal prosecutions the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of counsel for his defence, and should not be compelled to give evidence against himself.

That the trial by Jury, in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property; and therefore that all warrants to search suspected places, or seize any freeman, his papers or property, without information upon oath, or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected, are not particularly designated) are dangerous and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the Legislature for redress of grievances.

That the freedom of the press ought not to be violated or restrained.

That there should be once in four years an election of the President and Vice-President, so that no officer who may be appointed by the Congress to act as President in case of the removal, death, resignation or inability of the President and Vice-President can in any case continue to act beyond the termination of the period for which the last President and Vice-President were elected.

That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing laws at its discretion from time to time, to divide such State into convenient districts, and to apportion its representatives to and amongst such districts.

That the prohibition contained in the said Constitution against *expost* facto laws, extends only to laws concerning crimes.

That all appeals in causes determinable according to the course of the common law, ought to be by writ of error, and not otherwise.

That the judicial power of the United States, in cases in which a State may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a State.

That the judicial power of the United States, as to controversies between citizens of the same State claiming lands under grants of different States, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed under grants of different States.

That the jurisdiction of the Supreme Court of the United States, or of any other Court to be instituted by the Congress, is not in any case to be encreased, enlarged or extended by any fiction, collusion or mere suggestion: And that no treaty is to be construed so to operate as to alter the Constitution of any State. (And with a firm reliance, *and on the express condition*, that the rights aforesaid will not, and shall not be lost, abridged or violated, and that the said Constitution shall in the cases above particularised, receive the constructions herein before expressed, with a solemn appeal to the Searcher of Hearts for the purity

of our intentions; and in the confidence that such imperfections as may exist in the Constitution will as soon as possible be submitted to the consideration of a general Convention,  $\rangle^3$  We the said Delegates, in the name and in the behalf of the People of the State of New-York, do by these presents assent to and ratify the said Constitution: (UPON CONDITION NEVERTHELESS,)4 That until a Convention shall be called and convened for proposing amendments to the said Constitution—the Militia of this State will not be continued in service out of this State for a longer term than six weeks, without the consent of the Legislature thereof. That the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the premises. That no excise will be imposed on any article of the growth, production or manufacture of the United States or any of them, within this State, ardent spirits excepted: And that Congress will not lay direct Taxes within this State, but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then until Congress shall first have made a requisition upon this State to assess, levy and pay the amount of such *requisition* made agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best; but that in such case, if the State shall neglect or refuse to pay its proportion pursuant to such requisition, then the Congress may assess and levy this State's proportion, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid.

Done in Convention at Poughkeepsie, in the County of Dutchess, in the State of New-York, the twenty-Lord, 1788.

### By Order of the Convention.

And the Convention do in the name and behalf of the people of the State of New-York, enjoin it upon their representatives in the Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said amendments as far as the Constitution will admit.

That there shall be one Representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the appointment of Representatives and direct taxes.

That the Congress do not impose any excise on any article (except ardent spirits) of the growth, production or manufacture of the United States, or any of them.

That Congress will not lay direct taxes but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon the States to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the Legislatures of the respective States shall judge best; and in such case if any State shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest at the rate of six per centum per annum, from the time of payment prescribed in such requisition.

That the Congress shall not make or alter any regulation in any State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the Legislature of such State shall make provision in the premises; provided, that the Congress may prescribe the time for the election of Representatives.<sup>5</sup>

That the Congress do not grant monopolies, or erect any company with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two-thirds of the Senators and Representatives present in each House.

That no money be borrowed on the credit of the United States, without the assent of two-thirds of the Senators and Representatives present in each House.

That the Congress shall not declare war without the concurrence of two-thirds of the Senators and Representatives present in each House.

That the privilege of the Habeas Corpus shall not by any law, be suspended for a longer term than six months, or until twenty days after the meeting of the Congress, next following the passing of the act for such suspension.

That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular State and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises as shall be imposed on the other inhabitants of the State in which such district may be; and that no person shall be privileged within the said district from arrest, for crimes committed or debts contracted out of the said district.

That the right of exclusive legislation, with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the States respectively in which they may be from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States, nor to them, with respect to crimes committed without such places.

That the compensation for the Senators and Representatives be ascertained by standing laws, and that no alteration of the existing rate of compensation shall operate for the benefit of the Representatives, until after a subsequent election shall have been had.

That the journals of the Congress shall be published at least once a year, with the exceptions of such parts relating to treaties or military operations as in the judgment of either House shall require secrecy; and that both Houses of Congress shall always keep their doors open during their sessions, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals whenever two members in either House may require it.

That no capitation tax shall ever be laid by the Congress.

That no person be eligible as a Senator for more than six years in any term of twelve years; and that the Legislatures of the respective States may recal their Senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the Senators so recalled, were appointed.

That no Senator or Representative shall during the time for which he was elected, be appointed to any office under the authority of the United States.

That the authority given to the executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.

That the power of Congress to pass uniform laws concerning bankruptcy, shall only extend to merchants and other traders, and that the States respectively may pass laws for the relief of other insolvent debtors. That no person shall be eligible to the office of President of the United States a third time.

That the Executive shall not grant pardons for treason, unless with the consent of the Congress, but may, at his discretion, grant reprieves to persons convicted of treason, until their cases can be laid before the Congress.

That the President, or person exercising his powers for the time being, shall not command an army in the field, in person, without the previous desire of the Congress.

(That the Congress appoint, in such manner as they may think proper, a Council to advise the President in the appointment of officers: That the said Council shall not continue in office for a longer term than four years: That they shall keep a record of their proceedings, and sign the same, and be impeachable for mal conduct in office: That the Counsellors shall have a reasonable allowance for their services, fixed by standing laws: And that no man shall be elected a Counsellor, who shall not have attained the age of thirty-five years, and who is not either a natural born citizen of the United States, or has become a citizen of one of them before the fourth day of July, in the year one thousand seven hundred and seventy-six.)<sup>6</sup>

That all *letters patent*, commissions, pardons, writs and process of the United States, shall run in the name of *the people of the United States*, and be tested in the name of the President of the United States, or the person exercising his powers for the time being, or the first Judge of the Court out of which the same shall issue, as the case may be.

That the Congress shall not constitute, ordain, or establish any tribunal or inferior Courts with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas, and in all other cases to which the judicial power of the United States extends, and in which the Supreme Court of the United States has not original jurisdiction, the causes shall be heard, tried, and determined, in some one of the State Courts, with the right of appeal to the Supreme Court of the United States, or other proper Tribunal to be established for that purpose by the Congress, with such exceptions and under such regulations as the Congress shall make.

That the Court for the trial of Impeachments, shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or senior Judge for the time being, of the highest Court of the general and ordinary common law jurisdiction in each State: That the Congress shall by standing laws, designate the Courts in the respective States, answering this description, and in States having no Courts exactly answering this description, shall designate some other Court prefer[r]ing such, if any there be, whose Judge or Judges may hold their places during good behaviour: Provided, that not more than one Judge, other than Judges of the Supreme Court of the United States, shall come from one State: That the Congress be authorised to pass laws for compensating the said Judges for such services, and for compelling their attendance; and that a majority, at least, of the said Judges shall be requisite to constitute the said Court: That no person impeached shall sit as a member thereof: That each member shall, previous to his entering upon any trial, take an oath or affirmation, honestly and impartially to hear and determine the cause; and that a majority of the members present shall be necessary to a conviction.

That persons aggrieved by any judgment, sentence or decree of the Supreme Court of the United States in any cause in which that Court has original jurisdiction, *with such exceptions*, and under such regulations, as the Congress shall make concerning the same, shall upon application have a commission, to be issued by the President of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the Senate, appoint not less than seven, authorising such Commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence and decree, as the case may be, and to do justice to the parties in the premises.

That no Judge of the Supreme Court of the United States shall hold any other office under the United States or any of them.

That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of lands between individuals, or between States and individuals, under the grants of different States.

That the militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks, without the consent of the Legislature thereof.

That the words *without the consent of the Congress* in the 7th clause of the 9th section of the first article of the Constitution, be expunged.

That the Senators and Representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation, not to infringe or violate the Constitutions or Rights of the respective States.

That the Legislatures of the respective States may make provision by law, that the Electors of the Election District to be by them appointed, shall chuse a citizen of the United States, who shall have been an inhabitant of such District for the term of one year immediately preceding the time of his election for one of the Representatives of such State.

Done in Convention, at Poughkeepsie in the County of Dutchess, in the State of New-York, the —— day of July, in the year of our Lord, one thousand seven hundred and eighty-eight.

By Order of the Convention. [Convention Journal, 49-58]

\* \* \* \* \* \* \*

MELANCTON SMITH supposes that this may be done by consent—as we go thro' Amends may be proposed—to any or all the different articles [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. it must be by Motion or it cannot come on the minutes [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON thinks this is the proposition of M Smith himself when he moved it—Gent. are not bound—to the whole—but may object to any part— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. Lansings motion read—question— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. explains— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

RICHARD MORRIS. explains order— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. explains— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. on the question that all the propositions before the comee. be postponed—and to take up the first proposition of Smith as the basis<sup>7</sup>—

for the Motion—41 against it— 18— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. That debates arose on the said motion, and that the question having been put thereon, (and on motion of Mr. Lansing the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.<sup>8</sup>

Mr. R. Yates,	Mr. Schoonmaker,	Mr. Wood,	Mr. Winn,
Mr. Lansing,	Mr. Clark,	Mr. Platt,	Mr. Veeder,
Mr. Vrooman,	Mr. J. Clinton,	Mr. M. Smith,	Mr. Staring,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Swartwout,	Mr. Parker,
Mr. Ten Eyck,	Mr. Jones,	Mr. Akins,	Mr. Williams,
Mr. Scudder,	Mr. Schenck,	Mr. G. Livingston,	Mr. Baker,
Mr. Havens,	Mr. Lawrence,	Mr. D'Witt,	Mr. Hopkins,
Mr. J. Smith,	Mr. Carman,	Mr. Harper,	Mr. Van Ness,
Mr. Tredwell,	Mr. Haring,	Mr. C. Yates,	Mr. Bay,
Mr. President,	Mr. Woodhull,	Mr. Frey,	Mr. Adgate.
Mr. Cantine,			2

# For the Affirmative. [41]

For the Negative. [18]

Mr. Jay,	Mr. Roosevelt,	Mr. Vandervoort,	Mr. Hatfield,
Mr. R. Morris,	Mr. Duane,	Mr. Bancker,	Mr. Van Cortlandt,
Mr. Hobart,	Mr. Harison,	Mr. Ryerss,	Mr. Crane,
Mr. Hamilton,	Mr. Low,	Mr. P. Livingston,	Mr. Sarlls.
Mr. R. Livingston,	Mr. Lefferts,		

That the Committee proceeded to the consideration of the said proposed Ratification and amendments, and debates were had thereon. [*Convention Journal*, 58]

CONVENTION PROCEEDINGS. Govr [George Clinton]—Mov[e]s that we proceed to read the propositions by paragraphs—

Secretary read the first clause—agreed—to leave the formal part & proceed to the articles—

1—Articles of the Bill of rights read— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. why not insert all the unallianible rights & these three selected [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. if the Gent. wants any added—wishes he would suggest them— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. if there was any necessity to mention them or have a Bill of rights at all—he would do it. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. if the line was to be drawn between the Jurisdictions of the State & Genl. Govt. so that the power of the Genl. Govt. shall not extend to individuals this may be proper— [Gilbert Living-ston, Notes, NN]

JOHN JAY. Govt. must have power to restrain—as the clause stands it is so inaccurate, he cannot vote for it—if the committe will agree to amend it he will agree

the question put on the sentiment, or principle of the first article— Unanimous— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. wishes the whole of the bill of rights should be committed to select comee— [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. 2 Article read—agreed— 3. D[itt]o— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. You cannot make a right—you can only declare what a right is— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. it is a polit[i]cal right— [Gilbert Livingston, Notes, NN]

MELANCTON SMITH. the source is—this is a right which we all enjoy before this New Govt. should be adopted [Gilbert Livingston, Notes, NN]

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THOMAS TREDWELL. we insert it here because, we cannot find it in the new constn. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. the spirit of the 2d. clause he agrees with— & will agree in—the Jury of the vicinage in some cases cannot be good—however will not insist on it—a Jury—is security sufficient without saying of the County—Moves to strike out—"of the county" [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. wishes it should stand [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. D[itt]o—who shall designate whence the Jury should be called—the prosecutor may lay his venue where he pleases— [Gilbert Livingston, Notes, NN]

2244

#### \* \* \* \* \* \* \*

ALEXANDER HAMILTON. this could be done by the Legislature—in Engd. this has been done—as in the rebellion in Scotland.<sup>9</sup> [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. Questn. on the 3d article—agreed— 4th article read—agreed— 5—D[itt]o—D[itt]o— 6—D[itt]o—D[itt]o

7—D[itt]o— [Gilbert Livingston, Notes, NN]

# \* \* \* \* \* \* \*

ALEXANDER HAMILTON. this article he thinks includes more than Gent intend—in the Admiralty—& Chancery there is no Jury—"to remain" may be intended to quallify this—in some states—the trial by Jury in both the Courts above mentd. are in use—

On treaties & Laws of Nations-the supreme Judicial ought to be the last resort-

difficulties to remedy this—so as to—agree to it—& Not clash with other states— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT YATES. the Object, to secure the trial by Jury in all cases where they heretofore were of use—

this ought to be held inviolate—and was intended to provide agt. the Genl Govt. taking this right away [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. the word "*accustomed*" will not take the objectn. away because in admiralty cases an appeal should lay, where the whole matter should go up— [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. Comn Law—will not do in connecticut<sup>10</sup> neither—*accustomed*— [Gilbert Livingston, Notes, NN]

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GEORGE CLINTON. we wish to get the Idea— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. we can get over the difficulty & yet retain our Idea if we say—according to the com. Law. will do—the Court of Exchequer in Engd. proceed in both—with, in some cases—in other without a Jury—In Jersey & Connecticut since the revolution, have directed the Court of Admiralty, must be by Jury<sup>11</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. we only want the sentiment— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. the committee will word it— [Gilbert Living-ston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. 7th. article as amended—agreed to— 8—Bail—or unusual excessive punisht—agreed—

9—every freeman secure agt. Genl Warrants—agreed

10-rights of the people to consult and petition-agreed.

11-the freedom of the press-agreed-

12 Militia—according to ancient Usage— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. opposed to the leading idea of this clause it tends to render the Militia of no service—in swisd [i.e., Switzerland] & england<sup>12</sup>—there must be select corps—the whole people can never be fully trained if we agree to this, you oblidge the Govt. to have a standing army—

does not depend on regulations on paper for safety—but on the Genius of our country—was mistaken as to the clause—

objects only to the words "past usages" [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. the object is to keep the Militia well armed, the Comee. will word it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. will mention one difficulty—"*past usages*" are indiffinate—as there have been in our state many alterations— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. 12. Art. agreed

13 standing armies—agreed

14—quartering soldiers—agreed—

15—exemption of Quakers— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

2246

JOHN JAY. if it means Quakers—is content—but if it will comprehend every person who in time of War will declare they are concentious about it—he will not— [Gilbert Livingston, Notes, NN]

MELANCTON SMITH. this must be defined by the law—as there are more sects than one which are scrupulous— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. it may opperate ill—those who are scrupulous to bear arms—object to pay the fine, [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. is willing those who are now scrupulous may be exempted—but does not wish to encourage this idea— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. the sence of the committee on this clause taken—to be transposed—agreed—

16—liberty of conscience—agreed.—

Smith—Movd. to accept the virginia—amendt.<sup>13</sup>—

to take this up in the Committee-

explanitory amends.

1—Elections— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. an explanitory clause ought to explain, not to affix a new Idea—

the dividing the state into districts is explanitory but the quallifying part is not— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. wishes it to go farther—if recommendatory & would have a freeholder elected— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. consents to divide the proposition— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. consents— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. if it is not good—they will do no hurt—all the explanitory amends. ought to be recommendatory— [Gilbert Living-ston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. wishes to adopt the Article as mentioned in the propositions introduced by Mr. Jay— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. questn. on the clause on the amended clause—agreed—

2d. No power to be exercised—but what is expresly given— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. combats the propriety of the word "*expresly*" congress are to regulate trade—now they must do a thousand things—not *expresly* given—Virginia say *not given*<sup>14</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. the Committee may correct this— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT YATES. agrees—that in grantg genl. powers—the powers to execute are implied— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. queston on the paragraph—agreed 3d. Habs. Corpus—ex post facto, laws—agreed

4—appeals—by writt of error—agreed— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. would not object to the Idea—recommends their amendt— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. 5—extention of the Judicial power with respect to lands—agreed—

6-no suit to be brought against a state-agreed

7-crimminal prosecutions-agreed-

8-farther explination- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. this cannot be by way of explanation—but may be by recommendation—

question—agreed—may be by way of a recommendatory amendment—questn. agreed— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

2248

CONVENTION PROCEEDINGS. 9—no Monopilies or companys— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. this not an explanitory amendt.—may be recommendatory—which he would wish—

in regulating commerce—this power seems to be incident—thinks that it may be possible that it will be useful—therefore thinks it ought to be left out. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. it cannot be an explanation— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. Congress have no power about the business except a regulation of commerce— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. agrees—here the difficulty already occurs respecting the word "*expresly*" moves to transfer it to the list of recommendatory amends.— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. best to let it stand, at present—determining respecting the word "*expresly*" would fix his Mind—questn. on the Motion—for transferring Carried—for transferring— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. 10 No treaty to alter the Constin of any state—agreed

11—Jurisdictn of the Courts not to be extended by fiction &ct agreed

12-powers of congress-not to be extended by implication-agreed [Gilbert Livingston, Notes, NN]

GEORGE CLINTON. the comee. now thro' the explanitory amends. Wishes A Comee. should be apointed—to take these matters and others not consid[ere]d— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. wishes rather to consider of the amendts. in the abstract—& leave the classing of them to an after consideration— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. Comee. rose— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. it will be impossible for the committe to arange before Monday— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. an informal committee appointed— Harrison, Duane—Yates, Smith<sup>15</sup>— Adjourned—till—11 oClock— [Gilbert Livingston, Notes, NN]

1. The reference is to the propositions of John Jay, Melancton Smith's motion to amend Jay's motion, and Smith's second motion. See Convention Debates, 11 July, at note 1 (Jay), and Convention Debates, 17 July, at notes 18 and 22 (Smith), all above.

2. John McKesson in his working draft of the committee of the whole report originally wrote "That on the 19th. day of July Mr. Lansing moved that the several other propositions before the Committee be postponed to take into Consideration those first offered to the Committee on the 10th. day of the Month." McKesson crossed out everything after "Consideration" and replaced it with the version in the printed *Journal*. McKesson identified "the Draft of a Ratification & Amendments" as "here take in C & D." (The manuscripts labeled C and D are found in the McKesson Papers at the New-York Historical Society. For the 10 July proposition, see RCS:N.Y., 2119–27.)

Lansing's motion is printed from the *Convention Journal*, where it is found not under 19 July but under 25 July where it is part of the report of the committee of the whole that traced the Convention's proceedings respecting the manner in which the Constitution was to be ratified. (See Convention Debates, 25 July, RCS:N.Y., 2309–10, for a description of what is in the committe of the whole report.)

The manuscript C version of the declaration of rights is the same (except for punctuation, capitalization, and crossed out material) as the printed *Journal* version. Manuscript C contains both the printed *Journal* version of the middle conditional amendments portion of the Form of Ratification, several earlier versions that are lined out, and the final Form of Ratification text. A portion of the *Journal* version is on a separate page and not in Lansing's hand. "C" also contains two sheets of brief items, some of which were "Not to be inserted until 25 July P.M." Manuscript D consists of the recommendatory amendments (the last portion of the Form of Ratification). It is identical to the printed *Journal* version, except for punctuation and capitalization and for the two provisions discussed in footnotes 5 and 6 (below). A facsimile (along with transcriptions) of "C" and "D" is on Mfm:N.Y.

Lansing's proposal is almost identical to the final Form of Ratification. See notes 3–6 (below) for differences between the two. When the *Country Journal*, 2 September, reprinted extracts from the *Convention Journal* for 19 July, it did not reprint Lansing's amendments but advised its readers to find them in the final Form of Ratification that it printed in its issues of 29 July and 12 August with the exceptions specified in notes 3–6. (See Mfm:N.Y.)

3. In the final Form of Ratification, the text in angle brackets is replaced by the following: "Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the Explanations aforesaid are consistent with the said Constitution, And in Confidence that the Amendments which shall have been proposed

to the said Constitution will receive an early and mature Consideration." Manuscript C (see note 2) contains Lansing's original version, several rejected substitutes, and the final text used in the Form of Ratification. The *Convention Journal* version printed here is actually a substitute version on a separate sheet of paper and not in Lansing's hand. His original version was "Under these impressions and *in Confidence* that the declaration of rights and explanations aforesaid are consistant with the new Constitution and *therefore* cannot be abridged or violated and with the farther in confidence, that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, and that such of these as may in any degree tend to the real security and permanent advantage of the people will be adopted. We the said delegates in the name and behalf of the people of the State of Newyork Do by these presents assent to and ratify the Constitution is binding upon the people of the said State." In the margin opposite this version is the notation "Mr. M. Smith to be substituted instead of Mr. Lansings."

4. The text in angle brackets was deleted and replaced by the following: "In full Confidence nevertheless." In manuscript C (see note 2 above) instructions are given to use the phrase "*In full confidence*." Marginal notations also indicate that the following amendments on regulation of elections, excises, and direct taxes were "agreed unanimously."

5. At this point in the final form of Ratification, the following paragraph was inserted: "That no Persons except natural born Citizens, or such as were Citizens on or before the fourth day of July one thousand seven hundred and seventy six, or such as held Commissions under the United States during the War, and have at any time since the fourth day of July one thousand seven hundred and seventy six become Citizens of one or other of the United States, and who shall be Freeholders, shall be eligible to the Places of President, Vice President, or Members of either House of the Congress of the United States." This paragraph is on a separate page, not in Lansing's hand, and endorsed "not to be inserted until 25th. July. P.M." in Manuscript D (see note 2 above).

6. The text in angle brackets is not in the final Form of Ratification. This text is on a separate sheet, not in Lansing's hand, and was "to be left out after once printed [as part of the committee of the whole report]" in Manuscript D (see note 2 above).

7. For Melancton Smith's first proposition, see Convention Debates, 17 July, at note 18. Smith's proposition consisted of a bill of rights of sixteen amendments and twelve additional recommended amendments. Lansing's proposition consisted of declaratory amendments (a bill of rights) and structural amendments (conditional and recommendatory). Fifteen of Smith's amendments in the bill of rights are also in Lansing's bill of rights. The amendment on conscientious objectors is not among Lansing's amendments. Lansing's recommended amendments have several amendments that appear among Smith's recommended amendments. Lansing's motion, however, has considerably more amendments than Smith's first proposition, and the phrasing and order of the amendments are sometimes different.

8. In the roll-call votes, found in the McKesson Papers at the New-York Historical Society, this roll-call vote is headed: "July 19th. On Mr Lansings motion to postpone all the motions now before the House and proceed to the Proposed Bill of Rights and Amendments."

9. After the Scottish rebellions of 1715 and 1745 Parliament passed laws permitting the indictment and trial of rebels in counties other than those where the alleged crime of treason had been committed.

10. Hamilton probably refers to the fact that, between 1776 and 1784, Connecticut and Rhode Island were the only states that failed to make provisions for the reception of the common law.

11. On 25 November 1775 the Continental Congress recommended that the states erect courts "for the purpose of determining concerning the captures . . . and to provide that all trials in such case be had by a jury under such qualifications, as to the respective legislatures shall seem expedient." In its May 1776 session the Connecticut legislature passed an act for establishing naval offices in which the county courts were "authorised, impowered, constituted and appointed to try, judge and determine, by Jury or otherwise, as in other Cases, concerning all Captures that have or shall be taken, and brought into the said respective Counties." In October 1776 the New Jersey legislature provide for a jury trial when it renewed the act in October 1778. The New Jersey legislature provide for jury trials in the act establishing a Court of Admiralty in December 1778, and another act passed in December 1781 reaffirmed the use of the jury.

12. For example, in England every man from 18 to 50 was liable to serve in the militia, or find a substitute. Each county had a quota set by statute, and the men to fill the quota were selected by lot. Each militiaman was to serve for three years.

13. Copies of the Virginia amendments—adopted on 27 June by the Virginia Convention—were available to the delegates of the New York Convention. Virginia's forty amendments—twenty in a declaration or bill of rights and twenty structural amendments—had been printed in the *Virginia Independent Chronicle*, 2 July, and reprinted in the *Daily Advertiser*, 9 July, *New York Journal*, 10 July, and *Country Journal*, 15, 22 July. The Antifederalists in the New York Convention also had a manuscript that included most of the amendments finally adopted by the Virginia Convention. This manuscript had been enclosed in a 9 June letter that George Mason, a Virginia Convention delegate, sent to John Lamb. (See CC:750–E.) A copy of the enclosure is in the Melancton Smith Papers at the New York State Library.

14. The word "expressly" is in Smith's proposal, in the Virginia draft sent to John Lamb (CC:750–E), and in the copy in the Smith Papers. Hamilton objected to "expressly," which is not in the final Virginia amendment.

15. Federalists Richard Harison and James Duane and Antifederalists Robert Yates and Melancton Smith. This committee reported on 23 July.

### De Witt Clinton Journal, 19 July 1788<sup>1</sup>

The Convention went thro' the bill of rights and explanatory amendts a sub Committee was appointed to meliorate them<sup>2</sup>—Jones, Hamilton, Harper, Tredwell, Smith, the Governor, Lansing spoke a little Hamilton in his long Speech of last Thursday endeavouring to explain the idea of Montesquieu that an extensive Country was not fit for a republican Govt.<sup>3</sup> stopped short for want of breath and said extensive count—This was very Curious as there were many ladies by.

The Northern members from Senate and Assembly are greatly under the influence of Genl Schuyler, but his weight has vastly diminished. I believe he lays out all his endeavors to raise Hamilton who is greatly thought of by the whole family.<sup>4</sup> I heard Lansing say he supposed in case of fighting about the Constitution not more than 500 men of the County of Albany would fight for it. Childs the short hand writer went off yesterday to N York upon an assurance made from his party that there would be no Speaking of Consequence—he professes impartiality but he is too great a partyman for the purpose<sup>5</sup>—and has already exhibited no favourite specimen—Judge Platt told my father and G. Livingston told me that this last proposal of Smith would be their ultimatum<sup>6</sup>—

Smith's reasoning in favor of the 1 proposal went in one instance to prove that Congress would not exercise the powers Conditionalized until after a meeting of another Convention<sup>7</sup>—this was giving so manifest an advantage to the other party, that I cannot account for it unless it was to pave the way for the 2d proposal. The Antis have more military men than the feds. in this State

A professed galant is the most contemptible character under heaven

A Man ought to be very cautious in giving his opinion upon an important point particularly

Disagreeable things are Conquered by habit

Jay speaks as if he was he affects vulgar phrases-

Judge Morris told me that people would think as Some men they had Confidence in thought, but that when danger threatened they would act for themselves.

1. MS, Clinton Papers, NNC-RB.

2. For the four members of the committee, see Convention Debates, 19 July, at note 15, and note 15 (above).

3. Hamilton delivered two major speeches on Thursday, 17 July, but the extant notes for both speeches do not contain any references to Montesquieu by name. In the second speech, however, Hamilton referred to republics and republicanism, favorite topics of Montesquieu. For Montesquieu's views on republics and the extent of territory in which a republic could exist, see *Spirit of Laws*, I, Book VIII, chapter XVI, 177–78 ("Distinctive Properties of a Republic").

4. Alexander Hamilton was married to Philip Schuyler's daughter Elizabeth.

5. For other references to Childs as a partisan, see RSC:N.Y., 2488-96.

6. For Melancton Smith's last (or second proposal), see Convention Debates, 17 July, at note 22.

7. For Melancton Smith's first proposal, see Convention Debates, 17 July, at note 18. The passage in question appears in the lengthy last paragraph.

### Newspaper Reports of Convention Debates, 19 July 1788

New York Daily Advertiser, 21 July 1788 (excerpt)<sup>1</sup>

... On Saturday [19 July] the question was taken, and it was agreed to take up the last proposition in preference to the one before proposed by Mr. Smith.<sup>2</sup>

It is doubtful what may yet be the result of their deliberation, tho' there is reason to believe that the last proposition of Mr. Smith affords the groundwork of an adoption. 1. This item was reprinted in the *New York Journal* and *New York Packet*, 22 July, and, in whole or in part, in thirteen newspapers outside New York by 4 August: N.H. (1), Mass. (2), R.I. (1), Conn. (1), Pa. (4), Md. (3), S.C. (1). The first paragraph of this item is printed under 18 July (above).

2. For Smith's two propositions, see Convention Debates, 17 July, at notes 18 and 22 (above).

# Poughkeepsie Country Journal, 22 July 1788<sup>1</sup>

Nothing very material has transpired in Convention since our last, more than we have extracted from their journal. The amendments to be recommended were read on Saturday [19 July], and the convention agreed to discuss them by paragraphs. The propriety of some of them being doubted, caused some debate, and others passed unanimously. A committee, two on each side, consisting of Mr. M. Smith and Mr. Yates on one, and Mr. Duane and Mr. Harison on the other, for the purpose of arranging the amendments agreed to, was appointed. Yesterday [21 July] much debate took place on some of the amendments. They adjourned till ten this morning.

In what mode the constitution will be adopted is yet uncertain. We may venture to say however, from the anxiety of some of the members to go to their families, and to gather their harvests, they will determine the question in a very few days.

We hope each party will be ready to receive whatever may be the result, with great calmness.

1. This item, minus the first sentence, was reprinted in the *New York Journal*, 24 July, and minus the last paragraph in the *New York Packet*, 25 July, and Lansingburgh *Federal Herald*, 28 July. Outside New York, it was reprinted, in whole or in part, in ten newspapers by 6 August: Mass. (3), Conn. (3), Pa. (3), Va. (1).

### New York Daily Advertiser, 25 July 1788 (excerpt)<sup>1</sup>

# Extract of a letter from Poughkeepsie, dated July 22.

"On Saturday [19 July] the Convention determined on the question being called to take the first proposition of Melancton Smith's<sup>2</sup> into consideration:—they then went into a review of the declaratory part or the Bill of Rights. Mr. Jay and Mr. Hamilton made some objections if I recollect aright, to the wording of the several political maxims, and contended that some of them were not expressed with precision and accuracy, altho' they were truths to which they readily yielded their assent. There was then an informal Committee appointed, consisting of Mr. Duane and Mr. Harrison on one side, and Mr. M. Smith and Judge Yates on the other, to correct the language of that part of the proposition, so that the ideas might be fully and clearly understood...."

## 2254

1. This item was the first paragraph of a long "*Extract of a letter from Poughkeepsie, dated July* 22." Other parts of this letter extract are printed under 21 and 22 July (both below). This first paragraph was reprinted in the *New York Journal*, 26 July, and *Newport Herald*, 31 July.

2. For Smith's first proposition, see Convention Debates, 17 July, at note 18.

# The New York Convention Monday 21 July 1788

### **Convention Debates and Proceedings, 21 July 1788**

CONVENTION PROCEEDINGS. That on the 21st day of July, one of the proposed amendments, was again read, in the words following, viz.

"That the Congress do not impose any excise on any article (except ardent spirits) of the growth, production or manufacture of the United States, or any of them." [*Convention Journal*, 58]<sup>1</sup>

\* \* \* \* \* \* \*

L—. two important props. conn[ecte]d

1. Excise

2. Taxes—

with respt. to the first, the best argument, that it should remain as a fund to the State—

cons[idering] ardent Spirits—Conn. will lay no excise NY. an excise 2d—Conn. can under sell— [Melancton Smith, Notes, N]

\* \* \* \* \* \* \*

JAMES DUANE. The principle on which introduced. that navgg. States & non navigating States, the burden of taxes would be unequal—

one State pays 100000, and another nothing

—The consumer pays both excise & duty—

In proportion as a State manufactures, she buys nothing and therefore pays nothg—we who consume much pay much—imports & exports—wch. States increase in wealth fastest, the one who has fertile Country & increases—

1000 Men, live on 1000 Acres of Land, wch. manfrs. the 1000 Acres support the men, and they export their produce—1000 Men live on 10,000 Men [i.e., acres] & export the produce—will not the produce—

an old Country, has laid up their savings for a course of many years<sup>2</sup>— [Melancton Smith, Notes, N]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the said proposed amendment, and that the question being put, whether the committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

### For the Affirmative. [38]

Mr. R. Yates,	Mr. Schoonmaker,	Mr. Platt,	Mr. Veeder,
Mr. Lansing,	Mr. Clark,	Mr. M. Smith,	Mr. Staring,
Mr. Vrooman,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Jones,	Mr. D'Witt,	Mr. Baker,
Mr. Scudder,	Mr. Schenck,	Mr. Harper,	Mr. Hopkins,
Mr. Havens,	Mr. Lawrence,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	Mr. Carman,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Woodhull,	Mr. Winn,	Mr. Adgate.
Mr. President,	Mr. Wood,		-
For the Negative. [16]			
Mr. Jay,	Mr. R. Livingston,	Mr. Low,	Mr. Ryerss,
Mr. R. Morris,	Mr. Roosevelt,	Mr. Lefferts,	Mr. P. Livingston,
Mr. Hobart,	Mr. Duane,	Mr. Vandervoort,	Mr. Crane,
Mr. Hamilton,	Mr. Harison,	Mr. Bancker,	Mr. Sarlls.
		[Convention	ı Journal, 59]

#### \* \* \* \* \* \* \*

GILBERT LIVINGSTON. I was sick—did not attend— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. the house went thro several amends. —On the Excise—Affirmative—38

Negative 16 [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That the next following clause of the proposed amendments being again read, is in the words following, viz.

"That Congress will not lay direct taxes but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon the States to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the Legislatures of the respective States shall judge best; and in such case if any State shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest at the rate of six per centum per annum, from the time of payment prescribed in such requisition."

That debates were had on the clause last read,<sup>3</sup> and that the question being put, whether the Committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it was carried in the affirmative, in the manner following, viz.

### For the Affirmative. [38]

Mr. R. Yates,	Mr. Schoonmaker,	Mr. Platt,	Mr. Veeder,
Mr. Lansing,	Mr. Clark,	Mr. M. Smith,	Mr. Staring,
Mr. Vrooman,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thom[p]son,	Mr. Wynkoop,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Jones,	Mr. D'Witt,	Mr. Baker,
Mr. Scudder,	Mr. Schenck,	Mr. Harper,	Mr. Hopkins,
Mr. Havens,	Mr. Lawrence,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	Mr. Carman,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Woodhull,	Mr. Winn.	Mr. Adgate.
Mr. President,	Mr. Wood,	,	
	For the Negati	ive. [16]	
Mr. Jay,	Mr. R. Livingston,	Mr. Low,	Mr. Ryerss,
Mr. R. Morris,	Mr. Roosevelt.	Mr. Lefferts.	Mr. P. Livingston,
Mr. Hobart,	Mr. Duane,	Mr. Vandervoort,	Mr. Crane,
Mr. Hamilton,	Mr. Harison,	Mr. Bancker,	Mr. Sarlls.
		[Convention Joi	

CONVENTION PROCEEDINGS.—direct taxes—D[itt]o—D[itt]o [i.e., Affirmative 38, Negative 16] [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That no standing army or regular troops shall be *raised or*<sup>4</sup> kept up in time of peace without the consent of two-thirds of the Senators and Representatives present in each House."

That Mr. Hamilton moved that the clause last read should be expunged, and the following substituted in its stead, viz.

"That no appropriation of money in time of peace for the support of an army, shall be by less than two-thirds of the Representatives and Senators present."

That debates were had on the clause last read, and proposed to be substituted. That the question having been put, whether the committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it passed in the negative in the manner following, viz.

Mr. R. Yates,	Mr. Clark,	Mr. Platt,	Mr. Veeder,
Mr. Lansing,	Mr. J. Clinton,	Mr. M. Smith,	Mr. Staring,
Mr. Vrooman,	Mr. Wynkoop,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thompson,	Mr. Jones,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Schenck,	Mr. D'Witt,	Mr. Baker,
Mr. Scudder,	Mr. Lawrence,	Mr. Harper,	Mr. Hopkins,
Mr. Havens,	Mr. Carman,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	Mr. Lefferts,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Woodhull,	Mr. Winn,	Mr. Adgate.
Mr. Schoonmaker,	Mr. Wood,		0
	For the Affir	mative. [14]	
Mr. Jay,	Mr. Roosevelt,	Mr. Vandervoort,	Mr. P. Livingston,
Mr. R. Morris,	Mr. Duane,	Mr. Bancker,	Mr. Crane,
Mr. Hamilton,	Mr. Harison,	Mr. Ryerss,	Mr. Sarlls.
Mr. R. Livingston,	Mr. Low,	•	

# For the Negative. [38]

That Mr. Jay then made a motion, that the words *raised or* in the amendment originally proposed, should be obliterated. [*Convention Journal*, 60–61]

\* \* \* \* \* \* \*

JOHN JAY. Standg. Troops will be enlisted during the war—If they have command of the Mil[iti]a & want 20,000, they may raise 10,000 & depend upon 10,000 Militia—If you limit them they may be under diff[icult]y—

If they must call the Legisls. it will

More safe, as it will prevent the necessity of standing Armies-

Confidence for national affairs in nat. govt.—for State affairs in State govts. [Melancton Smith, Notes, N]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That the question being put, whether the Committee did agree to obliterate the words aforesaid, (and on motion of Mr. Bay the yeas and nays being taken) it passed in the negative in the manner following, viz.

For the Negative. [29]

Mr. R. Yates,	Mr. Schoonmaker,	Mr. D'Witt,	Mr. Parker,
Mr. Lansing,	Mr. Clark,	Mr. Harper,	Mr. Williams,
Mr. Vrooman,	Mr. J. Clinton,	Mr. C. Yates,	Mr. Baker,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Frey,	Mr. Hopkins,
Mr. Ten Eyck,	Mr. Wood,	Mr. Winn,	Mr. Van Ness,
Mr. Scudder,	Mr. M. Smith,	Mr. Veeder,	Mr. Bay,
Mr. J. Smith,	Mr. Swartwout,	Mr. Staring,	Mr. Adgate.
Mr. Tredwell,	,	8,	- 0

Mr. Jay,	Mr. Duane,	Mr. Lawrence,	Mr. P. Livingston,
Mr. R. Morris,	Mr. Harison,	Mr. Carman,	Mr. Crane,
Mr. Hobart,	Mr. Low,	Mr. Lefferts,	Mr. Sarlls,
Mr. Hamilton,	Mr. Havens,	Mr. Vandervoort,	Mr. Woodhull,
Mr. R. Livingston,	Mr. Jones,	Mr. Bancker,	Mr. Platt.
Mr. Roosevelt,	Mr. Schenck,	Mr. Ryerss,	

# For the Affirmative. [23]

That the question being then put, whether the Committee did agree to the said amendment, it was carried in the affirmative. [*Convention Journal*, 61]

CONVENTION PROCEEDINGS.—standing Armies—not to be kept up without consent of %ds—

Mr Ham[ilton] Movd an Amendt. to substitute—no appropriation of Money in lieu of Army—agt. his Amendt. 38—for it. 14—the questn. on the original Amendt. carried [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS.—Representation—200—agreed<sup>5</sup> [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That no person be eligible as a Senator for more than six years in any term of twelve years: And that the Legislatures of the respective States may recal their Senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the Senators so recalled, were appointed."

That the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

For the Affirmative. [3	56	
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Mr. R. Yates,	Mr. President,	Mr. Platt,	Mr. Veeder,
Mr. Lansing,	Mr. Schoonmaker,	Mr. M. Smith,	Mr. Staring,
Mr. Vrooman,	Mr. Clark,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thompson,	Mr. J. Clinton,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Wynkoop,	Mr. D'Witt,	Mr. Baker,
Mr. Scudder,	Mr. Schenck,	Mr. Harper,	Mr. Hopkins,
Mr. Havens,	Mr. Lawrence,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	Mr. Carman,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Wood,	Mr. Winn,	Mr. Adgate.

For the Negative. [18]

Mr. Jay,	Mr. Roosevelt,	Mr. Lefferts,	Mr. P. Livingston,
Mr. R. Morris,	Mr. Duane,	Mr. Vandervoort,	Mr. Crane,
Mr. Hobart,	Mr. Harison,	Mr. Bancker,	Mr. Sarlls,
Mr. Hamilton,	Mr. Low,	Mr. Ryerss,	Mr. Woodhull.
Mr. R. Livingston,	Mr. Jones,		
		[Convention Journal, 61–62]	

CONVENTION PROCEEDINGS.—Recall of senators—carried 36—vs— 18. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That no Senator or Representative shall during the time for which he was elected, be appointed to any office under the authority of the United States."

That debates were had on the said proposed amendment.

That the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

Mr. R. Yates. Mr. President. Mr. M. Smith. Mr. Staring, Mr. Schoonmaker, Mr. Parker, Mr. Lansing, Mr. Swartwout, Mr. Vrooman, Mr. Clark, Mr. Akins, Mr. Williams, Mr. I. Thom[p]son, Mr. J. Clinton, Mr. D'Witt, Mr. Baker, Mr. Ten Eyck, Mr. Wynkoop, Mr. Harper, Mr. Hopkins, Mr. Scudder, Mr. Carman, Mr. C. Yates, Mr. Van Ness, Mr. Havens, Mr. Woodhull, Mr. Frey, Mr. Bay, Mr. J. Smith, Mr. Wood, Mr. Winn, Mr. Adgate. Mr. Tredwell, Mr. Platt. Mr. Veeder. For the Negative. [19] Mr. Jay, Mr. Roosevelt, Mr. Schenck, Mr. Ryerss, Mr. R. Morris, Mr. Duane, Mr. Lawrence, Mr. P. Livingston, Mr. Hobart. Mr. Harison. Mr. Lefferts. Mr. Crane. Mr. Sarlls. Mr. Hamilton, Mr. Low. Mr. Vandervoort, Mr. R. Livingston, Mr. Jones, Mr. Bancker, [Convention Journal, 62]

CONVENTION PROCEEDINGS.—senator not to hold another office carried 35—vs 19 [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

For the Affirmative. [35]

CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That no money be borrowed on the credit of the United States without the assent of two-thirds of the Senators and Representatives present in each House."

That debates were had on the clause last read.

That the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

For the Affirmative. [38]

Mr. R. Yates, Mr. Lansing, Mr. Vrooman, Mr. I. Thompson, Mr. Ten Eyck,	Mr. Schoonmaker, Mr. Clark, Mr. J. Clinton, Mr. Wynkoop, Mr. Jones,	Mr. Platt, Mr. M. Smith, Mr. Swartwout, Mr. Akins, Mr. D'Witt,	Mr. Veeder, Mr. Staring, Mr. Parker, Mr. Williams, Mr. Baker,
Mr. Scudder,	Mr. Schenck,	Mr. Harper,	Mr. Hopkins,
Mr. Havens,	Mr. Lawrence, Mr. Carman,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Woodhull,	Mr. Winn,	Mr. Adgate.
Mr. President,	Mr. Wood,		
	For the Negat	ive. [16]	
Mr. Jay,	Mr. R. Livingston,	Mr. Low,	Mr. Ryerss,
Mr. R. Morris,	Mr. Roosevelt,	Mr. Lefferts,	Mr. P. Livingston,
Mr. Hobart,	Mr. Duane,	Mr. Vandervoort,	Mr. Crane,
Mr. Hamilton,	Mr. Harison,	Mr. Bancker,	Mr. Sarlls.
		[Convention	i Journal, 63]

CONVENTION PROCEEDINGS.—Money borrowed—<sup>2</sup>/<sub>3</sub>ds. necessary—carried—

Adjourned— [Gilbert Livingston, Notes, NN]

1. This entry for 21 July is found in the *Convention Journal*, not under the date of 21 July, but under the entry for 25 July, as part of the report of the committee of the whole that traced the Convention's proceedings respecting the mode in which the Constitution was to be ratified. (For a description of what is in the committee of the whole report, see Convention Debates, 25 July, RCS:N.Y., 2309–10.) The amendments under consideration on this day are taken from the motion of John Lansing, Jr., as they appear in the *Convention Journal* for 19 July (above). The proceedings for this day were printed in the *Country Journal* on 9 and 16 September.

2. For additional debates as reported in the Daily Advertiser of 25 July, see below.

3. For the debate on this amendment respecting direct taxes, introduced by John Lansing, Jr., on 19 July (above), see the reports of the debates in the *Daily Advertiser* of 25 July, below.

4. John Jay would soon move that the two words in italics should be deleted.

5. Livingston refers to this amendment: "That there shall be one Representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in

the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as Congress shall direct, and according to such a ratio as the Congress shall fix, in conformity to the rule prescribed for the appointment of Representatives and direct taxes." This amendment replaced one that reads: "That there shall be one Representative for every thirty thousand Inhabitants according to the Enumeration or Census mentioned in the Constitution until the whole Number of Representatives amounts to two hundred: after which that Number shall be continued or encreased as Congress shall direct upon the principles fixed in the Constitution by apportioning the Representatives of each State to some greater Number of people from Time to Time as Population encreases'' (McKesson's Notes, NHi, in the handwriting of John Lansing, Jr.). Another version of this amendment in McKesson's Notes, NHi.

Neither the *Convention Journal* nor the roll-call votes in the McKesson Papers (NHi) indicates that this amendment was considered or voted upon on this date. Nor does any other source.

# Newspaper Report of Convention Debates, 21 July 1788

# New York Daily Advertiser, 25 July 1788 (excerpt)<sup>1</sup>

Extract of a letter from Poughkeepsie, dated July 22.

"... (Yesterday the Convention proceeded in the consideration of the first proposition [of Melancton Smith], and spent the whole day in discussing the several amendments; they wa[i]ved for the present the question whether any of them should be conditional or not.)<sup>2</sup> The one which prohibits the Congress from calling out the militia of one State into another for more than six weeks without the consent of its Legislature, occasioned a good deal of debate.3 Mr. Hamilton insisted that the restriction was an impolitic one-that if the States intended to guard as much as possible against standing armies under the new Government, they ought to yield it the command of the militia in the most unqualified terms—that to apprehend danger from a militia, while the States appointed all the officers, was quite a novel idea, and the offspring of the most unenlightened and distempered jealousy-that the experience of the late war had demonstrated the great utility of the militia on special occasions; and on the other hand, the improper remissness and indolence of the State Legislatures, in sending their militia to the assistance of their neighbors, until the war had approached to their own doors—Virginia was adduced as an instance of this<sup>4</sup>—that the direction of the forces and strength of the community ought to be placed with confidence and without limitation in the hands of that body which was to provide for the common defence.

["]Mr. Jay enforced the same ideas, and further contended, that the dictates of œconomy were against the amendment; for that on many occasions the government, contemplating their full and entire direction of the militia, would avoid the raising or the increase of their

### 2262

standing forces, to the degree that the national emergencies might otherwise require; and that the dictates of safety were against it: For as he and Mr. Hamilton, I think, both observed, the surest way to force government into the necessity of maintaining armies, was by fettering their authority over the militia.

"Mr. N. Lawrence rose and observed, that decency to their constituents required that the amendment should be recommended, for that the danger apprehended in giving the full command of the militia to Congress, had been a source of much uneasiness to their constituents. Mr. Hamilton, in reply, only observed, that the most effectual way to secure amendments, was by recommending such only as were valuable, and could be advocated on sober investigation—at all events we never ought to recommend a bad one.

"This amendment was carried by all the Anti's on one side, and all the Federalists on the other.

"The next amendment was restricting Congress from laying excises and direct taxes without a previous requisition.

"Mr. Jones moved as an amendment to the first part, that no excise, except on ardent spirits, be laid by Congress—this was carried, and also the other part respecting direct taxes: The yeas and nays being called on both of them,<sup>5</sup> as well as on most of the amendments discussed.

"There was some debate on the amendment restricting Congress from laying excises.-It was demonstrated that the restriction was directly against the interest of this state, and in favor of the manufacturing states—that this state would not be a manufacturing state for a long series of years, and until we had a surplus of hands after all our waste land was occupied and cultivated-that some other states, as Pennsylvania and Connecticut, would speedily be great manufacturing states, and as they would continue to import, less as they increased in their manufactures, the importing states on whom the impost in the first instance fell, and who would be the chief consumers, would continue to increase in the weight of the public burden:-In reply to this reasoning, it was observed by Mr. Smith, that we could hereafter amend this part of the Constitution when the manufactures of this country should be so considerable as to become a productive source of revenue. But Mr. Hamilton observed, that 3-4ths of the states must concur in amendments, and the manufacturing states would not be likely after this period to consent to alterations in order to increase their own burdens—that the clause they now proposed to introduce, if adopted, would probably be fixed permanently to the direct and palpable injury of our own state. However, all this reasoning would not do-the amendments considered yesterday were all carried by the entire voice of the opposition.

"Mr. Tredwell was against those amendments too, he said, as well as the Federalists, but upon a different principle—he considered them as still containing most unwarrantable donations of power, and that the arm of Congress ought to be further tied down under the new Constitution.

"Judge Wynkoop<sup>6</sup> made some efforts yesterday to discuss the amendments and expose the futility of the arguments urged against them he spoke so low and so thick that I lost the greater part of his reasoning. The singular idea which he advanced relative to taxation was, that *direct taxes*, and not excises and imposts, &c. were the most equitable tax—that it was the most eligible one too, for it would be apportioned upon the rich and poor, according to their circumstances...."

1. This item was part of a long "*Extract of a letter from Poughkeepsie, dated July* 22." The other parts of the extract are printed under 19 July (above) and 22 July (below). The portion of the extract printed here was reprinted in the *New York Journal,* 26 July. See also note 2 (below).

2. The text in angle brackets was printed in the Newport Herald, 31 July.

3. The *Daily Advertiser* is reporting on the debate and vote on the provision in John Lansing's amendments to preclude sending militia in general out of state (19 July, above).

4. In 1779 the British Army turned its attention to the South. Prior to this, Virginia had not sent any of its militia to support the war effort in the faraway North. In the spring of 1780 the British Army won a smashing victory at Charleston, in the process of which it almost annihilated the Virginia Line of the Continental Army that took part in the defense of that town. Feeling threatened by the northward advancing British, the Virginia Assembly ordered 2,500 Virginia militiamen to South Carolina.

5. For the votes on the amendments concerning excises and direct taxes, see Convention Debates and Proceedings, 21 July (above).

6. Dirck Wynkoop (1732–1796), a resident of Kingston, represented Ulster County in the Second Provincial Congress, 1775–76, and the state Assembly, 1780–81. He was appointed first judge of Ulster County Court of Common Pleas in 1783, serving until 1793.

# The New York Convention Tuesday 22 July 1788

### **Convention Debates and Proceedings, 22 July 1788**

CONVENTION PROCEEDINGS. in Committee.—

on the clause respecting a Nobility—amended on Ham[ilton']s Motion—that no person shall accept &ct.<sup>1</sup> unanimous—agreed that the president shall not be elected a 3d. time<sup>2</sup> [Gilbert Livingston, Notes, NN]

ALEXANDER HAMILTON. objects because—there is no security in it the people are excluded from chusing perhaps Your best man— [Gilbert Livingston, Notes, NN]

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MELANCTON SMITH. would rather have him elected for 8 y[ear]s & not eligible again—Movd. for it—Jay seconded his Motn. [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. opposes—a temptation for an Avaritious Man—to plunder—& make the best of his time—has not the motive to please— [Gilbert Livingston, Notes, NN]

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MELANCTON SMITH. much may be said on both sides—as the consn. stands his appointment will amount to an appointment for life—no system can be hit on which will not have objections to it—in this case he will be oblidged to *steal* from the people what in the other case he must *wrest* by violence. [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. does not see the danger—in Connecticut it has never decended from the Father to son—safety in the mode of election<sup>3</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. thinks it puts it too much out of the object of the prest. to make Not again eligible— [Gilbert Livingston, Notes, NN]

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JOHN JAY. the amendt. does not leave him sufficiently independent— [Gilbert Livingston, Notes, NN]

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JOHN WILLIAMS. wishes to have it 8 years in 12— [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. Check in the constn. agt. Mal. ad[ministratio]n as the senate must appoint—on his Nomination—his bad system would be discovered— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. will not press—hardly knows how to chuse difficulties on every hand—a govt. as it was called opperated in this state 20 Years ago—the Legislature & Govr. playd. into each others hands—it may be so again—

as it stands—the president is under eternal temptation to do wrong—senate a check what kind of a check?—to do wrong—& to do right—as it serves their interest— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. so long as we are pursuing republican Govts. we must submit to these risks a long chain & complication of influence Necessy. to do mischief—senate—Assy. & people—electors—&ct.

in this business you have as Much security as any system can produce under *a Republican Govt.*— [Gilbert Livingston, Notes, NN]

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NATHANIEL LAWRENCE. opposes Will[iam]s Motn. thinks it liable to the Object[ion]s to the clause— [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. questn. on William's Motion—lost—questn. on Smith's Motn.—lost—

questn on the Amendt.

that no person shall be eligible as prest. a third time—carried for the amendt.

Amendt that the president—shall never command the Army or Navy in person without the consent of congress— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. wishes to adopt the amendt proposed by the Gent. from N.Y., That the executive shall never not in person take the actual command of the Army or Navy in the field without the direction previous desire of the Legislature congress<sup>4</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. agreed to—unanimously—

—shall may not have power at his discretion to grant pardon [for] treason but only repreave &ct. till the case be laid before congress<sup>5</sup>—

agreed—Unanimously— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That on the 22d day of July, another of the proposed amendments was again read, in the words following, viz. "That the Congress appoint, in such manner as they may think proper, a Council to advise the President in the appointment of officers: That the said Council shall not continue in office for a longer term than four years: That they shall keep a record of their proceedings, and sign the same, and be impeachable for mal-conduct in office: That the Counsellors shall have a reasonable allowance for their services, fixed by standing laws: And that no man shall be elected a Counsellor, who shall not have attained the age of thirty-five years, and who is not either a natural born citizen of the United States, or has become a citizen of one of them before the fourth day of July, in the year one thousand seven hundred and seventy-six."

That debates were had on the proposed amendment last read. [Convention Journal, 63]

#### •

CONVENTION PROCEEDINGS. that congress ap[p]oint, a council of Appointment impeachable &ct. [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. among other reasons agt. it—mentions the probability of having the appointments better thro' the states, as the senators represent all the states— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Hamilton the yeas and nays being taken) it passed in the negative in the manner following, viz.

### For the Negative. [46]

Mr. Jay,	Mr. Scudder,	Mr. Vandervoort,	Mr. Platt,
Mr. R. Morris,	Mr. Havens,	Mr. Bancker,	Mr. Akins,
Mr. Hobart,	Mr. J. Smith,	Mr. Ryerss,	Mr. D'Witt,
Mr. Hamilton,	Mr. President,	Mr. P. Livingston,	Mr. C. Yates,
Mr. R. Livingston,	Mr. Schoonmaker,	Mr. Hatfield,	Mr. Frey,
Mr. Roosevelt,	Mr. Clark,	Mr. Van Cortlandt,	Mr. Winn,
Mr. Duane,	Mr. J. Clinton,	Mr. Crane,	Mr. Veeder,
Mr. Harison,	Mr. Wynkoop,	Mr. Sarlls,	Mr. Staring,
Mr. Low,	Mr. Jones,	Mr. Haring,	Mr. Parker,
Mr. R. Yates,	Mr. Lawrence,	Mr. Woodhull,	Mr. Williams,
Mr. I. Thompson,	Mr. Carman,	Mr. Wood,	Mr. Bay.
Mr. Ten Eyck,	Mr. Lefferts,		
	For the Affirmat	ive. [10]	
Mr. Lansing,	Mr. M. Smith,	Mr. Harper,	Mr. Van Ness,
Mr. Tredwell,	Mr. Swartwout,	Mr. Baker,	Mr. Adgate.
Mr. Schenck,	Mr. G. Livingston,		0

[Convention Journal, 64]

CONVENTION PROCEEDINGS. for the amendt—10 against it— 46—

—All process in the Name of the People &ct<sup>6</sup>

agreed unanimously—

—No Judge of the Supm. Court shall hold any other office &ct<sup>7</sup> agreed—Unanimously

—All Officers of the United States—to take an oath to preserve not to infringe the constitutions & rights of the respective states—<sup>8</sup>

agreed unanimously- [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That the Congress shall not declare war without the concurrence of two-thirds of the Senators and Representatives present in each House." [*Convention Journal*, 64]

CONVENTION PROCEEDINGS.—Congress shall not declare [war] without the concurrence of <sup>3</sup>/<sub>3</sub>ds. present—agreed unan. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. a false principle—in Govt. that a Minority should ever govern—especially in our states— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the said proposed amendment: and that the question having been put, whether the Committee did agree to the same, (and on motion of Mr. R. Livingston the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

For the Affirmative. [32]

Mr. R. Yates,	Mr. Clark,	Mr. Wood,	Mr. Winn,
Mr. Lansing,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Veeder,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Akins,	Mr. Staring,
Mr. Ten Eyck,	Mr. Schenck,	Mr. G. Livingston,	Mr. Parker,
Mr. Scudder,	Mr. Lawrence,	Mr. D'Witt,	Mr. Baker,
Mr. Tredwell,	Mr. Carman,	Mr. Harper,	Mr. Van Ness,
Mr. President,	Mr. Haring,	Mr. C. Yates,	Mr. Bay,
Mr. Schoonmaker,	Mr. Woodhull,	Mr. Frey,	Mr. Adgate.

Mr. Jay,	Mr. Harison,	Mr. Vandervoort,	Mr. Crane,
Mr. R. Morris,	Mr. Low,	Mr. Bancker,	Mr. Sarls,
Mr. Hobart,	Mr. Havens,	Mr. Ryerss,	Mr. Platt,
Mr. Hamilton,	Mr. J. Smith,	Mr. P. Livingston,	Mr. M. Smith,
Mr. R. Livingston,	Mr. Jones,	Mr. Hatfield,	Mr. Williams,
Mr. Roosevelt,	Mr. Lefferts,	Mr. Van Cortlandt,	Mr. Hopkins.
Mr. Duane,			

For the Negative. [25]

[Convention Journal, 64–65]

CONVENTION PROCEEDINGS. On the question for the Amendment for it— 32

against it—25. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That another of the said amendments was again read, in the words following, viz.

"That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular State and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises as shall be imposed on the other inhabitants of the State in which such district may be; and that no person shall be privileged within the said district from arrest, for crimes committed or debts contracted out of the said district."

That the last mentioned amendment having been read, Mr. Hamilton moved that the same should be obliterated, and the following inserted in its stead, viz.

"That when the number of persons in the district of territory to be laid out for the seat of the government of the United States shall, according to the rule for the apportionment of representatives and direct taxes, amount to such district shall cease to be parcel of the State granting the same, and provision shall be made by Congress, for their having a distinct representation in that body." [*Convention Journal*, 65]

<b>^</b>

CONVENTION PROCEEDINGS. Ham[ilton] Moves to substitute the Amendt. proposed to this clause by the Gent from N.Y.— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. 1. reason ass[erte]d why congress should have exclusive Jurisdn. is because no 1 state should have an influence Where they sit—by the last amendt they that is the 10 Mile inhabitants are to be represented in congress—&ct. [Gilbert Livingston, Notes, NN]

# \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the clause proposed by the motion of Mr. Hamilton, to be substituted; and that the question having been put, whether the committee did agree to the same, (and on motion of Mr. Lansing the yeas and nays being taken) it passed in the negative in the manner following, viz.

Mr. R. Livingston,	Mr. Schoonmaker,	Mr. Platt,	Mr. Veeder,
Mr. R. Yates,	Mr. Clark,	Mr. M. Smith,	Mr. Staring,
Mr. Lansing,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Parker,
Mr. I. Thompson,	Mr. Wynkoop,	Mr. Akins,	Mr. Williams,
Mr. Ten Eyck,	Mr. Schenck,	Mr. G. Livingston,	Mr. Baker,
Mr. Scudder,	Mr. Lawrence,	Mr. D'Witt,	Mr. Hopkins,
Mr. Havens,	Mr. Carman,	Mr. Harper,	Mr. Van Ness,
Mr. J. Smith,	Mr. Haring,	Mr. C. Yates,	Mr. Bay,
Mr. Tredwell,	Mr. Woodhull,	Mr. Frey,	Mr. Adgate.
Mr. President,	Mr. Wood,	Mr. Winn,	
For the Affirmative. [18]			

For the Negative. [39	1	
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Mr. Jay,	Mr. Duane,	Mr. Vandervoort,	Mr. Hatfield,
Mr. R. Morris,	Mr. Harison,	Mr. Bancker,	Mr. Van Cortlandt,
Mr. Hobart,	Mr. Low,	Mr. Ryerss,	Mr. Crane,
Mr. Hamilton,	Mr. Jones,	Mr. P. Livingston,	Mr. Sarlls.
Mr. Roosevelt,	Mr. Lefferts,		

That the question having been then put on the said amendment as first proposed, it was carried in the affirmative. [*Convention Journal*, 65–66]

CONVENTION PROCEEDINGS.

on division—for substituting the last Amendt 18 against it—39

questn. on the amendt—carried— —Forts—Magazines—Dock Yards &ct. may not be Cities of refuge<sup>9</sup>—

agreed—Unanimously—

—that an Account of expenditures—shall once in every year be submitted &ct.<sup>10</sup> [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. improper in a warr, or in the case of a warr, to publish an state of accounts &ct to all the world— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. on questn.—lost—GL voted for it [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS. That another of the proposed amendments was again read, in the words following, viz.

"That the Congress shall not constitute, ordain, or establish any Tribunals or Inferior Courts with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas; and in all other cases to which the judicial power of the United States extends, and in which the Supreme Court of the United States has not original jurisdiction, the causes shall be heard, tried and determined in some one of the State Courts, with the right of appeal to the Supreme Court of the United States, or other proper Tribunal to be established for that purpose by the Congress, with such exceptions, and under such regulations as the Congress shall make." [*Convention Journal*, 66]

CONVENTION PROCEEDINGS.—Congress—shall not establish any inferior Court &ct [Gilbert Livingston, Notes, NN]

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ALEXANDER HAMILTON. this will increase appeals—but does not much oppose— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. this will seldom happen—& cannot last [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. it may opperate to the prejudice of the poor— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the clause last read, and that the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Lansing the yeas and nays being taken) it was carried in the affirmative, in the manner following, viz.

For the Affirmative. [37]

Mr. Hobart,	Mr. Clark,	Mr. M. Smith,	Mr. Veeder,
Mr. R. Livingston,	Mr. J. Clinton,	Mr. Swartwout,	Mr. Staring,
Mr. R. Yates,	Mr. Wynkoop,	Mr. Akins,	Mr. Parker,

Mr. Lansing,	Mr. Jones,	Mr. G. Livingston,	Mr. Williams,
Mr. I. Thompson,	Mr. Schenck,	Mr. D'Witt,	Mr. Baker,
Mr. Ten Eyck,	Mr. Lawrence,	Mr. Harper,	Mr. Hopkins,
Mr. Scudder,	Mr. Carman,	Mr. C. Yates,	Mr. Van Ness,
Mr. J. Smith,	Mr. Haring,	Mr. Frey,	Mr. Bay,
Mr. Tredwell,	Mr. Wood,	Mr. Winn,	Mr. Adgate.
Mr. Tredwell, Mr. Schoonmaker,	Mr. Wood,	Mr. Winn,	Mr. Adgate.

For the Negative. [16]

Mr. Jay,	Mr. Duane,	Mr. Vandervoort,	Mr. Hatfield,
Mr. R. Morris,	Mr. Harison,	Mr. Bancker,	Mr. Van Cortlandt,
Mr. Hamilton,	Mr. Low,	Mr. Ryerss,	Mr. Crane,
Mr. Roosevelt,	Mr. Lefferts,	Mr. P. Livingston,	Mr. Sarlls.
		[Convention Journal, 66]	

CONVENTION PROCEEDINGS. On the Question—for it—37 against it—16

—that persons aggrieved in Supm. Court—court of Errors constituted—by special commission<sup>11</sup>— [Gilbert Livingston, Notes, NN]

ALEXANDER HAMILTON. objects—because the Court apd. by Legislature [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. these Judges or commissioners may be under the same influence as the Legislature themselves—therefore to be avoid[e]d [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. of the same opinion [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. Wishes security under these Courts—sees great inconveniency—in having a Court totally independent—wishes some mode to remedy the evil— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. there *Must* be a Court—in the last resort why not safely placed in the Supm. Court—rather than in an advanticious Court—or in the senate— [Gilbert Livingston, Notes, NN]

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ROBERT R. LIVINGSTON. the Ionic Council—& Supm. Court in Germany—have both Original—and appellate Jurisdictn. [Gilbert Livingston, Notes, NN]

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SAMUEL JONES. this Mode now proposed has been long in Use in Engd. & is Used to this day—without complaint<sup>12</sup>— [Gilbert Livingston, Notes, NN]

ALEXANDER HAMILTON. if it goes to the causes in which the Supm Ct. have original Jurisdn. should not so strongly oppose it but if it goes to those causes which are brot before them on appeal—strenuously dissents— [Gilbert Livingston, Notes, NN]

JOHN BAY. if it is intended—only to contemplate causes in which the Supm Court have Origl. Jurisdn. it ought to go so forward— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. so altered—on the question—on the Clause as altered—agreed<sup>13</sup>—

—Habeas Corpus<sup>14</sup>—agreed—

—Power of Congress over the Militia—&t Organising &ct— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. wishes to know what objectns Gent. have to Congss. organizing the Militia— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. On the questn—for the Amendt against it—

agreed to strike out the clause withdraw the amendment, at present<sup>15</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. Moves an Amendt. that a court for trial of impeachments be constituted, [- - -]—

thinks this Amendt. will obviate many of the objections against the senate— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. On the question-agreed.-

—that the vacancies in senate be filled by the state Legislats<sup>16</sup>— agreed—

—that Laws for altering Wages of senate & Assemy shall not profit those who make the Law<sup>17</sup>—agreed—

—that Journals of Congss. shall be published on [c]e a Year<sup>18</sup>—agreed—

—Judiciary—with respect to the extention of its Jurisdiction &ct<sup>19</sup>— agreed—

Will[iam]s Moves that no cappitation tax be ever laid by congress<sup>20</sup>— agreed unanimously—

clause to divide for choosing a Citizen for one [of] the representatives &ct—Resident &ct. be a substancial freeholder &ct—

agreed [Gilbert Livingston, Notes, NN]

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JOHN LANSING, JR. wishes the clause to lay over till tomorrow. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. no objections- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. dont see the Utility in confining the choice of delegates to the particular district—is abridging the rights of election— [Gilbert Livingston, Notes, NN]

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MELANCTON SMITH. it is necessy. that a knowledge of the different parts— [Gilbert Livingston, Notes, NN]

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CONVENTION PROCEEDINGS.—Questn. that representa[ti]ves live in the district<sup>21</sup>

agreed

adjourned— [Gilbert Livingston, Notes, NN]

1. As adopted, this amendment reads: "That the words *without the consent of the Congress* in the 7th [8th] clause of the 9th section of the first article of the Constitution, be expunged." This amendment replaced this one: "That the Congress shall at no Time consent that any person holding any Office of Trust or profit in or under the United States shall accept of any Title of Nobility or any other Title or Office from any King prince or foreign State." The Constitution's clause cited in the adopted amendment reads: "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

2. The amendment reads: "That no person shall be eligible to the office of President of the United States a third time."

3. Elected annually by the freemen, Connecticut governors usually had long tenures. Between 1724 and 1784, Connecticut had only six governors, all of whom left office at advanced ages. Three died in office, two were defeated for reelection, and a third refused to run. All six governors had served first as deputy governors. No governor was succeeded by his son.

4. This amendment reads: "That the President, or person exercising his powers for the time being, shall not command an army in the field, in person, without the previous desire of the Congress." It replaced these two versions: "That the president of the United States shall never command the Army Militia or Navy of the United States in person without the Consent of the Congress" and "That the Executive shall not in person take the actual Command of an Army in the field without the previous desire of the Congress."

5. This amendment reads: "That the Executive shall not grant pardons for treason, unless with the consent of the Congress, but may, at his discretion, grant reprieves to persons convicted of treason, until their cases can be laid before the Congress."

6. This amendment reads: "That all *letters patent*, commissions, pardons, writs and process of the United States, shall run in the name of *the people of the United States*, and be tested in the name of the President of the United States, or the person exercising his powers for the time being, or the first Judge of the Court out of which the same shall issue, as the case may be."

7. This amendment reads: "That no Judge of the Supreme Court of the United States shall hold any other office under the United States or any of them."

8. This amendment reads: "That the Senators and Representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation, not to infringe or violate the Constitutions or Rights of the respective States.

9. This amendment reads: "That the right of exclusive legislation, with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the States respectively in which they may be from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States, nor to them, with respect to crimes committed without such places."

10. This amendment reads: "That an Account of the Receipts and Expenditures of public Money shall at least once in every Year be transmitted to the Executives of the several States to be laid before the Legislature thereof." Marginalia reads: "Disagreed."

11. This amendment reads: "That persons aggrieved by any judgment, sentence or decree of the Supreme Court of the United States in any cause in which that Court has original jurisdiction, *with such exceptions*, and under such regulations, as the Congress shall make concerning the same, shall upon application have a commission, to be issued by the President of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the Senate, appoint not less than seven, authorising such Commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence and decree, as the case may be, and to do justice to the parties in the premises."

12. The reference is to the use of the writ of error to bring decisions of the common law courts before the House of Lords that acted as a court of last resort.

13. The alterations appear to be the addition of the phrase "in any cause in which that Court has original Jurisdiction" and the changing of the phrase "learned Men" to "men learned in the Law." (For the amendment, see note 11, above.)

14. This amendment reads: "That the privilege of the Habeas Corpus shall not by any law, be suspended for a longer term than six months, or until twenty days after the meeting of the Congress, next following the passing of the act for such suspension."

15. This rejected amendment reads: "That the power to organize arm and discipline the Militia shall only extend so far as to prescribe the Mode of officering arming & disciplining the[m?]."

16. This amendment reads: "That the authority given to the executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures."

17. This amendment reads: "That the compensation for the Senators and Representatives be ascertained by standing laws, and that no alteration of the existing rate of compensation shall operate for the benefit of the Representatives, until after a subsequent election shall have been had."

18. This amendment reads: "That the journals of the Congress shall be published at least once a year, with the exceptions of such parts relating to treaties or military operations as in the judgment of either House shall require secrecy; and that both Houses of Congress shall always keep their doors open during their sessions, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals whenever two members in either House may require it."

19. This amendment reads: "That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of lands between individuals, or between States and individuals, under the grants of different States."

20. This amendment reads: "That no capitation tax shall ever be laid by the Congress."

21. This amendment reads: "That the Legislatures of the respective States may make provision by law, that the Electors of the Election District to be by them appointed, shall chuse a citizen of the United States, who shall have been an inhabitant of such District for the term of one year immediately preceding the time of his election for one of the Representatives of such State."

### Newspaper Report of Convention Debates, 22 July 1788

### New York Daily Advertiser, 25 July 1788 (excerpt)<sup>1</sup>

#### Extract of a letter from Poughkeepsie, dated July 22.

"... To-Day the Convention have been also upon the consideration of the amendments—most all of them were carried, and very little debate on any of them. The amendment for giving the president a council in the appointment to offices, was rejected by a great majority; only ten voted for it. Several of the opposition, and among the rest Mr. M. Smith, voted against the amendment for requiring two-thirds of Congress to concur in declaring war: However, it was carried."

1. This item was the last paragraph of a long "*Extract of a letter from Poughkeepsie, dated July* 22." Other parts of the letter are printed under 19 and 21 July (both above). This last paragraph was reprinted in the *New York Journal*, 26 July, and outside New York six times by 2 August: N.H. (1), Mass. (3), R.I. (2). Immediately below this item the *Massa-chusetts Gazette*, 29 July, informed its readers that "The gentleman who brought the paper, above mentioned ["A New-York paper of Friday last"], left New-York in the afternoon of Friday [25 July], and informs, that the Convention of that State had not then decided relative to the Constitution; but the people were momently expecting when an express would arrive with an account of its adoption—*some how or other.*"

On this question of a decision on the Constitution, the *Daily Advertiser* had printed this brief item on 24 July: "By the last night's mail we received letters from Poughkeepsie, dated on Tuesday afternoon [22 July]—one of which says, 'I think by to-morrow the House must come to something decisive—it is impossible to tell what that final decision will be: I cannot even conjecture with plausibility.'" This item was reprinted in the *Salem Mercury*, 29 July, *Norwich Packet*, 31 July, and Excter, N.H., *Freeman's Oracle*, 2 August.

# The New York Convention Wednesday 23 July 1788

### **Convention Debates and Proceedings, 23 July 1788**

CONVENTION PROCEEDINGS. met-in Comee

the informal Comee. reported<sup>1</sup>—the Comee. went into the report of the Amends by paragraphs.—

An Introduction to an adoption was read—and agreed to. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. introduces Smiths first plan—as a basis to proceed on Smiths—2d. plan being withdrawn<sup>2</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. thinks we ought to proceed on the report— & if any Gent. wishes to introduce an amendt he has a right to do it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. we have been on the proposition—of Smith [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. does not suppose this introduction was intended to exclude any thing that might be proposed— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. thinks we ought to proceed on the report— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT YATES. was one of the informal comee. after going thro' the amends. drafted a plan of Ratification—not with an intention to alter the Mode of proceedings before the committee [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. inquire[s] what was the business of the Informal committee—the adoption or form of it, was not committed to them—therefore must not be bound by it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. Movd. to take up Smiths 1st Motn as the Basis— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

RICHARD MORRIS. if the report must be recd. & entered on the Minutes—the whole must be gone thro— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. the report of an informal committee never comes on the minutes— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. questn. wheather the sd. 1st. Mo[tio]n of Smith be taken up—agreed— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. That on the 23d day of July, in the form of the Ratification proposed, a paragraph thereof was again read, in the words following, viz.

"And with a firm reliance, and on the express condition, that the rights aforesaid will not, and shall not be lost, abridged or violated, and that the said Constitution shall in the cases above particularised, receive the constructions herein before expressed, with a solemn appeal to the Searcher of Hearts for the purity of our intentions, and in the confidence that such imperfections as may exist in the Constitution will as soon as possible be submitted to the consideration of a general Convention."<sup>3</sup>

That Mr. M. Smith then moved that the paragraph last read, should be expunged, and that the following paragraph should be substituted, viz.

"Under these impressions, and in confidence that the declaration of rights, and explanations aforesaid, are consistent with the Constitution, and therefore cannot be abridged or violated: And with the further confidence, that the amendments which shall have been proposed to the said Constitution, will receive an early and mature consideration, and that such of them as may in any degree tend to the real security and permanent advantage of the people, will be adopted."<sup>4</sup>

That the question having been put, whether the Committee did agree to the clause proposed to be substituted, (and on motion of Mr. Adgate the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

For the Affirmative. [40]

Mr. Jay,	Mr. Lansing,	Mr. Lawrence,	Mr. Sarlls,
Mr. R. Morris,	Mr. Ten Eyck,	Mr. Carman,	Mr. Haring,

2278

Mr. Hobart, Mr. Hamilton, Mr. R. Livingston, Mr. Roosevelt,	Mr. Scudder, Mr. Havens, Mr. J. Smith, Mr. <i>President</i> ,	Mr. Lefferts, Mr. Vandervoort, Mr. Bancker, Mr. Ryerss,	Mr. Woodhull, Mr. Wisner, Mr. Platt, Mr. M. Smith,	
Mr. Duane,	Mr. Cantine,	Mr. P. Livingston,	Mr. Swartwout,	
Mr. Harison,	Mr. Clark,	Mr. Hatfield,	Mr. G. Livingston,	
Mr. Low,	Mr. Jones,	Mr. Van Cortlandt,	Mr. D'Witt,	
Mr. R. Yates,	Mr. Schenck,	Mr. Crane,	Mr. Williams.	
For the Negative. [19]				
Mr. I. Thompson,	Mr. Wood,	Mr. Winn,	Mr. Hopkins,	
Mr. Tredwell,	Mr. Akins,	Mr. Veeder,	Mr. Van Ness,	
Mr. Schoonmaker,	Mr. Harper,	Mr. Staring,	Mr. Bay,	
Mr. J. Clinton,	Mr. C. Yates,	Mr. Parker,	Mr. Adgate.	
Mr. Wynkoop,	Mr. Frey,	Mr. Baker,	-	
-				

[Convention Journal, 67]

CONVENTION PROCEEDINGS. Smith, Movd. an amendt. to the introduction-

question put—for the motion—40

against it—19 [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. That another part of the proposed Ratification was again read, in the words following, viz.

"We the said Delegates, in the name and in the behalf of the People of the State of New-York, do by these presents assent to and ratify the said Constitution: UPON CONDITION NEVERTHELESS, That until a Convention shall be called and convened for proposing amendments to the said Constitution." [Convention Journal, 68]<sup>5</sup>

CONVENTION PROCEEDINGS. a debate wheather the conditions in the first Plan be seperated from the questn.- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT YATES. wishes to have the questn. on the condition first taken- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. Moves to have the words-"that the people of the state are bound by it"- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. there may be persons who now would vote for this questn. hereafter may vote against the constitution unless under such restrictions as he chuses- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That Mr. Jones then moved that the words *upon condition* should be obliterated, and the words *in full confidence* should be substituted in their stead. [*Convention Journal*, 68]

CONVENTION PROCEEDINGS. Jones Moves that *upon Condition* be struck out & *in full confidence* inserted— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. gave Reasons—why he will vote for the amendment<sup>6</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. does not rise to give a sentiment on this questn because gent. will may connect his character as Govr. & representative<sup>7</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. dont understand the reasoning—some say congress can accept us if the[y] will—if it depends on their will—& they will not—would not chuse to submit to their will— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. rises to explain—is convinced that congress cann[ot] [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. Justifies what he said [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ZEPHANIAH PLATT. it has become fashionable for Gent to give reasons for his actions—has made up his Mind & shall pursue what he thinks will ultimately tend to the happiness of the people in this case shall vote for amendment— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the said motion, and that the question having been put, whether the committee did agree to the same, (and on motion of Mr. R. Yates the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

Mr. Jay, Mr. R. Morris, Mr. Hobart, Mr. Hamilton, Mr. R. Livingston, Mr. Roosevelt, Mr. Duane, Mr. Harison,	Mr. Low, Mr. Scudder, Mr. Havens, Mr. J. Smith, Mr. Jones, Mr. Schenck, Mr. Lawrence, Mr. Carman,	Mr. Lefferts, Mr. Vandervoort, Mr. Bancker, Mr. Ryerss, Mr. L. Morris, Mr. P. Livingston, Mr. Hatfield, Mr. Van Cortlandt,	Mr. Crane, Mr. Sarlls, Mr. Platt, Mr. M. Smith, Mr. G. Livingston, Mr. D'Witt, Mr. Williams.	
For the Negative.[29]				
Mr. R. Yates, Mr. Lansing, Mr. I. Thom[p]son, Mr. Ten Eyck, Mr. Tredwell, Mr. <i>President</i> , Mr. Cantine,	Mr. Clark, Mr. J. Clinton, Mr. Wynkoop, Mr. Haring, Mr. Woodhull, Mr. Wisner, Mr. Wood,	Mr. Swartwout, Mr. Akins, Mr. Harper, Mr. C. Yates, Mr. Frey, Mr. Winn, Mr. Veeder,	Mr. Staring, Mr. Parker, Mr. Baker, Mr. Hopkins, Mr. Van Ness, Mr. Bay, Mr. Adgate.	

### For the Affirmative. [31]

Mr. Schoonmaker,

[Convention Journal, 68]<sup>8</sup>

CONVENTION PROCEEDINGS. On the question for the amendment—for it—31—

against it-29-

Adjourned—till tomorrow [Gilbert Livingston, Notes, NN]

1. This committee—appointed at the end of the day on 19 July—consisted of Federalists Richard Harison and James Duane and Antifederalists Robert Yates and Melancton Smith. (See Convention Debates, 19 July, at note 15, above.)

2. For Melancton Smith's two propositions, see Convention Debates and Proceedings, 17 July, at note 18, and at note 22 (above).

3. This text appears at the beginning of the last paragraph of Smith's first proposition. (See note 2, above, for this proposition.) In the roll-call votes found in the McKesson Papers (NHi), this text was described as "Mr. Lansings preamble." The text from the *Convention Journal* that appears here and at other places below under this date is not found in the *Journal* under the date of 23 July, but under the entry for 25 July, as part of the report of the committee of the whole that traced the Convention's proceedings respecting the mode in which the Constitution was to be ratified. (For a description of what is in the committee of the whole report, see Convention Debates, 25 July, RCS:N.Y., 2309–10.)

4. On 25 July this paragraph was reconsidered and amended on the motion of Antifederalist Thomas Tredwell. See below for this amended version.

5. See note 3 above.

6. For an account of Smith's speech, see *Independent Journal*, 28 July (Supplement Extraordinary), RCS:N.Y., 2283.

7. The *Independent Journal*, 28 July (Supplement Extraordinary), printed a brief account of Clinton's speech as well as preceding comments by Gilbert Livingston and Zephaniah Platt (RCS:N.Y., 2283).

#### 2282

8. This important roll-call vote was first printed in the *Daily Advertiser*, 28 July, and *Independent Journal*, 28 July (Supplement Extraordinary) and was reprinted in the *New York Packet* and *New York Museum*, 29 July; *New York Journal*, 31 July; *Hudson Weekly Gazette*, 5 August; and *Country Journal*, 23 September (as an extract from the *Convention Journal*). Outside New York, it was reprinted eleven times by 13 August: N.H. (1), Mass. (1), R.I. (1), Conn. (2), Pa. (3), Md. (1), Va. (2). This roll-call vote was one of only two printed by Francis Childs in his *Debates* (the other being the vote to ratify the Constitution on 26 July. There were twenty-three roll-calls recorded in the *Convention Journal*.). The roll-call vote also appeared in a letter written by Cornelius C. Schoonmaker on 23 July (RCS:N.Y., 2286–87).

### Newspaper Reports of Convention Debates, 23 July 1788

### New York Independent Journal, 26 July 1788<sup>1</sup>

We have the Pleasure of laying before our Readers the following Extract of a Letter from one of the Delegates from the City and County of New-York, in the Convention at Poughkeepsie, to a Gentleman in this City, dated July 23, 1788.

"I have not hitherto written to you, because my mind has been too much agitated, and I had nothing to communicate which I thought could give you pleasure.—The case is now altered, and affairs have taken a complexion of the most pleasing nature. A motion was this morning carried in the committee for striking out the conditional part of the proposed Ratification, and merely inserting our confidence in the forbearance of Congress to exert certain powers until the proposed amendments should receive a consideration.—The motion was carried by 31 against 29.—The whole Southern District (except Mr. Tredwell) four of the Dutchess County members, and Mr. Williams from Washington voted in the affirmative. The Governor, Judge Yates and Mr. Lansing were in the Minority. I now begin to flatter myself that all will go well, at least that we shall obtain the substance of what we are aiming at."

1. On 26 July the *New York Journal* and the *Impartial Gazetteer* printed the same extract breaking it into two paragraphs with this preface: "Last evening the following very interesting intelligence was received from Poughkeepsie, in a letter from a respectable member of the honorable Convention, dated at Poughkeepsie, July 23." The *Independent Journal's* version was reprinted in the Annapolis *Maryland Gazette*, 7 August. On 26 July Francis Childs's *Daily Advertiser* printed this brief statement: "From Poughkeepsie we learn, that on a motion made in the Convention whether any conditional amendments should be annexed to the ratification of the Constitution, it was determined in the negative by a majority of two. Ayes 29, Noes 31." This statement was reprinted in the *Connecticut Journal* and *Pennsylvania Journal*, 30 July, and the *Connecticut Gazette*, 1 August.

### New York Independent Journal, 28 July 1788 (Supplement Extraordinary) (excerpt)<sup>1</sup>

Copy of a Letter from Poughkeepsie, dated Friday, July 25, 1788.

"On Wednesday the Convention finished the consideration of the amendments, and took up the proposition of adopting the Constitution

with three conditions annexed. Mr. Jones<sup>2</sup> moved to insert the words 'in full confidence,' instead of the words 'upon condition.' Then Melancton Smith arose, and declared his determination to vote against a condition. He urged that however it might otherwise be presumed, he was consistent in his principles and conduct. He was as thoroughly convinced then as he ever had been, that the Constitution was radically defective, amendments to it had always been the object of his pursuit, and until Virginia came in, he had reason to believe they might have been obtained previous to the operation of the Government. He was now satisfied they could not, and it was equally the dictate of reason and of duty to quit his first ground, and advance so far as that they might be received into the Union. He should hereafter pursue his important and favourite object of amendments with equal zeal as before, but in a practicable way which was only in the mode prescribed by the Constitution. On the first suggestion of the plan then under consideration, he thought it might have answered the purpose; but from the reasonings of gentlemen in opposition to it, and whose opinions alone would deservedly have vast weight in the national councils as well as from the sentiments of persons abroad, he was now persuaded the proposition would not be received, however doubtful it might appear, considered merely as an abstract and speculative question. The thing must now be abandoned as fallacious, for if persisted in, it would certainly prove in the event, only a dreadful deception to those who were serious for joining the Union. He then placed in a striking and affecting light, the situation of this State in case we should not be received by Congress, convulsions in the northern part, factions and discord in the rest. The strength of his own party who were seriously anxious for amending the Government would be dissipated, their Union lost, their object probably defeated, and they would, to use the simple figurative language of Scripture, be dispersed like sheep on a mountain.<sup>3</sup> He therefore concluded that it was no more than a proper discharge of his public duty as well as the most advisable way of obtaining the great end of his opposition to vote against any proposition which would not be received as a ratification of the Constitution.

"He was followed by G. Livingston, who spoke something to the same effect. Judge Platt rose, and only observed, that what he should do would be the dictate of his conscience, and that he should always obey firmly the determination of his judgment.

"In reply to this the President<sup>4</sup> observed, that whatever his opinion might be, he stood there as a representative of the County of Ulster; that he should therefore pursue what he believed to be the sense of that County, and vote for the conditional adoption. "The question was then taken, and carried by a majority of two, against a conditional adoption. There were 60 members present, besides the Chairman.

"I will give you the yeas and nays, though I believe not in the order in which they are entered on the journal.

For Jones's amendment, for striking out the condition to the adoption.

	1
9 Members from	New-York.
2	Kings-County.
2 6	Richmond
6	West-Chester
4	Queens
Havens J. Smith Scudder	Suffolk
Platt M. Smith G. Livingston De Witt	Dutchess
Williams	Washington.
Total 31. Against Mr. Jones's A	Amendment, &c.
6 Members from	Ulster-County.
4	Orange
3	Cumberland [i.e., Columbia]
6	Montgomery
Swartwout Akin	Dutchess
R. Yates J. Lansing, jun. Ten Eyck Thompson	Albany
Hopkins Parker Baker	West-Chester [i.e., Washington]
Tredwell	Suffolk

Total 29.

"I have been rather particular in stating the business of Wednesday to you, because I think it is of a decisive nature; and I was so well pleased with Smith's speech, that I have given you the substance of it with fidelity, and nearly as I could in his own language..."

1. On Monday, 28 July, John and Archibald M'Lean, the printers of the *Independent Journal*—a newspaper published on Wednesdays and Saturdays—published a folio-sized broadside as a "Supplement Extraordinary to the Independent Journal" (Evans 21172). This broadside consisted of a description of the celebration in New York City when the news of the Convention's adoption of the committee of the whole's report arrived in the city and a copy of a lengthy letter from Poughkeepsie, dated Friday, 25 July, covering the Convention proceedings for 23, 24, and 25 July. The proceedings for 23 July are printed here, while those for 24 and 25 July appear under those dates. The description of the celebration is printed in Part VI with other celebrations of New York ratification. Two other letters in the broadside supplement are printed under 25 July.

The copy of the 25 July letter was also printed in the *Daily Advertiser* on 28 July, although the *Advertiser* did not print the description of the celebration. The excerpt on the proceedings for 23 July was reprinted from either the M'Lean broadside or the *Daily Advertiser*, 28 July, in the *New York Packet* and *New York Museum*, 29 July, *New York Journal*, 31 July, and *Hudson Weekly Gazette*, 5 August, and outside New York, in whole or in part, in twenty newspapers by 14 August: N.H. (1), Mass. (4), R.I. (2), Conn. (5), Pa. (4), Md. (1), Va. (2), S.C. (1).

2. After Jones's name, the Providence United States Chronicle, 7 August, inserted an asterisk in its reprint directing the reader to a footnote that stated "Mr. Melancton Smith, Mr. Jones and Mr. G. Livingston were 3 of the 6 leaders of the opposition—Governor Clinton, Mr. Lansing and Mr. Yates were the other 3."

3. Jeremiah 50:6. "My people hath been lost sheep: their shepherds have caused them to go astray, they have turned them away on the mountains: they have gone from mountain to hill, they have forgotten their restingplace." Ezekiel 34:6. "My sheep wandered through all the mountains, and upon every high hill: yea, my flock was scattered upon all the face of the earth, and none did search or seek after them."

4. George Clinton.

#### Private Commentaries on the Convention, 23 July 1788

### Abraham B. Bancker to Peter Van Gaasbeek Poughkeepsie, 23 July 1788<sup>1</sup>

Judge Wynkoop handed me yours of Sonday Eveng. the morning following, but no Conveyance has offered till Mr. Roe's arrival this morning, neither has any thing material turned up since my last—

An informal Committee of four Members of the Convention were yesterday appointed in order to fix the Amendments in their proper Order—

This Morning the plan upon which to Adopt the Constitution was taken up and debated, the one offered stood *upon condition* when an Amendment was offered by Mr. Jones to expunge those words, and to substitute *in full confidence*: upon the Question the yeas and nays were called for, when I found a Majority of two in favour of the last proposition 31 for and 29 against—thus contrary to my expectations Conditions appear to be laid aside and I expect will in some respect decide the final Question, that yet remains to a future day—Mr. Roe is getting ready to go and I must write to my Sweet heart—With sincere regard I am—Your friend & Humble Servt.—

1. RC, Van Gaasbeck Papers, NKiSH.

## John Jay to George Washington Poughkeepsie, 23 July 1788<sup>1</sup>

I wrote to you a few Days ago and inclosed a copy of certain Propositions, or mode of adoption<sup>2</sup>—great objections to it being urged it was withdrawn for the *present*—The Convention proceeded to Day in debating on the Plan of conditional amendment. some of the Anti Party moved for striking out the words *on Condition* and substituting the words *in full confidence*—it was carried 31 to 29 in the Committee—so that if nothing new should occur this State will adopt unconditionally—the Party however mean to rally their forces and endeavour to regain that Ground—It was but this Instant that I heard of a Person going to Town—He waits—

1. RC, Washington Papers, DLC.

2. See Jay to Washington, 18 July (RCS:N.Y., 2227-28).

## Cornelius C. Schoonmaker to Peter Van Gaasbeek Poughkeepsie, 23 July 1788<sup>1</sup>

Your favors of the 19th. & 21st. Instant<sup>2</sup> are safe come to Hand have no time to write any thing in answer thereto shall defer to another opportunity—The Convention have just now adjourned, and can inform you that this day there was a Motion made by Mr. Jones to Strike out the words [on] *Condition* in the proposition submitted to the Convention by us (the principles of which I informed you of in my last)<sup>3</sup>—and to insert instead thereof the words [in] *full Confidence*—from this you'll perceive that the changing of these Words in the Restrictive part of our proposed adoption will essentially alter the force of the Restriction—The Convention have in the Committee of the whole gone through all the Amendments proposed and arranged them—the Adoption of the Constitution will be preceded by a bill of Rights and some Explanations of parts of the Constitution—shall give you an account of the Closing of the Business—which will be about the last of this Week—

[P.S.] the inclosed is the division on the above Question

### [Enclosure]

Mr. Jones mov'd that the word *Condition* in the Restrictive part of the Operation of Genl Govt. be Struck out & the Words [in] full Confidence Substituted in its Stead-

#### Lefferts Jay **R.** Morris Vander Voort Hobart Banker Hamilton **Ryerss R** Livingston L. Morris Ro[o]sevelt P. Livingston Duane Hatfield Harrison V. Cortlandt Low Crane Scudder Sarls Havens Plat M. Smith J. Smith Jones G. Livingston Schenk Dewit Laurence Williams 31. Carman Negative **R** Yates Swartwout Lansing Akins I. Thompson Harper Tenyk [i.e., Ten Eyck] C Yates Tredwel Fry President Winn Cantine Veeder Schoonmaker Staring Clark Parker **J** Clinton Baker Wynkoop Hopkins Harring Vaness Woodhul Bay Wisner Adgate 29 Wood

1. RC, Roosevelt Collection, NHyF.

2. Not found.

3. See Schoonmaker to Van Gaasbeek, 18 July (RCS:N.Y., 2228-30).

#### Affirmative

# The New York Convention Thursday 24 July 1788

### **Convention Debates and Proceedings, 24 July 1788**

CONVENTION PROCEEDINGS. That on the 24th day of July, another of the amendments proposed, was again read, in the words following, viz.

"In full confidence nevertheless, That until a Convention shall be called and convened, for proposing amendments to the said Constitution—the Militia of this State will not be continued in service out of this State for a longer term than six weeks, without the consent of the Legislature thereof."

That debates were had on the said amendment: and that the question having been put, whether the Committee did agree to the same, (and on motion of Mr. Lansing the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

Mr. Jay,	Mr. Low,	Mr. Lefferts,	Mr. Platt,	
Mr. R. Morris,	Mr. Lansing,	Mr. Vandervoort,	Mr. M. Smith,	
Mr. Hobart,	Mr. Ten Eyck,	Mr. Bancker,	Mr. Akins,	
Mr. Hamilton,	Mr. Scudder,	Mr. Ryerss,	Mr. G. Livingston,	
Mr. R. Livingston,	Mr. J. Smith,	Mr. P. Livingston,	Mr. D'Witt,	
Mr. Roosevelt,	Mr. Schenck,	Mr. Van Cortlandt,	Mr. Harper,	
Mr. Duane,	Mr. Lawrence,	Mr. Crane,	Mr. Williams,	
Mr. Harison,	Mr. Carman,	Mr. Sarlls,	Mr. Hopkins.	
For the Negative. [22]				
Mr. R. Yates,	Mr. Wynkoop,	Mr. C. Yates,	Mr. Parker,	
Mr. I. Thompson,	Mr. Haring,	Mr. Frey,	Mr. Baker,	
Mr. Tredwell,	Mr. Woodhull,	Mr. Winn,	Mr. Van Ness,	
Mr. President,	Mr. Wisner,	Mr. Veeder,	Mr. Bay,	
Mr. Clark,	Mr. Wood,	Mr. Staring,	Mr. Adgate.	
Mr. J. Clinton,	Mr. Swartwout,	-		
		[Convention Jo	$urnal, 68-69]^1$	

### For the Affirmative. [32]

CONVENTION PROCEEDINGS. met—in Committee—

the paragraph last under consideration—that is the ratification as amended—

also the Amendt. respecting the Militia-

Platt-Moves the insertion

for the Clause & Amendt-32-

against-22- [Gilbert Livingston, Notes, NN]

**\_\_\_** 

CONVENTION PROCEEDINGS. That the three next following amendments having been severally again read, and that the question having been put, whether the Committee did agree to the same, they were respectively unanimously agreed to, and are in the words following, viz.

"That the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the premises...." [Convention Journal, 69]

Convention Proceedings. the amendment respecting elections read—

agreed unanimously- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. Most ardently wishes & hopes the business might be so carried thro'—it is no more a paper—but it is a government—let us be Unanimous in pursuing the Object—to get a convention—to reconsider the constitution thinks gent. are at liberty to consider the circumstances that we are in—

he himself wishes *some* amendments as well as others—wishes we may go hand in hand—to obtain them— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. "... That no excise will be imposed on any article of the growth, production or manufacture of the United States or any of them, within this State, ardent spirits excepted...." [*Convention Journal*, 69]

CONVENTION PROCEEDINGS. The Amendment respecting excise read-

agreed—unanimously— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. "... And that Congress will not lay direct Taxes within this State, but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then until Congress shall first have made a requisition upon this State to assess, levy and pay the amount of such requisition, made agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best; but that in such case, if the State shall neglect or refuse to pay its proportion pursuant to such requisition, then the Congress may assess and levy this State's proportion, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid." [*Convention Journal*, 69–70]

CONVENTION PROCEEDINGS. —Requisition clause—read—agreed unanimy. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. a gent. from Dutchess promised to bring forward a Motion for an adoption—with right to withdraw in \_\_\_\_\_ years if the Amends. are not submitted to a convention in the mode prescribed &t—as he has not done it—Lansing Moves it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That Mr. Lansing then made a motion for an amendment, in the words following, viz.

"Reserving to this State a right to recede and withdraw itself, as one of the members of the said government at any time after the expiration of years, unless the said amendments shall before that time have been submitted to a Convention in the mode prescribed in the fifth article of the said Constitution."<sup>2</sup> [Convention Journal, 70]

\* \* \* \* \* \* \*

JOHN JAY. feels great regret in this case was in hopes to have gone in unity—

this is giving with one hand and taking back with the other—two clauses contradictory one comes in—the other provides to come out will we at 4 Years end<sup>3</sup>—be easier to be out than now—can we get this condn. without the Co-opperation of our sister states they as important as we—as jealous as we—is their not if we join 6 [of] the most important states are for a convention<sup>4</sup>—nothing can possibly prevent a convention—it displays distrust—& *is a condition* a reservation—will not the 10 states say we have come in without reservation—Why should N.Y.—it will remove congress—consequences among ourselves—one side will be pleased—because they have carried all their amendments—the other because we have adopted such measures as will bring us into the union—

all pleased because we have the highest possible prospect of a convention for Amendments—we are now one people all pledged for amends—

we on opposite sides—have formerly agreed Many I see here have formerly been with me in forming another constitution [Gilbert Livingston, Notes, NN]

JOHN LANSING, JR. this Morning voted, on a presumpn. that this Motn. would be carried wishes peace &t. but does not expect it, till the convention does set—if there is so strong an Interest to bring about a Convnn. our reservation will not affect our union All we stipulate is a reconsideration present Congress—cannot anticipate—if doubtful congress will remove—thinks they have no business with it—but if they should their removal—is not of so much importance as our Liberties— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. Was in hopes this Morning of Unanimity when this Motion was first mentioned that more favourably of it than the other one—but since thinks otherwise—has taken advice with men of character—they think it will not do proposed to read a Letter reads it<sup>5</sup>—supposes this adoption—conditional—and would viciate the business &t—

himself wrote favourably for it-

the terms of the constitution import a perpetual compact between the different states this certainly is not—

treaties—and engagements with foreign Nations—are perpetual this cannot be under this adoption—the oath to be taken—stands in the way—

states & men are averse to inequality-they fully bound-& we partially-

should we risk so much—on so little—Motives of expediency too much relied on—

if they do not accept us—will they not sooner have a New conven[tio]n than accept us so—is it worth the Jeopardy by which it must be obtained—is it not of importance that we Join—unanimously to procure a conven[tio]n? the obsern of Lansg does not meet the objetn—as they will contemplate wheather this is a ratificn. if they have any doubt, they will apt. Congss. to meet on certain federal Ground— Interest of some states against us—if they are driven away by us—the people will be dissatisfied &t.

We have done every thing which possibly can insure our wish—this we shall loose by a second state convention—we shall not be represented in Congress—& this for no real end—

Moves to have the question postponed & that a circular letter be wrote— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

THOMAS TREDWELL. we will remove the arguments of the Gent. perpetual means—as long as from the time the confederation was formed till next feby.<sup>6</sup> the other—federal Ground—this is not to be found in America unless Rhode Isld. unless you go to Switzerland &t [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

JOHN JAY. wishes Gent. would seriously consider—not out humor yet distressed—high hopes before—now distressed—by this thread to be divided—they will go with Gent. on this principle, that the consn. is adopted had on[c]e higher hopes of it than he now has it was tried in Virginia<sup>7</sup>—believe in his conscience it would keep us out of the union—we cannot remain out of the Union—unpleasant—to have another convention do the work we are here come to do—wishes to postpone till tomorrow [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

ALEXANDER HAMILTON. withdraws his Motion—to let the question come on— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE. wishes not to postpone—gent. think Much of Unanimity—but this only means that we should totally adopt—they ought to think of the parts of the state, that are opposed to the Consn. they ought to give up something too— [Gilbert Livingston, Notes, NN]

### \* \* \* \* \* \* \*

JOHN JAY. Gent right—but what ought we to do should We keep out of the Union?—no he does not wish this—we think this would do it we come in with them in every thing but a rejection—& that they themselves do not want— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE. this business has been effected by degrees this has heretofore been conceived to have been a Mode that would bring us in Gent. now say we cannot—but if we *May* does not doubt we *shall*—

they must violate the old Confedn [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. Adg[at]e intimates that they have come down to our Ideas—this is not so—yet we are willing to go as far as we can and be received—the Gent will see that we have made an effort to try to come to this—have taken advice—Who are of the same opinion which we now hold—

has had a great inclination to meet the house on this ground—but is now fully of opinion it will not do— [Gilbert Livingston, Notes, NN]

2292

#### \* \* \* \* \* \* \*

JOHN LANSING, JR. the Latter states the matter as an impression of the Moment—or as an opinion [Gilbert Livingston, Notes, NN]

### \* \* \* \* \* \* \*

DIRCK WYNKOOP. Many arguments have been thrown out—that we should forget from whence we came—<sup>3</sup>/<sub>3</sub> were agt an uncondl Adopn have been coold down—now we wish an Adoptn. and a convnn to amend—the people different opinions about it like it others dislike—for whom are we to act, for ourselves or constituents—they will not be satisfied—what can we say—do we not shew that we are not selfish—they are to help to reconsider—we do not want to remain disunited Who are Congress—they are from the different states—the greater part from states who are discontented—but here we are brought down from one point to another till we are brought to an unconditional adoption—

cannot see why gent. are so urgent for—we were not sent here to consider any thing respecting the removal of congress—we are not to sacrifice the liberty of the people—dont think the people of the united states so haughty, as to refuse us—does not wish confusion—how can we answer to give up the liberty of the people— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

THOMAS TREDWELL. Would observe on the Bill of rights—which if it was properly secured—would alter his opinion on the present question— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. On the question on Mr Lansings Motion —for it—

-against it- [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

RICHARD MORRIS. the question is wheather it will bring us in the Union or not—treaties must be perpetual for those purposes we are not in the Union— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE. Would Answer that Gent. with respect to the treaties now in force—13 states made them—now possibly only 11—when that Union is broke—what is to become of the treatie with Great Brittn. and the fortresses they hold on our frontier<sup>8</sup>— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. the Gents Argument fails unless it seems to shew that we ought to come in—

—What is the object of the Motion—to procure a convention? will it be possible for us to receed at the end of the term? no—then What effects will it have—

will not the people outdoors say you had better stay out—than pretend to do a thing which is impossible for us to do—no good effects can possibly flow—we are not satisfied with it—& why will our constituents be—

if he could believe the liberties of the Country were in danger—he would not advocate it—Moves the Committee to rise— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. When he brought this Mo[tio]n forward he did not think this proposition as good as the first—yet if the constn. is not reconsidered—we can resist without being rebels—it will give some security—has never declared—that he thot, that this would be distructive of liberty [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ALEXANDER HAMILTON. Adgate—has mentioned an important Idea—What will be the effect of the treatie with great Brittn—if they all unite it will stand if we do not—those who do not come in will perhaps be excluded—this a very important concern—

Acquiescence of a time is a waver of a right—When the Liberties of the country are in danger—shall not wait for lone constructions— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. merely me[a]nt to state that it would become their interest as well as ours— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ROBERT R. LIVINGSTON. why will this Measure induce a convention More than the other—Your Circular Letter will do it does not wish to have a right to take up arms when ever this Govt becomes unfriendly to liberty every state has a *right* to draw the sword—let Gent. Ask them selves—Wheather it is worthy of them— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MATTHEW ADGATE. in regard to the treatie with G.B. it would not opperate with a part—if there was a sepperation—the framers of the Constn. have been very negligent of a part—as 9 states may here unite<sup>9</sup>— [Gilbert Livingston, Notes, NN]

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2294

ALEXANDER HAMILTON. the Convn. knew that every state would have an opportunity to agree—or not agree—with respect to the treatie it is too late now as 10 states have adopted it— [Gilbert Livingston, Notes, NN]

JOHN JAY. wishes something may take place to bring us together some express reservation of state rights—which would satisfie us all— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. the only thing which would make him solicitous, is that many Gent. heretofore voted—under an impression that this questn. would be put— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. thinks the constn. formed to enslave— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

NATHANIEL LAWRENCE. wishes the committee to rise— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. wishes to have the question— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. has no particular plan—wishes to do any thing possible would wish to meet some Gent. Who wanted to have the Bill of rights better guarded—Men—ought not to be influenced by a threat—if they act properly—they will not— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. if the Gent. can convince him that there is *threat* in it, he will give it up—

if we rejected the constitun. our sister states could not find fault with us—here we go farther, we adopt—& only ask a reconsideratn does not rise to [Gilbert Livingston, Notes, NN]

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JOHN JAY. takes the Gent. on his own ground—let us ask them—but not put it in before we ask them [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. no threat for the reasons before ment[ione]d there is a difference whether we adopt or ask a Reconsideration— [Gilbert Livingston, Notes, NN] \* \* \* \* \* \* \*

JOHN JAY. 5 other states want amends as well as we<sup>10</sup>—they will trust us—but we will not trust them—this looks like a threat—

this qustn. reduces it to this point—*will*—*ought* they to receive us, on terms which none of the other states have thought of, & is it right in us to ask it—dont they love liberty &ct as well as we— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. rises to shew he does not wish to press the question— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. the questn.—is not wheather congress *will* not—it is his opinion congress *cannot* the terms proposed—alters the thing therefore they cannot—thinks they would incline to do it—if it was in their power if we agree to this proposition we go away and leave the constn. unratified— [Gilbert Livingston, Notes, NN]

#### \* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates were had on the amendment proposed by the said motion—and that the farther consideration thereof was postponed until the morrow. [*Convention Journal*, 70]

CONVENTION PROCEEDINGS. committee rose—adjd. till tomorrow [Gilbert Livingston, Notes, NN]

1. The journal entries for this day are found in the *Convention Journal* not under 24 July but under the entry for 25 July, as part of the report of the committee of the whole that traced the Convention's proceedings respecting the mode in which the Constitution was to be ratified. (For a description of what is in the committee of the whole report, see Convention Debates, 25 July, RCS:N.Y., 2309–10.) The proceedings for 24 July were also printed in the *Country Journal* on 23 September.

2. The idea of receding and withdrawing from the Union was not a new one. Melancton Smith's second proposition, made on 17 July, stated that the Convention agreed to ratify the Constitution "in the firmest confidence that an opportunity will be speedily given to revise and amend the said Constitution, in the mode pointed out in the fifth article thereof; expressly reserving nevertheless to this state a right to recede and withdraw from the said Constitution, in case such opportunity be not given within — years." For Smith's second proposition, see Convention Proceedings and Debates, 17 July, at note 22 (above). Almost three weeks earlier, Smith had floated the idea of voiding New York's ratification in a letter he wrote to Nathan Dane. (See Smith to Dane, 28 June, RCS:N.Y, 2015.)

3. Smith's second proposition did not stipulate the number of years. (See note 2, above.)

4. If New York ratified with recommended amendments, that would have been five state conventions that called for amendments—Massachusetts, South Carolina, New Hampshire, and Virginia. Antifederalists in the conventions of Pennsylvania and Maryland

2296

had proposed amendments that had been rejected by their Federalist majorities. Perhaps Jay felt that Pennsylvania or Maryland would have joined the movement for a second general convention. Or perhaps Rhode Island, which had overwhelmingly rejected the Constitution in a referendum, was Jay's sixth state.

5. The letter in question was one that James Madison, a Virginia delegate to Congress in New York City, wrote to Hamilton on 20 July, in reply to Hamilton's letter of 19 July. Hamilton informed Madison that the Federalists would try to move Antifederalists "to an unqualified ratification." "You will understand," declared Hamilton, "that the only qualification will be *the reservation* of a right to recede in case our amendments have not been decided upon in one of the modes pointed out in the Constitution within a certain number of years—perhaps five or seven." Hamilton wanted to know if Congress would accept such a qualified ratification. Madison explained why Congress would not receive New York into the Union on such terms, and in a postscript declared "This idea of reserving [a] right to withdraw was started at Richmd. & considered as a conditional ratification which was itself considered as worse than a rejection." For both letters, see Part VI, below.

6. Tredwell apparently refers to the fact that America's first constitution was entitled "Articles of Confederation and perpetual Union between the States of . . . ." The Articles were ratified on 1 March 1781 and would cease to have effect when the new government under the Constitution would be put into operation in February 1789, meaning that the "perpetual Union" would have lasted slightly less than eight years. February 1789 as the time for "commencing proceedings under the Constitution into operation. This committee had been established after the requisite nine states had ratified the Constitution (DHFFE, I, 32–33). Former Antifederalist Samuel Osgood, a member of the Confederation Board of Treasury, had written Melancton Smith and Samuel Jones on 11 July providing them with this information (RCS:N.Y., 1308–10).

7. Probably a reference to the fact that opponents of the Constitution in the Virginia Convention had wanted conditional ratification and even had sought to circulate amendments to other states before ratification. And, according to James Madison, withdrawing from the Union also had been an option. (See note 5, above.)

8. For the Treaty of Paris (1783) which ended the Revolutionary War and for the Northwest forts which the British still retained in violation of that treaty, see RCS:N.Y., Vol. 1, pp. xxxiv–xxxv.

9. Under Article VII of the Constitution, once nine states ratified the Constitution it was to go into effect among the ratifying states, and, according to one of the resolutions of the Constitutional Convention of 1787, once nine states had ratified, the Confederation Congress should put the new government under the Constitution into operation among those ratifying states. (See RCS:N.Y., 537, 538–39.)

10. For the states that wanted to amend the Constitution, see note 4 (above).

### Newspaper Report of Convention Debates, 24 July 1788

New York Independent Journal, 28 July 1788 (Supplement Extraordinary) (excerpt)<sup>1</sup>

Copy of a Letter from Poughkeepsie, dated Friday, July 25, 1788.

"... Yesterday Lansing moved to annex Smith's last proposition to the ratification, or the one which proposes to adopt with a reservation of a right to withdraw; then Mr. Jay, and after him Mr. Hamilton, rose and declared, that the reservation could answer no good purpose in itself; that it implied a distrust of the other states; that it would awaken their pride, and other passions unfriendly to the object of amendments; but what was decisive against it, it was inconsistent with the Constitution, and was *no ratification*. Mr. Hamilton produced and read part of a letter from a Gentleman of high public distinction,<sup>2</sup> containing in explicit terms his opinion, that the reservation would amount to a conditional ratification and would not be received by Congress. Mr. Duane and the Chancellor both declared their opinion to the same effect, and they all concurred in expressing an anxious wish, that, since the House had succeeded so far to an accommodation, they might now conclude the business with harmony, and to the satisfaction of both parties. M. Smith remained silent all the Day; the question was postponed till to-day...."

1. This item is an excerpt from a letter from Poughkeepsie, dated 25 July, that was first printed on 28 July in the *Independent Journal* (broadside Supplement Extraordinary) and the *Daily Advertiser*. This letter covered the Convention's proceedings for 23, 24, and 25 July; the proceedings for the 23rd and 25th appear under those dates. (For a further discussion of the *Independent Journal's* printing, see RCS:N.Y., 2285.)

The excerpt on the proceedings for 24 July was reprinted in the *New York Packet* and *New York Museum*, 29 July, *New York Journal*, 31 July, and *Hudson Weekly Gazette*, 5 August, and seventeen times outside New York by 14 August: N.H. (1), Mass. (3), R.I. (2), Conn. (3), Pa. (4), Md. (1), Va. (2), S.C. (1).

2. The reference is to James Madison's letter to Hamilton, dated 20 July. See Convention Proceedings and Debates, 24 July, note 5 (above).

### Private Commentary on the Convention, 24 July 1788

## Cornelius C. Schoonmaker to Peter Van Gaasbeek Poughkeepsie, 25 July 1788<sup>1</sup>

After a long and tedious discussion of the proposed Constitution by paragraphs and proposing of amendments thereto, the result of the deliberation of the convention will be an adoption of the Constitution on the principles of expediency—that ten States have adopted it, and the government will be put into operation, and therefore if the adoption is not speedily made in this State great difficulties and embarrassments will ensue etc, from these considerations being so strongly impressed on the minds of some of the members in the convention, (in whom we have had great confidence) by the weight and influence of the federal party. After having lost our security, intended by our first proposition against the exercise of certain powers by the General government in this State, until our amendments proposed to the Constitution were submitted to a convention of the States, being obliged to retreat from the same concluded that we should retain the restrictive clauses in confidence that the General Government will not exercise the power therein restricted until a convention shall meet to take them into consideration, which was yesterday agreed to by the convention.<sup>2</sup> We then, as a farther security to obtain a convention, brought forward Mr Smith's plan for an adoption of the Constitution for —— years, and if the amendments proposed should not in that time be submitted to a convention of States this State should reserve a right to withdraw itself from the Union. This, although not supposed to be of great importance by us, has been very warmly opposed by the Federalists yesterday, and has this morning been determined on by the convention; the proposition was lost by a vote of 23 [i.e., 28] against 31 among which majority are Smith and Platt who have most strenuously here-tofore advocated the principle, and are now convinced that it will not do at all.<sup>3</sup>

When you consider the manner in which we have lost both the propositions, which we considered as a restrictive, qualified condition in the adoption, you will readily perceive that the Federalists have fought and beat us from our own ground with our own weapons. The greatest security we will retain in the adoption of the Constitution will, in my opinion, be our declaration of rights, and explanations of some ambiguities in the Constitution expressed and declared in strong terms. Upon the whole the convention are now about to read the whole of the ratification and amendments proposed to the Constitution for their approbation to be added to and reported. I believe it will be our duty and our wish to support and maintain the freedom and independence of the People of this State on the final question of the adoption of the Constitution. I must however add that altho' the Federalists have out manœuvred us, they do not think that they have got a great victory; they come forward very freely to declare that they will join with us in applying to Congress, immediately after the organization of the government, to call a convention to take into consideration the amendments proposed by this as well as the other States to the Constitution, which will I suppose be done before the convention rises. While I was writing the above the question on ratification was debated and is determined agreeably to the division enclosed

1. Printed: Marius Schoonmaker, The History of Kingston, New York: From Its Early Settlement to the Year 1820 (New York, 1888), 394–96.

2. For the adoption of four "restrictive clauses," see Convention Proceedings and Debates, 24 July (above).

3. Melancton Smith's proposition, seconded by Zephaniah Platt, was introduced on 17 July. (See Convention Proceedings and Debates, 17 July, at note 22, above.) On 24 July John Lansing, Jr., revived Smith's proposition in his own motion.

## The New York Convention Friday 25 July 1788

### **Convention Debates and Proceedings, 25 July 1788**

CONVENTION PROCEEDINGS. FRIDAY, 10 o'Clock, A. M. The Convention met pursuant to adjournment, and resolved itself into a committee of the whole, on the report of the Convention of the States lately assembled in Philadelphia, and the resolutions and letter accompanying the same to Congress, and the resolution of Congress thereon.... [Convention Journal, 42–43]<sup>1</sup>

CONVENTION PROCEEDINGS. met—in Committee.— Proposition of Yesterday<sup>2</sup> read [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. rises—not to debate—yesterday gave the fullest Assurances that they meant to go hand in hand with us—& produces draft [of] a Letter intended to be sent to the several states— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

ZEPHANIAH PLATT. for duties he owes himself. wishes to exp[lai]n when this proposition was broug[h]t forward it was supposed—it would bring us into the Union—What was the object? to come into the Union—fears this proposn. will not— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. this proposn. was submitted by him as a Middle Ground—& hoped both sides of the house would be pleased with it but finding that neither will be pleased—that the plan itself will not ansr. the end—proposed as to the constitution—or the house—for it would make the breach worse—must be against it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GILBERT LIVINGSTON. said he was formerly for it but now has a doubt on Ac[coun]t of Congss. makeing treaties—which must endure perpetually & thinks congss cannot make a treaty for a longer time than they stand for, which doubt he wished to have removed by any Gent— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That the question having been put on the amendment proposed by the motion of Mr. Lansing of yesterday, (and on motion of Mr. Schoonmaker the yeas and nays being taken) it passed in the negative in the manner following, viz.

#### For the Negative. [31]

Mr. Jay,	Mr. Low,	Mr. Vandervoort,	Mr. Sarlls,	
Mr. R. Morris,	Mr. Scudder,	Mr. Bancker,	Mr. Woodhull,	
Mr. Hobart,	Mr. Havens,	Mr. Ryerss,	Mr. Platt,	
Mr. Hamilton,	Mr. J. Smith,	Mr. L. Morris,	Mr. M. Smith,	
Mr. R. Livingston,	Mr. Jones,	Mr. P. Livingston,	Mr. Akins,	
Mr. Roosevelt,	Mr. Schenck,	Mr. Hatfield,	Mr. G. Livingston,	
Mr. Duane,	Mr. Lawrence,	Mr. Van Cortlandt,	Mr. Hopkins.	
Mr. Harison,	Mr. Lefferts,	Mr. Crane,	-	
For the Affirmative. [28]				
Mn D. Vatas	Ma Sahaanmahan	Mr. Wood	Ma Stoning	

Mr. Schoonmaker,	Mr. Wood,	Mr. Staring,
Mr. Clark,	Mr. Swartwout,	Mr. Parker,
Mr. J. Clinton,	Mr. Harper,	Mr. Williams,
Mr. Wynkoop,	Mr. C. Yates,	Mr. Baker,
Mr. Carman,	Mr. Frey,	Mr. Van Ness,
Mr. Haring,	Mr. Winn,	Mr. Bay,
Mr. Wisner,	Mr. Veeder,	Mr. Adgate.
[Convention Journal, 70]		
	Mr. Clark, Mr. J. Clinton, Mr. Wynkoop, Mr. Carman, Mr. Haring,	Mr. Clark,Mr. Swartwout,Mr. J. Clinton,Mr. Harper,Mr. Wynkoop,Mr. C. Yates,Mr. Carman,Mr. Frey,Mr. Haring,Mr. Winn,Mr. Wisner,Mr. Veeder,

CONVENTION PROCEEDINGS. no person spoke before the questn.<sup>3</sup> On the question for adopting the amendment—

for it— 28—

against it—31— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. as it stands it [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That Mr. Tredwell then made a motion that the committee would reconsider that paragraph which respected the mode of introducing the declaration of rights and explanatory amendments. [*Convention Journal*, 70]

CONVENTION PROCEEDINGS. Tredwell. Movd. to have the introduction of the bill of rights altered— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

SAMUEL JONES. thinks it stands better as it is [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. As it stands—not a single right—remains [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JAMES DUANE. better as it stands— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

NATHANIEL LAWRENCE. wishes to have the expressions as strong as possible— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. was content before—as it stood—but now from what Duane has said—he has doubts— [Gilbert Livingston, Notes, NN] \*\*\*\*\*

WILLIAM HARPER. never expected to hear passive obedience preached in an Assembly of Americans—we will preserve our rights if we can, if we cannot, & must surrender at discretion we must abide the consequences— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. as it stands—it perfectly secures you as much as any other words possibly can— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

NATHANIEL LAWRENCE. a great difference between the words *reservation & Confidence*— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. still thinks it as secure in the one case as the other—the word confidence *reservation* [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

NATHANIEL LAWRENCE. [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. wants to know if the rights are really secured or not—this he will insist on—not to depend on an illusion— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. what security can any one have respecting any right—*but the confidence you put in the government which is to exercise* the power [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. Smiths reasoning proves too much if it proves any thing—if the confidence we had in govt. was to be our only safety—

2302

why have we sat here so long—let us have these rights clearly expressed— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. did not by any means intend what the Hon[orabl]e Gent. supposed— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN JAY. not very anctious—is willing to have it expressed as strongly as possible—

even expressly reserving all the rights not granted in the constitution— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That debates arose on the said motion, and that the question having been put thereon, it was carried in the affirmative in the manner following, viz.

#### For the Affirmative. [37]

Mr. R. Yates,	Mr. J. Clinton,	Mr. Platt,	Mr. Veeder,
Mr. Lansing,	Mr. Wynkoop,	Mr. Swartwout,	Mr. Staring,
Mr. I. Thompson,	Mr. Schenck,	Mr. Akins,	Mr. Parker,
Mr. Scudder,	Mr. Lawrence,	Mr. G. Livingston,	Mr. Williams,
Mr. Havens,	Mr. Carman,	Mr. D'Witt,	Mr. Baker,
Mr. Tredwell,	Mr. Haring,	Mr. Harper,	Mr. Hopkins,
Mr. President,	Mr. Woodhull,	Mr. C. Yates,	Mr. Van Ness,
Mr. Cantine,	Mr. Wisner,	Mr. Frey,	Mr. Bay,
Mr. Schoonmaker,	Mr. Wood,	Mr. Winn,	Mr. Adgate.
Mr. Clark,			0

### For the Negative. [21]

Mr. Jay,	Mr. Duane,	Mr. Vandervoort,	Mr. Hatfield,
Mr. R. Morris,	Mr. Harison,	Mr. Bancker,	Mr. Van Cortlandt,
Mr. Hobart,	Mr. Low,	Mr. Ryerss,	Mr. Crane,
Mr. Hamilton,	Mr. Jones,	Mr. L. Morris,	Mr. Sarlls,
Mr. R. Livingston,	Mr. Lefferts,	Mr. P. Livingston,	Mr. M. Smith.
Mr. Roosevelt,		0	

[Convention Journal, 71]

CONVENTION PROCEEDINGS. on the question for reconsideration on Mr. Tredwells Motion—

for it— 37 against it—21— [Gilbert Livingston, Notes, NN]

Convention Proceedings. That the paragraph in Mr. Tredwell's motion  $(mentioned)^4$  was accordingly reconsidered, amended and

agreed to: and as amended and agreed to, is in the words following, viz.

"Under these impressions, and *declaring* that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, *and in confidence* that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, WE *the said Delegates in the name and in the behalf of the People of the State of New-York*, DO by these presents assent to, and ratify the said Constitution." [*Convention Journal*, 71]

CONVENTION PROCEEDINGS. —on the motion— [Gilbert Livingston, Notes, NN]

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SAMUEL JONES. Wishes to know what greater security we have under one word, than another word— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. the difference between words—is greater in one case than the other— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

JOHN LANSING, JR. movd. an amendment—[--]— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

WILLIAM HARPER. dont like it as well, as it stood—yet we seem to be so fluctuating—as that we must vote for it— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

THOMAS TREDWELL. cant vote for it—& yet dont like to vote for it wishes to have it altered— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

MELANCTON SMITH. 2 things may be consistant—and yet not have *all* the things expressed in both [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. the question on Lansings Motion put—and carried unanimously— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. That the draft of the Declaration of Rights, Ratification of the Constitution and Explanatory Amendments being read, as amended, are in the words following, viz.

2304

WE the Delegates of the People of the State of New-York, duly elected and met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the 17th day of September, in the year 1787, by the Convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania (a copy whereof precedes these presents) and having also seriously and deliberately considered the present situation of the United States, DO DECLARE AND MAKE KNOWN,

That all power is originally vested in, and consequently derived from the people; and that government is instituted by them for their common interest, protection and security: That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every government ought to respect and preserve.

That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness: That every power, jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several States, or to their respective State Governments, to whom they may have granted the same: And that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favoured or established by law in preference of others.

That the people have a right to keep and bear arms: That a well regulated militia, including the body of the people *capable of bearing arms*, is the proper, natural and safe defence of a free State: That the militia should not be subject to martial law, except in time of war, rebellion or insurrection.

That standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power.

That in time of peace no soldier ought to be quartered in any house, without the consent of the owner, and in time of war only by the civil Magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned, or disseized of his freehold, or be exiled, or deprived of his privileges, franchises, life, liberty, or property, but by due process of law. That no person ought to be put twice in jeopardy of life or limb for one and the same offence, nor unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an enquiry into the lawfulness of such restraint, and to a removal thereof, if unlawful; and that such inquiry and removal ought not to be denied or delayed, except when on account of public danger, the Congress shall suspend the privilege of the writ of *habeas corpus*.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

That (except in the government of the land and naval forces, and of the militia when in actual service, and in cases of impeachment) a presentment or indictment by a Grand Jury, ought to be observed as a necessary preliminary to the trial of all crimes *cognizable by the Judiciary* of the United States; and such trial should be speedy, public, and by an impartial Jury of the county where the crime was committed; and that no person can be found guilty, without the unanimous consent of such Jury. But in cases of crimes not committed within any county of any of the United States, and in cases of crimes committed within any county in which a general insurrection may prevail, or which may be in the possession of a foreign enemy, the enquiry and trial may be in such county as the Congress shall by law direct; which county, in the two cases last mentioned, should be as near as conveniently may be to that county in which the crime may have been committed: And that in all criminal prosecutions the accused ought to be informed of the cause and nature of his accusation, to be confronted with his accusers and the witnesses against him, to have the means of producing his witnesses, and the assistance of counsel for his defence, and should not be compelled to give evidence against himself.

That the trial by Jury, in the extent that it obtains by the common law of England, is one of the greatest securities to the rights of a free people, and ought to remain inviolate.

That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property; and therefore that all warrants to search suspected places, or seize any freeman, his papers or property, without information upon oath, or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected, are not particularly designated) are dangerous and ought not to be granted.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives, and that every person has a right to petition or apply to the Legislature for redress of grievances.

That the freedom of the press ought not to be violated or restrained.

That there should be once in four years an election of the President and Vice-President, so that no officer who may be appointed by the Congress to act as President in case of the removal, death, resignation or inability of the President and Vice-President can in any case continue to act beyond the termination of the period for which the last President and Vice-President were elected.

That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing laws at its discretion from time to time, to divide such State into convenient districts, and to apportion its representatives to and amongst such districts.

That the prohibition contained in the said Constitution against *ex post facto* laws, extends only to laws concerning crimes.

That all appeals in causes determinable according to the course of the common law, ought to be by writ of error, and not otherwise.

That the judicial power of the United States, in cases in which a State may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a State.

That the judicial power of the United States, as to controversies between citizens of the same State claiming lands under grants of different States, is not to be construed to extend to any other controversies between them, except those which relate to such lands, so claimed under grants of different States.

That the jurisdiction of the Supreme Court of the United States, or of any other Court to be instituted by the Congress, is not in any case to be encreased, enlarged or extended by any fiction, collusion or mere suggestion:

And that no treaty is to be construed so to operate as to alter the Constitution of any State.

Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution; and in confidence that the amendments which shall have been proposed to the said Constitution, will receive an early and mature consideration; WE the said Delegates in the name, and in the behalf of the people of the State of New-York, DO by these presents assent to, and ratify the said Constitution. IN FULL CONFIDENCE NEVERTHELESS, that until a Convention shall be called and convened for proposing amendments to the said Constitution, the militia of this State will not be continued in service out of this State for a longer term than six weeks without the consent of the Legislature

thereof. That the Congress will not make or alter any regulation in this State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the premises. That no excise will be imposed on any article of the growth, production or manufacture of the United States or any of them, within this State, ardent spirits excepted: And that Congress will not lay direct Taxes within this State, but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then until Congress shall first have made a requisition upon this State to assess, levy and pay the amount of such requisition, made agreeably to the census fixed in the said Constitution, in such way and manner as the Legislature of this State shall judge best; but that in such case, if the State shall neglect or refuse to pay its proportion pursuant to such requisition, then the Congress may assess and levy this State's proportion, together with interest at the rate of six per centum per annum, from the time at which the same was required to be paid.

Done in Convention at Poughkeepsie, in the County of Dutchess, in the State of New-York, the twenty-Lord, 1788.

### By Order of the Convention.

That the question having been put, whether the Committee did agree to the said Declaration of Rights, form of a Ratification of the Constitution and explanatory Amendments, (and on motion of Mr. Lansing the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.

Mr. Jay,	Mr. Low,	Mr. Vandervoort,	Mr. Sarlls,	
Mr. R. Morris,	Mr. Scudder,	Mr. Bancker,	Mr. Woodhull,	
Mr. Hobart,	Mr. Havens,	Mr. Ryerss,	Mr. Wisner,	
Mr. Hamilton,	Mr. Jones,	Mr. L. Morris,	Mr. Platt,	
Mr. R. Livingston,	Mr. Schenck,	Mr. P. Livingston,	Mr. M. Smith,	
Mr. Roosevelt,	Mr. Lawrence,	Mr. Hatfield,	Mr. G. Livingston,	
Mr. Duane,	Mr. Carman,	Mr. Van Cortlandt,	Mr. D'Witt.	
Mr. Harison,	Mr. Lefferts,	Mr. Crane,		
For the Negative. [28]				
Mr. R. Yates,	Mr. Schoonmaker,	Mr. Akins,	Mr. Parker,	
Mr. Lansing,	Mr. Clark,	Mr. Harper,	Mr. Williams,	

Mr. J. Clinton,

Mr. I. Thompson,

Mr. C. Yates,

Mr. Baker.

For the Affirmative. [31]

Mr. Ten Eyck,	Mr. Wynkoop,	Mr. Frey,	Mr. Hopkins,
Mr. Tredwell,	Mr. Haring,	Mr. Winn,	Mr. Van Ness,
Mr. President,	Mr. Wood,	Mr. Veeder,	Mr. Bay,
Mr. Cantine,	Mr. Swartwout,	Mr. Staring,	Mr. Adgate.
		[Convention Jo	urnal, 72–76]
	<b></b>		

CONVENTION PROCEEDINGS. The Ratification read—with the amends. The question put, on the form of the ratification—

for it— 31—

against it—285— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS.... after some time spent therein [in committee of the whole], Mr. *President* re-assumed the Chair, and Mr. Oothoudt reported, that the committee had considered and debated the said Report of the Convention of the States by clauses, and agreed to a declaration of Rights, a form of a Ratification of the said Report of the Convention of the States, with explanatory amendments, to be made to the said Report of the Convention of the States, or form of a Constitution; which he was directed to report to this Convention. Mr. Oothoudt read the report in his place, and delivered the same in at the table, where it was again read, and is in the words following, viz. [*Convention Journal*, 43]

#### [Editors' Note

## Summary of the Committee of the Whole Report, 25 July 1788]

The report of the committee of the whole tracing the Convention's proceedings respecting the manner in which the Constitution was to be ratified may be found on pages 43–76 of the *Convention Journal*. It consists of the following actions that took place on ten different days.

• 19 June: On motion of Robert R. Livingston, the Committee resolved that no vote be taken until the entire Constitution and any proposed amendments were considered clause by clause (RCS:N.Y., 1688).

• 11 July: John Jay moved that the Constitution be ratified with certain doubtful parts explained and that amendments ought to be recommended (RCS:N.Y., 2130).

• 15 July: Melancton Smith moved to amend Jay's proposal by limiting the implementation of certain parts of the Constitution "*Upon condition nevertheless*" that a second general convention of the states shall be convened to amend the Constitution (RCS:N.Y., 2177–78).

• 17 July: James Duane moved that Smith's proposal be postponed to consider a form of ratification proposed by Alexander Hamilton that recognized the limited extent of Congress' delegated powers and thus

the reserved powers left to the states and people. The form also construed various provisions of the Constitution and called upon Congress to recognize these constructions by "a declaratory act." Finally the form included thirteen amendments to be considered and ratified as provided by Article V of the Constitution. The motion to postpone was defeated by a roll-call vote of 41-20 (RCS:N.Y., 2205–8, 2210).

• 19 July: John Lansing, Jr., moved to postpone the several other propositions to consider a draft of a form of ratification which included conditional and recommendatory amendments. The proposal was adopted by a roll-call vote of 41-18 (RCS:N.Y., 2234-42, 2243).

• 21 July: Lansing's amendments were considered during which seven roll-call votes were taken (RCS:N.Y., 2255–61).

• 22 July: Lansing's amendments were further considered during which four roll-call votes were taken (RCS:N.Y., 2266–72).

• 23 July: Two alterations in the final Form of Ratification eliminating conditions were considered and approved by roll-call votes (RCS:N.Y., 2278–79, 2280–81).

• 24 July: Four of Lansing's amendments were considered and passed (one by a roll-call vote). Lansing then moved another amendment allowing New York to recede from the Union if after an unspecified number of years a convention had not yet considered New York's proposed amendments. Debates on this amendment continued to the next day (RCS:N.Y., 2288–90, 2296).

• 25 July: Lansing's proposed amendment was rejected by a roll-call vote of 31–28 (RCS:N.Y., 2301). Thomas Tredwell proposed that the paragraph introducing the Declaration of Rights and explanatory amendments be reconsidered. His proposal was approved by a roll-call vote of 37–21. The introductory paragraph was agreed to as amended (RCS:N.Y., 2301, 2303–4). The committee of the whole then approved the Declaration of Rights, the Form of Ratification, and the explanatory amendments by a roll-call vote of 31–28 (RCS:N.Y., 2304–9).

CONVENTION PROCEEDINGS. Mr. Oothoudt farther reported, that he was directed by the said Committee to move for leave to sit again. [Convention Journal, 76]

CONVENTION PROCEEDINGS. committee rose—and reported the form of the ratification agreed on in committee— [Gilbert Livingston, Notes, NN]

CONVENTION PROCEEDINGS. The said report having been heard and considered, Mr. *President* put the question, whether the Convention did

agree with the Committee in the said report, (and the yeas and nays being taken) it was carried in the affirmative in the manner following, viz.<sup>6</sup>

Mr. Jay,	Mr. Low,	Mr. Bancker,	Mr. Sarlls,
Mr. R. Morris,	Mr. Havens,	Mr. Ryerss,	Mr. Woodhull,
Mr. Hobart,	Mr. Jones,	Mr. L. Morris,	Mr. Wisner,
Mr. Hamilton,	Mr. Schenck,	Mr. P. Livingston,	Mr. Platt,
Mr. R. Livingston,	Mr. Lawrence,	Mr. Hatfield,	Mr. M. Smith,
Mr. Roosevelt,	Mr. Carman,	Mr. Van Cortlandt,	Mr. G. Livingston,
Mr. Duane,	Mr. Lefferts,	Mr. Crane,	Mr. D'Witt.
Mr. Harison,	Mr. Vandervoort,		

For the Affirmative. [30]

For the Negative. [25]

Mr. R. Yates,	Mr. Clark,	Mr. C. Yates,	Mr. Williams,
Mr. Lansing,	Mr. J. Clinton,	Mr. Frey,	Mr. Baker,
Mr. Oothoudt,	Mr. Wynkoop,	Mr. Winn,	Mr. Hopkins,
Mr. I. Thompson,	Mr. Wood,	Mr. Veeder,	Mr. Van Ness,
Mr. Ten Eyck,	Mr. Swartwout,	Mr. Staring,	Mr. Bay,
Mr. Tredwell,	Mr. Harper,	Mr. Parker,	Mr. Adgate.
Mr. Schoonmaker,	-		-

Thereupon *Ordered*, That Duplicates of the said Draft of Ratification, as reported by the Committee, be engrossed.

Ordered, That the said Committee have leave to sit again.

On motion of Mr. Duane,

*Resolved unanimously*, That a circular Letter be prepared to be laid before the different Legislatures of the United States, pressing in the most earnest manner, the necessity of a general Convention to take into their consideration the amendments to the Constitution, proposed by the several State Conventions.

*Ordered*, That a Committee of three members be appointed by ballot, to prepare and report the draft of a Letter accordingly.

The ballots being taken and told, it appeared that Mr. Jay, Mr. Lansing and Mr. M. Smith, were elected.

Ordered, That those three gentlemen be a Committee for that purpose.

Then the Convention adjourned until five of the clock in the afternoon. [*Convention Journal*, 76–77]

CONVENTION PROCEEDINGS. President in the Chair—

On the question wheather the convention agree to the report of the committee—

for it— 30 against it—25Ordered the report be engrossed-

Motion that a commee. be appointed to take into considn. a prepare a circular Letter &t

agreed unanimously-

Mr Jay Mr Lansing Mr Smith

Convention adjourned till 5 oClock this afternoon— [Gilbert Livingston, Notes, NN]

**CONVENTION PROCEEDINGS.** 

5 o'Clock, P. M.

The Convention met pursuant to adjournment, and resolved itself into a Committee of the whole on the report of the Convention of the States lately assembled in Philadelphia, and the resolution and letter accompanying the same to Congress, and the resolution of Congress thereon; after some time spent therein, Mr. *President* reassumed the chair, and Mr. Oothoudt from the said Committee, reported, that the Committee had proceeded farther to consider the Recommendatory Amendments proposed to the said Constitution, and that in proceeding therein, Mr. Jay made a motion for an amendment in the words following, viz.

"That no person, except natural born citizens, or such as were citizens on or before the fourth day of July, one thousand seven hundred and seventy-six, or such as held commissions under the United States during the war, and have at any time since the fourth day of July, one thousand seven hundred and seventy six, become citizens of one or other of the United States, *and who shall be freeholders*, shall be eligible to the places of President, Vice-President or members of either House of the Congress of the United States."<sup>7</sup>

That Mr. Lansing then made a motion, that the words *and who shall be freeholders*, should be obliterated.

That debates arose on the said motion, and that the question having been put thereon, it passed in the negative in the manner following, viz.

### For the Negative. [34]

Mr. Jay,	Mr. Schoonmaker,	Mr. Bancker,	Mr. Wisner,
Mr. R. Morris,	Mr. Clark,	Mr. Ryerss,	Mr. Wood,
Mr. Hobart,	Mr. J. Clinton,	Mr. P. Livingston,	Mr. Platt,
Mr. R. Livingston,	Mr. Wynkoop,	Mr. Hatfield,	Mr. M. Smith,
Mr. Roosevelt,	Mr. Jones,	Mr. Van Cortlandt,	Mr. Akins,

Mr. Harison, Mr. R. Yates, Mr. Havens, Mr. <i>President</i> ,	Mr. Schenck, Mr. Lawrence, Mr. Lefferts, Mr. Vandervoort,	Mr. Crane, Mr. Sarlls, Mr. Woodhull,	Mr. G. Livingston, Mr. Parker, Mr. Baker.		
For the Affirmative. [18]					
Mr. Hamilton,	Mr. Tredwell,	Mr. Harper,	Mr. Hopkins,		
Mr. Low,	Mr. Carman,	Mr. Frey,	Mr. Van Ness,		
Mr. Lansing,	Mr. Haring,	Mr. Winn,	Mr. Bay,		
Mr. I. Thom[p]son,	Mr. Swartwout,	Mr. Williams,	Mr. Adgate.		
Mr. Scudder,	Mr. D'Witt,		ů.		

That the question having been then put, whether the Committee did agree to the amendment proposed by the motion of Mr. Jay, it was carried in the affirmative.

That the Committee had considered of, and agreed to sundry amendments to be recommended to be made to the said Constitution, and which are in the words following, viz.

And the Convention do in the name and behalf of the people of the State of New-York, enjoin it upon their representatives in the Congress, to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time, to conform to the spirit of the said amendments as far as the Constitution will admit.

That there shall be one Representative for every thirty thousand inhabitants, according to the enumeration or census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or increased, but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the appointment of Representatives and direct taxes.

That the Congress do not impose any excise on any article (except ardent spirits) of the growth, production or manufacture of the United States, or any of them.

That Congress will not lay direct taxes but when the monies arising from the Impost and Excise shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon the States to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said Constitution, in such way and manner as the Legislatures of the respective States shall judge best; and in such case if any State shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest at the rate of six per centum per annum, from the time of payment prescribed in such requisition.

That the Congress shall not make or alter any regulation in any State respecting the times, places and manner of holding elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the Legislature of such State shall make provision in the premises; provided, that the Congress may prescribe the time for the election of Representatives.

That no persons except natural born citizens, or such as were citizens on or before the fourth day of July, one thousand seven hundred and seventy-six, or such as held commissions under the United States during the war, and have at any time since the fourth day of July, one thousand seven hundred and seventy-six, become citizens of one or other of the United States, and who shall be freeholders, shall be eligible to the places of President, Vice-President, or members of either House of the Congress of the United States.

That the Congress do not grant monopolies, or erect any company with exclusive advantages of commerce.

That no standing army or regular troops shall be raised, or kept up in time of peace, without the consent of two-thirds of the Senators and Representatives present in each House.

That no money be borrowed on the credit of the United States, without the assent of two-thirds of the Senators and Representatives present in each House.

That the Congress shall not declare war without the concurrence of two-thirds of the Senators and Representatives present in each House.

That the privilege of the Habeas Corpus shall not by any law, be suspended for a longer term than six months, or until twenty days after the meeting of the Congress, next following the passing of the act for such suspension.

That the right of the Congress to exercise exclusive legislation over such district, not exceeding ten miles square, as may by cession of a particular State and the acceptance of Congress, become the seat of the government of the United States, shall not be so exercised as to exempt the inhabitants of such district from paying the like taxes, imposts, duties and excises as shall be imposed on the other inhabitants of the State in which such district may be; and that no person shall be privileged within the said district from arrest, for crimes committed or debts contracted out of the said district. That the right of exclusive legislation, with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the States respectively in which they may be from extending to such places in all civil and criminal matters, except as to such persons as shall be in the service of the United States, nor to them, with respect to crimes committed without such places.

That the compensation for the Senators and Representatives be ascertained by standing laws, and that no alteration of the existing rate of compensation shall operate for the benefit of the Representatives, until after a subsequent election shall have been had.

That the journals of the Congress shall be published at least once a year, with the exceptions of such parts relating to treaties or military operations as in the judgment of either House shall require secrecy; and that both Houses of Congress shall always keep their doors open during their sessions, unless the business may in their opinion require secrecy. That the yeas and nays shall be entered on the journals whenever two members in either House may require it.

That no capitation tax shall ever be laid by the Congress.

That no person be eligible as a Senator for more than six years in any term of twelve years; and that the Legislatures of the respective States may recal their Senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the Senators so recalled, were appointed.

That no Senator or Representative shall during the time for which he was elected, be appointed to any office under the authority of the United States.

That the authority given to the executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.

That the power of Congress to pass uniform laws concerning bankruptcy, shall only extend to merchants and other traders, and that the States respectively may pass laws for the relief of other insolvent debtors.

That no person shall be eligible to the office of President of the United States a third time.

That the Executive shall not grant pardons for treason, unless with the consent of the Congress, but may, at his discretion, grant reprieves to persons convicted of treason, until their cases can be laid before the Congress.

That the President, or person exercising his powers for the time being, shall not command an army in the field, in person, without the previous desire of the Congress. That all *letters patent*, commissions, pardons, writs and process of the United States, shall run in the name of *the people of the United States*, and be tested in the name of the President of the United States, or the person exercising his powers for the time being, or the first Judge of the Court out of which the same shall issue, as the case may be.

That the Congress shall not constitute, ordain, or establish any tribunals or inferior Courts with any other than appellate jurisdiction, except such as may be necessary for the trial of causes of admiralty and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas, and in all other cases to which the judicial power of the United States extends, and in which the Supreme Court of the United States has not original jurisdiction, the causes shall be heard, tried, and determined, in some one of the State Courts, with the right of appeal to the Supreme Court of the United States, or other proper Tribunal to be established for that purpose by the Congress, with such exceptions and under such regulations as the Congress shall make.

That the Court for the trial of Impeachments, shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or senior Judge for the time being, of the highest Court of the general and ordinary common law jurisdiction in each State: That the Congress shall by standing laws, designate the Courts in the respective States, answering this description, and in States having no Courts exactly answering this description, shall designate some other Court prefering such, if any there be, whose Judge or Judges may hold their places during good behaviour: Provided, that no more than one Judge, other than Judges of the Supreme Court of the United States, shall come from one State: That the Congress be authorised to pass laws for compensating the said Judges for such services, and for compelling their attendance; and that a majority, at least, of the said Judges shall be requisite to constitute the said Court: That no person impeached shall sit as a member thereof: That each member shall, previous to the entering upon any trial, take an oath or affirmation, honesty and impartially to hear and determine the cause; and that a majority of the members present shall be necessary to a conviction.

That persons aggrieved by any judgment, sentence or decree of the Supreme Court of the United States in any cause in which that Court has original jurisdiction, *with such exceptions*, and under such regulations, as the Congress shall make concerning the same, shall upon application have a commission, to be issued by the President of the United States, to such men learned in the law as he shall nominate, and by and with the advice and consent of the Senate, appoint not less than seven, authorising such Commissioners, or any seven or more of them, to correct the errors in such judgment, or to review such sentence and decree, as the case may be, and to do justice to the parties in the premises.

That no Judge of the Supreme Court of the United States shall hold any other office under the United States or any of them.

That the judicial power of the United States shall extend to no controversies respecting land, unless it relate to claims of territory or jurisdiction between States, or to claims of lands between individuals, or between States and individuals, under the grants of different States.

That the militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks, without the consent of the Legislature thereof.

That the words *without the consent of the Congress* in the 7th clause of the 9th section of the first article of the Constitution, be expunged.

That the Senators and Representatives, and all executive and judicial officers of the United States, shall be bound by oath or affirmation, not to infringe or violate the Constitutions or Rights of the respective States.

That the Legislatures of the respective States may make provision by law, that the Electors of the Election District to be by them appointed, shall chuse a citizen of the United States, who shall have been an inhabitant of such District for the term of one year immediately preceding the time of his election for one of the Representatives of such State.

Done in Convention, at Poughkeepsie in the County of Dutchess, in the State of New-York, the day of July, in the year of our Lord, one thousand seven hundred and eighty-eight.

By Order of the Convention.

Mr. Oothoudt read the report in his place, and delivered the same in at the table, where it was again read.

Mr. *President* then put the question, whether the Convention did agree with the Committee in the last report, and it was *unanimously* carried in the affirmative. Thereupon

*Ordered*, That Duplicates of the said report of Amendments to be recommended to be made to the said Constitution, be engrossed.

Then the Convention adjourned until nine of the clock to-morrow morning. [Convention Journal, 77-82]

CONVENTION PROCEEDINGS. Met—in Comee

went thro the amendments-

Adjourned till 9 oClock tomorrow Morng [Gilbert Livingston, Notes, NN]

1. The proceedings from the *Convention Journal* for 25 July that are printed here and throughout this entry for the morning session represent the last part of the report of

the committee of the whole that traced the Convention's proceedings respecting the manner in which the Constitution was to be ratified. (For a description of what is in the committee of the whole report, see RCS:N.Y., 2309–10.)

The proceedings for 25 July—excepting the text of the Declaration of Rights and Explanatory Amendments, Form of Ratification, and Recommendatory Amendments—were printed in the *Country Journal* on 30 September and 7 October. With respect to the missing material, the *Country Journal* referred its readers to its issues of 29 July and 12 August. The *Country Journal* reprinted the entire report of the committee of the whole serially between 29 July and 7 October.

2. The proposition is Lansing's motion reserving a right to recede after a number of years. This motion was a renewal of Melancton Smith's second proposal of 17 July (see Convention Debates and Proceedings, 17 July, at note 22, above), which Zephaniah Platt had seconded.

3. Livingston probably means that there was no further debate once the question was called. For earlier debate on the motion, see 24 July and above on 25 July.

4. The word in angle brackets was not typeset in the *Convention Journal* but was written in by hand in the copies of the *Journal* in the New York Public Library (Evans 21313) and New York State Library. It also appears in the manuscript journal and the "Extracts from the Journals" printed in the *Country Journal*, 30 September.

5. Pleased by this vote, Federalist Philip Schuyler was optimistic about the coming vote on ratification in the Convention. "Thus," Schuyler concluded, "perseverence, patience and abilities have prevailed against numbers and prejudice" (to Peter Van Schaack, 25 July, VI, below).

6. In the manuscript roll-call votes found in the McKesson Papers (NHi), the last names of four "absent" delegates are placed alongside the "Affirmative" and "Negative" columns approximately at the places where the names would have been listed had the absent delegates voted. The name of Henry Scudder (Suffolk County) is found next to the "Affirmative" column, while the names of John Cantine (Ulster County), John Haring (Orange County), and Jonathan Akin (Dutchess County) are found next to the "Negative" column. Scudder's name also appears next to the negative column but it is crossed out. Had the absent members voted this way, the vote would have been 31 to 28 for the Convention adopting the committee of the whole report. This vote is identical to the previous vote in the committee of the whole did not vote in the first roll-call vote, and George Clinton as president of the Convention did not vote in the second.

7. Two manuscript versions of this amendment are in the McKesson Papers at the New-York Historical Society. On one of them is the notation "Not to be inserted until 25 July P.M." See Mfm:N.Y. for facsimiles and transcriptions of these two manuscript versions.

### Newspaper Report of Convention Debates, 25 July 1788

New York Independent Journal, 28 July 1788 (Supplement Extraordinary) (excerpt)<sup>1</sup>

Copy of a Letter from Poughkeepsie, dated Friday, July 25, 1788.

"... The question was brought on this morning. M. Smith made a short speech, declaring his object in originally bringing forward the proposition.<sup>2</sup> He hoped it would unite both sides; but as he found it would not, and that there was no alternative between adopting and rejecting the Constitution, he should vote against the proposition. It was carried against it by a majority of 3. Thank God we have now got the Constitution; I congratulate you.

"I will give you the Yeas and Nays and you may rely on the accuracy of it.

Y	E A	S.
6	from	Ulster County.
3		Columbia
6		Montgomery
Wesner	)	
Wood	ļ	Orange
Herring	J	0
Swartwout		Dutchess
Yates		
Lansing		
Ten-Eyck	$\left( \right)$	Albany
Thompson		
Carman	-	Queens
Tredwell		Suffolk
Williams	)	
Baker	l	Washington
Parker	ſ	Washington
	J	
Total 28.		
Ν	A Y	ζ S.
19		Old Federalists.
Havens		
J. Smith		Suffolk County.
Scudder		
J J		
Jones		0
Schenck		Queens
Lawrence		
Platt	)	
M. Smith		Dutchess
G. Livingsto	n	
Akin		
Woodhul	,	Orange
Hopkins		Washington
Total 31.["]		

2319

Extract of another Letter from the same Gentleman wrote Friday afternoon, shortly after he had closed the foregoing.<sup>3</sup>

"The Committee just this moment rose and *reported*; the President in the chair; the question called, and the House agreed to the report by a majority of five, 30 for it, 25 against it. There were several members out of doors, but they were all for us. Let us mingle an ejaculation to Heaven for our success. All they have to do, is to engross the Ratification."

Extract of another Letter from a Member of the Convention at Poughkeepsie, to his Correspondent in Staten-Island, dated half past three o'clock Friday afternoon.<sup>4</sup>

"The Convention has this minute adjourned to meet again at 5 o'clock, and, in the intermediate space have but just time to communicate to you our success. The Constitution has, comparatively speaking, undergone an ordeal [by] torture, and been preserved, as by fire. We have this day completed an unconditional Adoption of it—Yeas 30, Nays 25. Let all around you, and particularly Mr. B—,<sup>5</sup> partake of this information, that they may likewise partake of the general joy, which must animate every lover of his country, and friend to Union, on the tidings of so auspicious an event.

"We are in hopes to be with you by Tuesday next. We will say no more until we meet. May the God of Heaven protect and preserve you all; this is our wish flowing from the purest affection."

1. This item represents the concluding part of a letter from Poughkeepsie, dated 25 July, that was first printed on 28 July in the *Independent Journal* (broadside Supplement Extraordinary) and the *Daily Advertiser*. The letter covered the Convention's proceedings for 23, 24, and 25 July; the proceedings for the 23rd and 24th appear above under those dates. (For a further discussion of the *Independent Journal's* printing, see RCS:N.Y., 2285.) Immediately below the 25 July letter, the *Independent Journal* and the *Daily Advertiser* printed two brief letter extracts also written on Friday, 25 July. See notes 3–4, below, for more on these extracts.

The excerpt from the copy of the 25 July letter (printed here) was reprinted in the *New York Packet* and *New York Museum*, 29 July, *New York Journal*, 31 July, and *Hudson Weekly Gazette*, 5 August, and in whole or in part in sixteen newspapers outside New York by 14 August: N.H. (1), Mass. (3), R.I. (2), Conn. (2), Pa. (4), Md. (1), Va. (2), S.C. (1).

2. For the "proposition" and Melancton Smith's role in bringing it forward, see Convention Debates and Proceedings, 25 July, note 2 (above).

3. This extract of a letter also appeared in the *Daily Advertiser*, 28 July, and was reprinted in the *New York Packet* and *New York Museum*, 29 July, *New York Journal*, 31 July, Lansingburgh *Federal Herald*, 4 August, and *Hudson Weekly Gazette*, 5 August, and in thirteen newspapers outside New York by 13 August: Mass. (1), R.I. (2), Conn. (2), Pa. (4), Md. (1), Va. (3).

4. In reprinting this extract of a letter on 29 July the New Brunswick, N.J., *Brunswick Gazette* and *Pennsylvania Packet* told their readers that it was written by Gozen Ryerss and

Abraham Bancker—Richmond County's two delegates to the New York Convention. The *Pennsylvania Packet* claimed that it had received a "Copy" of the letter from a Philadelphia gentleman who had arrived from New York on the evening of 28 July. The *Brunswick Gazette*, like the *Packet*, described this as a copy of a letter but did not reveal its source. Two newspapers that reprinted the letter extract from the *Pennsylvania Packet* also mentioned Ryerss and Bancker. This letter extract was reprinted in the *New York Packet* and *New York Museum*, 29 July, and in whole or in part in nineteen newspapers outside New York by 23 August: Mass. (2), R.I. (2), Conn. (5), Pa. (5), N.J. (1), Va. (1), S.C. (1), Ga. (2).

5. Possibly Adrian Bancker, Abraham Bancker's father.

# The New York Convention Saturday 26 July 1788

### **Convention Debates and Proceedings, 26 July 1788**

CONVENTION PROCEEDINGS.

SATURDAY, 9 o'Clock, A. M. July 26th, 1788.

The Convention met pursuant [to] Adjournment.

Duplicate copies of the engrossed Declaration of Rights, and form of a Ratification of the Constitution for the United States, and explanatory Amendments, and of the Amendments recommended to be made therein, were read. [*Convention Journal*, 83]

CONVENTION PROCEEDINGS. Convention met—

Mr Jay from the informal Committee to draft a Letter to the different states—reported the same—agreed with the report—

Ordered—12. Coppies of the report Letter be engrossed

Ordered that the engrossed ratification be read—previous to the final question—the same was read— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GILBERT LIVINGSTON. The question being called, and the yeas and nays required, Mr. G. Livingston rose, and made the following address: Mr. President,

I hope for indulgence from this honorable house, that I may shortly state the reasons which actuate me, for taking the part I do in the business before us.—The great and final question on the constitution is now to be taken. Permit me sir again to say, that I have had a severe struggle in my mind, between *duty* and *prejudice*.

I entered this house, as fully determined on previous amendments (I sincerely believe) as any one member in it. Nothing sir, but a conviction that I am serving the most essential interests of my country, could ever induce me to take another ground, and differ from so many of my friends on this floor.—I think sir I am in this, pursuing the object I had at first in view; the real Good of my Country. With respect to the constitution itself, I have the same idea of it I ever had—that is, that there is not safety under it, unless amended. Some time after we first met sir, a majority of those in this house who oppose it, did determine not to reject it. Only one question then remained—which was the most eligible mode, to ensure a general convention of the States, to reconsider it, to have the essential amendments ingrafted into it?

I do not here mean to go into the reasons which have repeatedly been urged on this head—but only to say, that on the most mature and deliberate reflection on this momentous occasion, the result of my judgment is—that the adoption on the table, with the bill of rights and amendments contained in it, and the circular letter to the different States accompanying it, is, considering our *present* situation with respect to our sister States, the wisest and best measure, we can possibly pursue. I shall therefore vote for it.

As an American, I am proud of my country—as a Whig, I love it, and *feel* the duty of guarding its rights and freedom, to the utmost of my power:—And sir, considering my situation in this house—as a representative of a respectable county—I feel the weight of duty increasing in a redoubled proportion.

Sir, I know I was elected a member of this convention, from a confidence the people had in my integrity.—And sir, I trust, I am at this instant, giving them an unquestionable evidence of it. The people of the county I have the honor to represent, are in general, thinking and sensible—and I have not the least doubt, but that they soon will, if they at present do not, see the propriety of the measure here pursued.

But sir, I would beg leave to mention another consideration, of a nature infinitely superior to any thing, which possibly can be put in competition with it, as a motive of action—an approving *conscience*, and an approving *God.*—I must hereafter stand at a bar, where, if the most trifling conduct must be accounted for (and which I fully believe) surely this most *important* transaction of my life will be strictly scrutinized:—To that awful being,—who will there preside,—I would with due submission and humility, appeal for the rectitude of my intensions. I hope sir, the house will pardon me, for having been so personal in this address;—I owe it sir to them, as well as to myself:—especially to a part of one side of the house, who, I have no doubt, are actuated by the purest motives—and are equally conscientious with myself, on this occasion—and with whom, and every friend to his country, I will stead-

ily persevere, in every possible means to procure this desirable object, a revision of the Constitution.

For a consistency in conduct, to this *honorable house*, to *my constituents*, and to *my country*, on this occasion, with the utmost chearfulness do I submit myself. [Poughkeepsie *Country Journal*, 29 July 1788]<sup>1</sup>

\* \* \* \* \* \* \*

HENRY WISNER.<sup>2</sup> wishes to be indulged—yesterday voted for the constn. wished to give it one day longer—came here deter[mine]d to reject it—but we have gone from one step to another—

has viewd it—thoroughly—cannot vote for it—yet if [it] is carried will aid it all he can— [Gilbert Livingston, Notes, NN]

WISNER. Mr. Livingston having concluded, Mr. Wisner, from Orange, made a short address; after stating a few reasons, having reconsidered the above ratification, said he should not give his assent to it. [Pough-keepsie *Country Journal*, 29 July 1788]<sup>3</sup>

\* \* \* \* \* \* \*

CONVENTION PROCEEDINGS. Mr. *President* then put the question, whether the same shall pass, as agreed to and ratified by this Convention, and it was carried in the affirmative in the manner following, viz.<sup>4</sup>

For the Affirmative. [30]

Mr. Jay, Mr. Hobart, Mr. Hamilton, Mr. R. Livingston, Mr. Roosevelt, Mr. Duane, Mr. Hasieur	Mr. Scudder, Mr. Havens, Mr. J. Smith, Mr. Jones, Mr. Schenck, Mr. Lawrence,	Mr. Vandervoort, Mr. Bancker, Mr. Ryerss, Mr. L. Morris, Mr. P. Livingston, Mr. Hatfield, Mr. Ver Corriends	Mr. Crane, Mr. Sarlls, Mr. Woodhull, Mr. Platt, Mr. M. Smith, Mr. G. Livingston, Mr. DWith
Mr. Duane, Mr. Harison, Mr. Low,	Mr. Lawrence, Mr. Carman, Mr. Lefferts,	Mr. Hatfield, Mr. Van Cortlandt,	Mr. G. Livingston, Mr. D'Witt.

#### For the Negative. [27]

Mr. R. Yates,	Mr. Clark,	Mr. Akins,	Mr. Williams,
Mr. Lansing,	Mr. J. Clinton,	Mr. Harper,	Mr. Baker,
Mr. Oothoudt,	Mr. Wynkoop,	Mr. Frey,	Mr. Hopkins,
Mr. I. Thompson,	Mr. Haring,	Mr. Winn,	Mr. Van Ness,
Mr. Tredwell,	Mr. Wisner,	Mr. Veeder,	Mr. Bay,
Mr. Cantine,	Mr. Wood,	Mr. Staring,	Mr. Adgate.
Mr. Schoonmaker,	Mr. Swartwout,	Mr. Parker,	

Thereupon *Ordered*, That the said Ratification be signed by his Excellency the President, and attested by the two Secretaries, in behalf of this Convention.

*Resolved*, That his Excellency the President be desired to transmit to Congress the Ratification aforesaid, and that the duplicate thereof, together with the Journal of the proceedings of this Convention, be deposited by one of the Secretaries, in the office of the Secretary of this State, there to remain of record. [*Convention Journal*, 83]

CONVENTION PROCEEDINGS. On the final question—on the engrossed ratification it was carried in the Affirmative

for it— 30 against it—27— [Gilbert Livingston, Notes, NN]

\* \* \* \* \* \* \*

GEORGE CLINTON. After ratifying, his Excellency the President, according to notice given last Thursday,<sup>5</sup> addressed the Convention very politely: The purport of which was, that until a convention was called to consider the amendments now recommended by this convention, the probability was, that the body of the people who are opposed to the constitution, would not be satisfied—he would however, as far as his power and influence would extend, endeavour to keep up peace and good order among them: To which the members and spectators were very attentive—and more than a common pleasantness appeared in their countenance. [Poughkeepsie *Country Journal*, 29 July 1788]<sup>6</sup>

CONVENTION PROCEEDINGS. Mr. Jay from the Committee appointed for the purpose, reported a draft of a circular Letter, from this Convention to the Executives of the several other States, to be laid before their respective Legislatures, which was read, and being again read by paragraphs and agreed to,<sup>7</sup> is in the words following, viz.

\* \* \* \* \* \* \*

[At this point the *Convention Journal* contains the final text of the circular letter adopted by the New York Convention. For the copy of the circular letter sent to the Governor of Massachusetts, along with drafts of the circular letter by John Jay and Melancton Smith, see RCS:N.Y., 2335–40.]

Mr. *President* then put the question, whether the Convention did agree to the said letter, and it was unanimously carried in the affirmative.<sup>8</sup>

*Resolved*, That the requisite number of copies of the said letter be prepared,<sup>9</sup> and that his Excellency the President is hereby requested to subscribe and transmit the same, as by order of this Convention, to the Executives of each of the States respectively.

*Resolved*, That the proceedings of this Convention, be communicated to the Legislature of this State at their next session, and that they be and are hereby earnestly requested to co-operate with our sister States in measures for obtaining a general Convention to consider the amendments and alterations proposed by them and us, as proper to be made in the Constitution of the United States.

*Resolved*, That his Excellency the President be requested, as Governor of this State, to make the above-mentioned communication.

*Resolved*, That his Excellency the President be requested to take order to ascertain the incidental expences of the Convention, and to lay the account thereof before the Legislature at their next meeting.

*Ordered*, That each member of the Convention be furnished with a copy of the Journals, and that a copy be forwarded to each city, town, district and precinct within this State.

*Resolved*, That the thanks of this Convention be given to the President, and Chairman of the Committee of the whole House, for their equal and impartial conduct in their respective stations.

*Resolved*, That the thanks of this Convention be given to the Reverend Mr. Henry Van Dyck and to Mr. Daniel Marsh, for their punctual attendance on the Convention, and the satisfactory manner in which they performed the service requested of them.

Then the President, with the unanimous consent of the Convention, adjourned the same without day. [*Convention Journal*, 83–86]

1. The *Country Journal* reprinted this excerpt under the heading "Occurrences in Convention the same day, before the Constitution was ratified." (Another excerpt is printed at note 3. For the entire item, see Mfm:N.Y.) Livingston's speech was reprinted in the *Daily Advertiser* and *New York Packet*, 1 August, and Lansingburgh *Federal Herald*, 11 August, and in fifteen newspapers outside New York by 21 August: Mass. (5), Conn. (5), Pa. (2), Va. (1), S.C. (1), Ga. (1). It was also reprinted in the August issue of the Philadelphia *American Museum*. The *Federal Herald, Salem Mercury, Essex Journal*, and *American Museum* omitted the last paragraph.

2. During the Revolution, Henry Wisner (1720–1790), a Goshen, Orange County, farmer, owned three powder mills. Wisner was an Orange County member of the colonial Assembly, 1759–69; a delegate to the Continental Congress, 1775–76; an Orange County member of the Provincial Convention, 1775; and an Ulster County delegate to the Second, Third, and Fourth Provincial congresses, 1775–77, serving in the Fourth on the committee to draft the state constitution. He sat in the state Senate, 1777–82, and the state Assembly (Orange County), 1788–89.

3. See note 1 (above).

4. This roll-call vote to ratify the Constitution was printed in the *Country Journal*, 29 July, and was reprinted in the *Daily Advertiser*, 1 August, the *Impartial Gazetteer*, 2 August, and in eleven newspapers outside New York by 21 August: Mass. (3), Conn. (4), Pa. (3), Ga. (1). Dozens of newspapers also printed the vote total of 30 to 27.

On 4 August the Lansingburgh *Federal Herald* (Mfm:N.Y.) published a roll-call vote of 31 to 29 in favor of the Constitution. But below this vote the printers of the *Herald* stated: "The Printers are at a loss what were the majority of voices in our convention for adopting the constitution;—by letters from members of that hon. body, it appears there were a majority of *Five*, but the above statement (taken from the *Albany Journal*) leaves a majority of *Two* only:—we will at present suppose this statement to be genuine; should it prove otherwise, it shall not long pass uncorrected." The vote printed by the *Federal Herald* has

not been found in the *Convention Journal* or the roll-call votes of the Convention found in the McKesson Papers at the New-York Historical Society. The vote in which there was a majority of five delegates was the 25 July vote of 30 to 25, in which the Convention accepted the report of the committee of the whole (above). See also *Federal Herald*, 28 July (VI, below). The *Albany Journal* of 28 July is not extant.

5. None of the extant Convention records reveals any such "notice."

6. Clinton's speech was reprinted in the *Daily Advertiser*, 1 August, and *Impartial Gazetteer*, 2 August, and in twenty-seven newspapers outside New York by 21 August: N.H. (1), Mass. (7), R.I. (2), Conn. (4), N.J. (3), Pa. (5), Md. (1), Va. (3), Ga. (1).

7. In his notes of debates for 26 July (above), Gilbert Livingston placed the action taken on the circular letter before the vote on ratifying the Constitution. In a report on the events of 26 July, the *Country Journal*, 29 July (Mfm:N.Y.) followed the order of events as printed in the *Convention Journal*.

8. The *Country Journal*, 29 July, noted that the circular letter "was then signed by all the members present, and the convention adjourned." The extant engrossed copies of the circular letter contain only the signature of Convention President George Clinton. A copy of the circular letter signed by President Clinton and 46 other delegates is bound into the manuscript Convention Journal.

9. Gilbert Livingston's notes indicate that twelve copies of the circular letter were to be engrossed (above).

## New York Declaration of Rights, Form of Ratification, and Recommendatory Amendments to the Constitution, 26 July 1788<sup>1</sup>

[At this point the U.S. Constitution with the names of the signers appears.]

WE the Delegates of the People of the State of New York, duly elected and Met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the seventeenth day of September, in the year One thousand Seven hundred and Eighty seven, by the Convention then assembled at Philadelphia in the Commonwealth of Pennsylvania (a Copy whereof precedes these presents) and having also seriously and deliberately considered the present situation of the United States, Do declare and make known.

That all Power is originally vested in and consequently derived from the People, and that Government is instituted by them for their common Interest Protection and Security.

That the enjoyment of Life, Liberty and the pursuit of Happiness are essential rights which every Government ought to respect and preserve.

That the Powers of Government may be reassumed by the People, whensoever it shall become necessary to their Happiness; that every Power, Jurisdiction and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the People of the several States, or to their respective State Governments to whom they may have granted the same; And that those Clauses in the said Constitution, which declare, that Congress shall not have or exercise certain Powers, do not imply that Congress is entitled to any Powers not given by the said Constitution; but such Clauses are to be construed either as exceptions to certain specified Powers, or as inserted merely for greater Caution.

That the People have an equal, natural and unalienable right, freely and peaceably to Exercise their Religion according to the dictates of Conscience, and that no Religious Sect or Society ought to be favoured or established by Law in preference of others.

That the People have a right to keep and bear Arms; that a well regulated Militia, including the body of the People *capable of bearing Arms*, is the proper, natural and safe defence of a free State;

That the Militia should not be subject to Martial Law, except in time of War, Rebellion or Insurrection.

That standing Armies in time of Peace are dangerous to Liberty, and ought not to be kept up, except in Cases of necessity; and that at all times, the Military should be under strict Subordination to the civil Power.

That in time of Peace no Soldier ought to be quartered in any House without the consent of the Owner, and in time of War only by the civil Magistrate in such manner as the Laws may direct.

That no Person ought to be taken imprisoned, or disseised of his freehold, or be exiled or deprived of his Privileges Franchises, Life, Liberty or Property, but by due process of Law.

That no Person ought to be put twice in Jeopardy of Life or Limb for one and the same Offence, nor, unless in case of impeachment, be punished more than once for the same Offence.

That every Person restrained of his Liberty is entitled to an enquiry into the lawfulness of such restraint, and to a removal thereof if unlawful, and that such enquiry and removal ought not to be denied or delayed, except when on account of Public Danger the Congress shall suspend the privilege of the Writ of Habeas Corpus.

That excessive Bail ought not to be required; nor excessive Fines imposed; nor Cruel or unusual Punishments inflicted.

That (except in the Government of the Land and Naval Forces, and of the Militia when in actual Service, and in cases of Impeachment) a Presentment or Indictment by a Grand Jury ought to be observed as a necessary preliminary to the trial of all Crimes cognizable by the Judiciary of the United States, and such Trial should be speedy, public, and by an impartial Jury of the County where the Crime was committed; and that no person can be found Guilty without the unanimous consent of such Jury. But in cases of Crimes not committed within any County of any of the United States, and in Cases of Crimes committed within any County in which a general Insurrection may prevail, or which may be in the possession of a foreign Enemy, the enquiry and trial may be in such County as the Congress shall by Law direct; which County in the two Cases last mentioned should be as near as conveniently may be to that County in which the Crime may have been committed. And that in all Criminal Prosecutions, the Accused ought to be informed of the cause and nature of his Accusation, to be confronted with his accusers and the Witnesses against him, to have the means of producing his Witnesses, and the assistance of Council for his defence, and should not be compelled to give Evidence against himself.

That the trial by Jury in the extent that it obtains by the Common Law of England is one of the greatest securities to the rights of a free People, and ought to remain inviolate.

That every Freeman has a right to be secure from all unreasonable searches and seizures of his person his papers or his property, and therefore, that all Warrants to search suspected places or seize any Freeman his papers or property, without information upon Oath or Affirmation of sufficient cause, are grievous and oppressive; and that all general Warrants (or such in which the place or person suspected are not particularly designated) are dangerous and ought not to be granted.

That the People have a right peaceably to assemble together to consult for their common good, or to instruct their Representatives; and that every person has a right to Petition or apply to the Legislature for redress of Grievances.

That the Freedom of the Press ought not to be violated or restrained.

That there should be once in four years an Election of the President and Vice President, so that no Officer who may be appointed by the Congress to act as President in case of the removal, death, resignation or inability of the President and Vice President can in any case continue to act beyond the termination of the period for which the last President and Vice President were elected.

That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing Laws at its discretion from time to time to divide such State into convenient Districts, and to apportion its Representatives to and amongst such Districts.

That the Prohibition contained in the said Constitution against *ex post facto* Laws, extends only to Laws concerning Crimes.

That all Appeals in Causes determineable according to the course of the common Law, ought to be by Writ of Error and not otherwise.

That the Judicial Power of the United States in cases in which a State may be a party, does not extend to criminal Prosecutions, or to authorize any Suit by any Person against a State. That the Judicial Power of the United States as to Controversies between Citizens of the same State claiming Lands under Grants of different States is not to be construed to extend to any other Controversies between them, except those which relate to such Lands, so claimed under Grants of different States.

That the Jurisdiction of the Supreme Court of the United States, or of any other Court to be instituted by the Congress, is not in any case to be encreased enlarged or extended by any Fiction Collusion or mere suggestion;—And

That no Treaty is to be construed so to operate as to alter the Constitution of any State.

Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the Explanations aforesaid are consistent with the said Constitution, And in Confidence that the Amendments which shall have been proposed to the said Constitution will receive an early and mature Consideration: WE the said Delegates, in the Name and in the behalf of the People of the State of New York Do by these presents Assent to and Ratify the said Constitution. IN FULL CONFIDENCE NEVERTHELESS that until a Convention shall be called and convened for proposing Amendments to the said Constitution, the Militia of this State will not be continued in Service out of this State for a longer term than six weeks without the Consent of the Legislature thereof;—that the Congress will not make or alter any Regulation in this State respecting the times places and manner of holding Elections for Senators or Representatives unless the Legislature of this State shall neglect or refuse to make Laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power will only be exercised until the Legislature of this State shall make provision in the Premisses;-that no Excise will be imposed on any Article of the Growth production or Manufacture of the United States, or any of them within this State, Ardent Spirits excepted; And that the Congress will not lay direct Taxes within this State, but when the Monies arising from the Impost and Excise shall be insufficient for the public Exigencies, nor then, until Congress shall first have made a Requisition upon this State to assess levy and pay the Amount of such Requisition made agreably to the Census fixed in the said Constitution in such way and manner as the Legislature of this State shall judge best, but that in such case, if the State shall neglect or refuse to pay its proportion pursuant to such Requisition, then the Congress may assess and levy this States proportion together with Interest at the Rate of six per Centum per Annum from the time at which the same was required to be paid.

DONE in Convention at Poughkeepsie in the County of Dutchess in the State of New York the twenty sixth day of July in the year of our Lord One thousand Seven hundred and Eighty eight.

By Order of the Convention.

Geo: Clinton President

Attested

John McKesson Abm. B. Bancker Secretaries

AND the Convention do in the Name and Behalf of the People of the State of New York enjoin it upon their Representatives in the Congress, to Exert all their Influence, and use all reasonable means to Obtain a Ratification of the following Amendments to the said Constitution in the manner prescribed therein; and in all Laws to be passed by the Congress in the mean time to conform to the spirit of the said Amendments as far as the Constitution will admit.

That there shall be one Representative for every thirty thousand Inhabitants, according to the enumeration or Census mentioned in the Constitution, until the whole number of Representatives amounts to two hundred; after which that number shall be continued or encreased but not diminished, as Congress shall direct, and according to such ratio as the Congress shall fix, in conformity to the rule prescribed for the Apportionment of Representatives and direct Taxes.

That the Congress do not impose any Excise on any Article (except Ardent Spirits) of the Growth production or Manufacture of the United States, or any of them.

That Congress do not lay direct Taxes but when the Monies arising from the Impost and Excise shall be insufficient for the Public Exigencies, nor then until Congress shall first have made a Requisition upon the States to assess levy and pay their respective proportions of such Requisition, agreably to the Census fixed in the said Constitution, in such way and manner as the Legislatures of the respective States shall judge best; and in such Case, if any State shall neglect or refuse to pay its proportion pursuant to such Requisition, then Congress may assess and levy such States proportion, together with Interest at the rate of six per Centum per Annum, from the time of Payment prescribed in such Requisition.

That the Congress shall not make or alter any Regulation in any State respecting the times places and manner of holding Elections for Senators or Representatives, unless the Legislature of such State shall neglect or refuse to make Laws or Regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the Legislature of such State shall make provision in the premisses; provided that Congress may prescribe the time for the Election of Representatives.

That no Persons except natural born Citizens, or such as were Citizens on or before the fourth day of July one thousand seven hundred and seventy six, or such as held Commissions under the United States during the War, and have at any time since the fourth day of July one thousand seven hundred and seventy six become Citizens of one or other of the United States, and who shall be Freeholders, shall be eligible to the Places of President, Vice President, or Members of either House of the Congress of the United States.

That the Congress do not grant Monopolies or erect any Company with exclusive Advantages of Commerce.

That no standing Army or regular Troops shall be raised or kept up in time of peace, without the consent of two-thirds of the Senators and Representatives present, in each House.

That no Money be borrowed on the Credit of the United States without the Assent of two-thirds of the Senators and Representatives present in each House.

That the Congress shall not declare War without the concurrence of two-thirds of the Senators and Representatives present in each House.

That the Privilege of the *Habeas Corpus* shall not by any Law be suspended for a longer term than six Months, or until twenty days after the Meeting of the Congress next following the passing of the Act for such suspension.

That the Right of the Congress to exercise exclusive Legislation over such District, not exceeding ten Miles square, as may by cession of a particular State, and the acceptance of Congress, become the Seat of the Government of the United States, shall not be so exercised, as to exempt the Inhabitants of such District from paying the like Taxes Imposts Duties and Excises, as shall be imposed on the other Inhabitants of the State in which such District may be; and that no person shall be privileged within the said District from Arrest for Crimes committed, or Debts contracted out of the said District.

That the Right of exclusive Legislation with respect to such places as may be purchased for the Erection of Forts, Magazines, Arsenals, Dock yards and other needful Buildings, shall not authorize the Congress to make any Law to prevent the Laws of the States respectively in which they may be, from extending to such places in all civil and Criminal Matters, except as to such Persons as shall be in the Service of the United States; nor to them with respect to Crimes committed without such Places. That the Compensation for the Senators and Representatives be ascertained by standing Laws; and that no alteration of the existing rate of Compensation shall operate for the Benefit of the Representatives, until after a subsequent Election shall have been had.

That the Journals of the Congress shall be published at least once a year, with the exception of such parts relating to Treaties or Military operations, as in the Judgment of either House shall require Secrecy; and that both Houses of Congress shall always keep their Doors open during their Sessions, unless the Business may in their Opinion require Secrecy. That the yeas & nays shall be entered on the Journals whenever two Members in either House may require it.

That no Capitation Tax shall ever be laid by the Congress.

That no Person be eligible as a Senator for more than six years in any term of twelve years; and that the Legislatures of the respective States may recal their Senators or either of them, and elect others in their stead, to serve the remainder of the time for which the Senators so recalled were appointed.

That no Senator or Representative shall during the time for which he was elected be appointed to any Office under the Authority of the United States.

That the Authority given to the Executives of the States to fill the vacancies of Senators be abolished, and that such vacancies be filled by the respective Legislatures.

That the Power of Congress to pass uniform Laws concerning Bankruptcy shall only extend to Merchants and other Traders; and that the States respectively may pass Laws for the relief of other Insolvent Debtors.

That no Person shall be eligible to the Office of President of the United States a third time.

That the Executive shall not grant Pardons for Treason, unless with the Consent of the Congress; but may at his discretion grant Reprieves to persons convicted of Treason, until their Cases can be laid before the Congress.

That the President or person exercising his Powers for the time being, shall not command an Army in the Field in person, without the previous desire of the Congress.

That all Letters Patent, Commissions, Pardons, writs and process of the United States, shall run in the Name of *the People of the United States*, and be tested in the Name of the President of the United States, or the person exercising his powers for the time being, or the first Judge of the Court out of which the same shall issue, as the case may be.

That the Congress shall not constitute ordain or establish any Tribunals or Inferior Courts, with any other than Appellate Jurisdiction, except such as may be necessary for the Tryal of Causes of Admiralty and Maritime Jurisdiction, and for the Trial of piracies and Felonies committed on the High Seas; and in all other Cases to which the Judicial power of the United States extends, and in which the Supreme Court of the United States has not original Jurisdiction, the Causes shall be heard tried, and determined in some one of the State Courts, with the right of appeal to the Supreme Court of the United States, or other proper Tribunal to be established for that purpose by the Congress, with such exceptions, and under such regulations as the Congress shall make.

That the Court for the Trial of Impeachments shall consist of the Senate, the Judges of the Supreme Court of the United States, and the first or Senior Judge for the time being, of the highest Court of general and ordinary common Law Jurisdiction in each State;-that the Congress shall by standing Laws designate the Courts in the respective States answering this Description, and in States having no Courts exactly answering this Description, shall designate some other Court, preferring such if any there be, whose Judge or Judges may hold their places during good Behaviour-provided that no more than one Judge, other than Judges of the Supreme Court of the United States, shall come from one State—That the Congress be authorized to pass Laws for compensating the said Judges for such Services and for compelling their Attendance-and that a Majority at least of the said Judges shall be requisite to constitute the said Court—that no person impeached shall sit as a Member thereof. That each Member shall previous to the entering upon any Trial take an oath or Affirmation, honestly and impartially to hear and determine the Cause-and that a Majority of the Members present shall be necessary to a Conviction.

That persons aggrieved by any Judgment, Sentence or Decree of the Supreme Court of the United States, in any Cause in which that Court has original Jurisdiction, with such exceptions and under such Regulations as the Congress shall make concerning the same, shall upon application, have a Commission to be issued by the President of the United States, to such Men learned in the Law as he shall nominate, and by and with the Advice and consent of the Senate appoint, not less than seven, authorizing such Commissioners, or any seven or more of them, to correct the Errors in such Judgment or to review such Sentence and Decree, as the case may be, and to do Justice to the parties in the Premisses.

That no Judge of the Supreme Court of the United States shall hold any other Office under the United States, or any of them.

That the Judicial Power of the United States shall extend to no Controversies respecting Land, unless it relate to Claims of Territory or Jurisdiction between States, or to Claims of Lands between Individuals, or between States and Individuals under the Grants of different States.

That the Militia of any State shall not be compelled to serve without the limits of the State for a longer term than six weeks, without the Consent of the Legislature thereof.

That the words *without the Consent of the Congress* in the seventh Clause of the ninth Section of the first Article of the Constitution, be expunged.

That the Senators and Representatives and all Executive and Judicial officers of the United States shall be bound by Oath or Affirmation not to infringe or violate the Constitutions or Rights of the respective States.

That the Legislatures of the respective States may make Provision by Law, that the Electors of the Election Districts to be by them appointed shall chuse a Citizen of the United States who shall have been an Inhabitant of such District for the Term of one year immediately preceeding the time of his Election, for one of the Representatives of such State.

DONE in Convention at Poughkeepsie in the County of Dutchess in the State of New York the twenty sixth day of July in the year of our Lord One thousand seven hundred and Eighty eight.

By Order of the Convention.

Geo: Clinton President

Attested—

John McKesson Abm. B. Bancker Secretaries

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA. (The retained engrossed copy is at the New York State Archives.) This two-part document, along with Convention President George Clinton's cover letter dated 26 July (immediately below), was presented to Congress on 30 July by Convention delegate Alexander Hamilton. The first part of the document consists of the U.S. Constitution, a declaration of rights, and a Form of Ratification and explanatory amendments, while the second part, the recommendatory amendments, is separated from the first by the equivalent of about ten lines of text. According to the *Daily Advertiser*, 31 July, this ratification document was received and read in Congress on 30 July. One of the entries in Congress' despatch book for 30 July states: "July 26 Geo. Clinton transmittg ratification of N. York," while an endorsement on Clinton's cover letter reads: "G. Clinton/26 July 1788/Read 30th. July." For a facsimile of the ratification document see Mfm:N.Y.

On 29 July the *Country Journal* printed the declaration of rights and the Form of Ratification and explanatory amendments, and on 12 August it printed the recommendatory amendments. The entire ratification document also appeared in the *Daily Advertiser*, 31 July, the *New York Packet*, 1 August, the *Independent Journal* and *Impartial Gazetteer*, 2 August, and the *New York Journal*, 7 August. The recommendatory amendments were printed in the *Albany Gazette*, 7 August, and the *Hudson Weekly Gazette*, 12 August. (The

31 July and 29 July issues of these papers, respectively, are not extant.) The ratification document was reprinted outside New York in whole or in part in the August issue of the Philadelphia *American Museum* and in thirty-four newspapers by 30 August: Vt. (1), N.H. (2), Mass. (10), R.I. (3), Conn. (6), N.J. (1), Pa. (5), Md. (3), Va. (2), S.C. (1).

The declaration of rights, Form of Ratification and explanatory amendments, and recommendatory amendments were also printed in the *Journal of the Convention of the State of New-York; Held at Pougkeepsie, in Dutchess County, the 17th of June, 1788* (Evans 21313) by Nicholas Power of the *Country Journal*. This ratification document, however, does not appear as a single unit. The declaration and the Form and explanatory amendments are part of the Convention's proceedings for the morning session of 25 July, while the recommended amendments are part of the proceedings for the afternoon session. (They are printed above under the Debates and Proceedings for 25 July.) According to bibliographer Charles Evans, Nicholas Power also published the ratification document in a no-longer-extant broadside (Evans 21312). Both the *Convention Journal* and the broadside also contain the circular letter were printed as a broadside on order of the General Assembly (Evans 21431).

# George Clinton to the President of Congress Poughkeepsie, 26 July 1788<sup>1</sup>

Sir

I have the Honor to transmit to your Excellency by the Hand of the Honorable Mr Hamilton a Delegate of this State in Congress a Ratification of the Constitution of the United States by the Convention of this State

1. RC, PCC, Item 67, New York State Papers, 1775–88, II, 559, DNA. Endorsed: "G. Clinton/26 July 1788/Read 30th. July." Clinton's letter and its enclosure reached Congress the same day that Congress read the letter (*Daily Advertiser*, 31 July).

# New York Convention: Circular Letter to the Executives of the States Poughkeepsie, 26 July 1788<sup>1</sup>

In Convention at Poughkeepsie, State of New York, July 26th 1788 (Circular)

Sir,

We the Members of the Convention of this State, have deliberately and maturely considered the Constitution proposed for the United States. Several Articles in it appear so exceptionable to a Majority of us, that nothing but the fullest confidence, of obtaining a Revision of them, by a General Convention, and an invincible reluctance to seperating from our Sister States, could have prevailed upon a sufficient Number to ratify it, without stipulating for previous Amendments.— We all unite in opinion that such a Revision will be necessary to recommend it to the approbation and support of a numerous body of our Constituents. We observe that Amendments have been proposed and are anxiously desired by several of the States, as well as by this; and we think it of great Importance that effectual measures be immediately taken for calling a Convention, to meet at a period not far remote: for we are convinced, that the Apprehensions and Discontents which those Articles occasion, cannot be removed or allayed, unless an Act to provide for it, be among the first that shall be past by the New Congress. As it is essential, that an application for the purpose should be made to them, by two thirds of the States[,] We earnestly exhort and request the Legislature of your Commonwealth<sup>2</sup> to take the earliest opportunity of making it—We are persuaded that a similar one will be made by our Legislature at their next Session; and we ardently wish and desire, that the other States may concur in adopting and promoting the Measure-It cannot be necessary to observe, that no Government however constructed can operate well, unless it possesses the confidence and good will of the great Body of the People; And as we desire nothing more, than that the Amendments proposed by this or other States be submitted to the Consideration and Decision of a General Convention. We flatter ourselves that motives of mutual Affection and Conciliation will conspire with the obvious dictates of sound Policy to induce even such of the States as may be content with every Article in the Constitution, to gratify the reasonable desires of that numerous Class of American Citizens who are anxious to obtain Amendments of some of them.

Our Amendments will manifest that none of them originated in local views as they are such as if acceded to, must equally affect every State in the Union—Our Attachment to our Sister States and the confidence we repose in them cannot be more forcibly demonstrated, than by acceding to a Government which many of us think very imperfect, and devolving the power of determining whether that Government shall be rendered perpetual in its present form, or altered agreeable to our wishes, on a Minority of the States with whom we unite.

We request the favour of your Excellency to lay this Letter before the Legislature of your Commonwealth and we are persuaded that your regard for our National Harmony and good Government will induce you to promote a measure, which we are unanimous in thinking very conducive to those interesting Objects.

We have the honour to be with the highest respect Your Excellencys Most obedient Servants

> By the Unanimous order of the Convention. Geo: Clinton Presidt

1. RC, Miscellaneous Legislative Papers, Senate Files, No. 849, Massachusetts Archives. This letter is addressed internally to "His Excellency The Governor of Massachusets" and is docketed: "Governor Clinton's Letter/from the Convention of N York/inclosing their proceeding on federal/Constitution—/July 26. 1788." Several other recipient copies of

the circular letter exist. The copy sent to Delaware is in the Franklin Delano Roosevelt Presidential Library, Hyde Park, N.Y.; the New Hampshire copy is in the Library of Congress (Peter Force Miscellany); the North Carolina copy is in the North Carolina Office of Archives and History; the Rhode Island copy is in the Rhode Island State Archives; and the South Carolina copy is in the Karpeles Manuscript Library, Santa Barbara, California. The New York State Library has an incomplete copy of the letter. The McKesson Papers at the New-York Historical Society has a copy that resembles the manuscript copy appended at the end of the manuscript Convention journal, but without the signatures. The McKesson Papers also has a two-page draft of the circular letter in the handwriting of John Jay, and a third page, in the handwriting of John Lansing, Jr. (below). Another draft of a circular letter, this one by Melancton Smith, is in the Smith Papers at the New York State Library (below). Jay, Lansing, and Smith were the members of the three-man committee appointed during the morning session on 25 July to draft the letter.

The manuscript copy of the circular letter appended at the end of the Convention's manuscript journal is signed by George Clinton as president of the Convention and by 46 other delegates. Eighteen delegates did not sign. Of the sixteen Antifederalist delegates who did not sign, one had voted for ratification (Henry Scudder), nine had voted against ratification, and six had not voted on ratification (David Hedges, Dirck Swart, Anthony Ten Eyck, Ezra Thompson, Peter Vrooman, and Christopher P. Yates). The two Federalist delegates who did not sign the circular letter were Richard Morris (who did not vote on the question of ratification) and Thaddeus Crane of Westchester County who along with all of the other Federalist delegates except Morris, voted for ratification. See Mfm:N.Y. for a photographic facsimile of this manuscript version of the circular letter along with the signatures.

The circular letter first appeared in the *Country Journal*, on 5 August. It was reprinted in the *Daily Advertiser* and *New York Packet*, 8 August, *Independent Journal*, 9 August, *Impartial Gazetteer*, 9 August (supplement), Lansingburgh *Federal Herald*, 11 August, and *New York Journal*, 14 August, and in thirty-five newspapers outside New York by 1 September: Vt. (1), N.H. (1), Mass. (9), R.I. (3), Conn. (6), N.J. (2), Pa. (4), Md. (3), Va. (2), N.C. (1), S.C. (2), Ga. (1). It also appeared in the August issue of the Philadelphia *American Museum*, in a no-longer-extant broadside printed by Nicholas Power (Evans 21312), and in a broadside published by order of the Rhode Island General Assembly (Evans 21431).

2. The version of the circular letter found in the *Convention Journal* used the words "State (or Commonwealth)." In the case of Massachusetts, "Commonwealth" was appropriate since that state styled itself a "Commonwealth," as did Pennsylvania and Virginia. The other extant letters used the word "State."

### Melancton Smith: Draft of New York Circular Letter<sup>1</sup>

The Convention of the State of New York have taken had the Constitution recommended by the Convention which met in Philadelphia in Sepr. last under their consideration—

A large majority of the Convention as well as of their Constituents, are of opinion that important and material alterations are necessary to be made in the system, in order to secure the Liberties of the people under it—

Under this Conviction, they would have with[h]eld their assent to it until amendments were first agreed upon, had not important considerations interposed. But They considered the preservation of the union as essential to the public prosperity safety and happiness, that as ten of our sister States have already acceded to the system of Govt. it had become impracticable to procure amendments previous to the governments its going into operation—They have moreover the fullest confidence that the united councils of the people of the US. will effect such amendments and alterations, as will render those invaluable rights and Liberties, for which the people of America have so nobly contended, secure and quiet those apprehensions which so many of our virtuous Citizens entertain from the operation of the Government—

They have therefore acceded to the Constitution, but neither a regard to their own sentiments nor to those of their Constituents would permit them to do it without reserving to this State a right to withdraw from it, in case an oppurtunity is not afforded in Years to revise the system in the mode pointed out in the 5th. Article—

Our opinion is that the most eligible method to obtain this is mode of revising the Constitution will be by calling another general Convention, to consider of and propose such amendments, as will secure the Liberties of the people and accord with the sentiments of the several States.

This cannot be effected unless <sup>3</sup>/<sub>3</sub> of the States apply to the Congress to pursue this method for the purpose—We therefore earnestly invite your State to join with ours in making application to the Congress to call a Convention of the States for this purpose, as soon after they meet as is convenient.

We forbear to urge the reasons which induce us to disapprove of the system in many of its parts. Our sense of its defects will best appear by the amendments we have proposed to it a Copy of which is inclosed—

But besides the imperfection of the plan, other weighty reasons urge a speedy consideration of the amendments proposed to it—It is a fact notorious, that a great proportion of the people of the United States are opposed to the Constitution in its present form. It is reasonable that their fears should be quieted, and we may say, that even their prejudices should be consulted—They have earned the Liberties they enjoy, by a vast expence of blood & treasures—The blessing They are entitled to a security for them, and even to have their apprehensions of danger removed—Beside[s] it cannot be expected that a government can be exercised for the public good when such a powerful opposition exists in the Country Community against the principles upon which it is founded—These reasons in addition to the defects in the plan are sufficient to induce a reconsideration of itWe prefer the mode of consideration by a general Convention, because they will be able to take up the amendments proposed by all the States, and accommodate them as near as possible to the general sentiment—Besides it is to be presumed that on such an occasion the States would depute men in whose ability & dispositions for such a work, they could repose the fullest confidence—

The opposition made by this State to this Constitution has been represented to proceed from local attachments and from an aversion to establish a good federal government—We trust the amendments we have proposed will manifest that none of our objections have originated from those sources—Every State in the union we presume are equally interested with ourselves in obtaining them—Our attachment to the union of the States is equally ardent with that of any of our sister States—We beleive their attachments to Liberty is equally strong with ours—As a decisive proof of both, we chearfully consent to submit to their determinations on the propriety of the amendments to be made to this system—And have the highest confidence that they will join with us in applying to Congress to summon a Convention to consider of such as are proposed by the States—

1. MS, Smith Papers, KZ 14832, Item 10, N.

### John Jay: Draft of New York Circular Letter<sup>1</sup>

We the members of the Convention of this State, have deliberately & maturely considered the Constitution proposed for the united States. Several articles in it appear so exceptionable (to a majority of  $u_{s,}$ ) that nothing but the fullest Confidence of obtaining a Revision of them by a general Convention, and an invi[n]cible Reluctance to separating from our Sister States could have prevailed upon them (a majority of us a sufficient number) to ratify it (without stipulating for previous amendments.) We all unite in opinion that such a Revision will be necessary to recommend it to the approbation and Support of a numerous Body of our Constituents. We observe that amendments have been proposed and are anxiously desired by several of the States as well as by this; & we think it of great Importance that effectual measures be immediately taken for calling a Convention (to meet at a Period not far remote;) we are convinced that the apprehensions and Discontents which those Articles occasion, cannot be removed or allayed, unless an act to provide for it, be among the first that shall be passed by the new congress. As it is essential that an application for the (Purpose) Should be made to them by two thirds of the States we earnestly exhort and request the Legislature of your to take the earliest opportunity of making it. we are persuaded that a similar one will be made by our Legislature at their next Session; and we ardently wish and desire that the other States may concur in adopting & promoting the Measure It cannot be necessary to observe that no Govt. however constructed, can operate well, unless it possesses the Confidence and good will of the great Body of the People. (and as) We desire nothing more than that the amendments proposed by this or other States be submitted to the Consideration and Decision of a general Convention, and we flatter ourselves that motives of mutual affection and Conciliation will conspire with the obvious Dictates of sound Policy to induce even such of the States as may be content with every Article in the Constitution, to gratify the reasonable Desires of that numerous Class of american Citizens who are anxious to obtain amendments of some of them.<sup>x</sup>

We request the favor of your Ex[cellenc]y to lay this Letter before the Legislature of your and we are persuaded that your Regard for our national Harmony and good Government will induce you to promote a Measure which we are unanimous in thinking very conducive to those interesting Objects—

By the unanimous order of the Convention

<sup>x</sup>Our Amendments will manifest that none of them originated in local views as they are of a Nature which (such as if acceded to must equally affect every State in the Union—Our Attachment to our Sister States and the Confidence we repose in them, cannot be more forcibly demonstrated than by submitting (acceding) to a Government which most of us are firmly persuaded is not well calculated to secure the happiness of the people of the United States (which many of us think very imperfect) and devolving the power of determining whether that Governmt. shall be rendered perpetual, (in its present form) or altered agreeable to our Wishes, on one fourth (a minority) of the States with whom we unite.

1. MS, McKesson Papers, NHi. All interlineations are placed in angle brackets and often replace crossed-out text. Some of the interlineations are John Lansing, Jr.'s marginal notes that Alexander Hamilton rewrote and interlineated with a caret. Jay probably drafted the letter even before the Convention appointed the committee during the morning session of 25 July. The last paragraph, excepting the changes made in it, is in the handwriting of John Lansing, Jr., and was intended to be inserted in the place marked by the letter "X" in Jay's draft. The alterations in the paragraph drafted by Lansing appear to have been made by Hamilton and by an unknown hand.

# VI. COMMENTARIES ON THE NEW YORK CONVENTION 8 June-30 July 1788

# Introduction

The documents printed below consist almost entirely of brief letters and newspaper reports. They comment on the Convention's proceedings and debates in general terms, not lending themselves to being placed under specific days.

Part VI begins with a grouping of documents on the departure of Convention delegates from New York City and their arrival in Poughkeepsie. Letter writers and newspaper reports discuss the appointment of Convention officers and the number of delegates in attendance; the strength of the supporters and opponents of the Constitution; the level of party spirit and altercations between delegates; the strategies of each party in obtaining, delaying, or rejecting ratification or placing conditions upon it; the all-important role of amendments in determining the nature of ratification (conditional or unconditional); the characters of the delegates and the quality of their speeches; the progress of the Convention in covering each paragraph of the Constitution; the prospects of ratification or speculation about when it would occur; and the publication of the Convention debates and journal. Some documents report on the ratification of the Constitution by New Hampshire and Virginia and the impact on New York, while others refer to the actions being taken by the Confederation Congress to prepare for the establishment of the new government under the Constitution after New Hampshire became the ninth state to ratify the Constitution. An important exchange of letters between Convention delegate Alexander Hamilton and James Madison, a member of Congress, considers whether or not Congress would accept a conditional ratification from New York.

# Reports of Convention Delegates Traveling to Poughkeepsie, 8-30 June 1788

George Clinton, Melancton Smith, and Nathaniel Lawrence to Robert Yates and John Lansing, Jr., New York, 8 June 1788<sup>1</sup>

Mr. A. Yates has communicated to us a Letter from John Lansing, Esqr. suggesting the propriety of meeting with you, and some other Gentlemen of the Convention two or three days before the day appointed for their session<sup>2</sup>—We propose leaving this in a Sloop on Saturday Morning, and hope to arrive at Poughkeepsie on Sunday forenoon—We beg you will meet us there at that time, with such Gentlemen as you can bring with you, Mr. Jones is gone to Poughkeepsie to attend a trial, and will not return until after the meeting of the Convention.

### New York Daily Advertiser, 16 June 1788<sup>3</sup>

On Saturday last sailed for Poughkeepsie, a sloop, on board of which was his excellency the Governor, and several members of the Convention:<sup>4</sup>—And in the afternoon another sailed for the same place, with passengers, among whom were the hon. James Duane, Judge Hobart, and other members of the state Convention—in passing the battery they were saluted by a discharge of 13 cannon.<sup>5</sup> A great concourse of citizens assembled on the occasion, and with loud acclamations testified their regard for the persons, and the high sense they entertained of their abilities and patriotism, which were soon to be called forth on a most momentous subject.

As all or the greater part of the members of the Convention for the southern counties have gone for Poughkeepsie, it is expected there will be a quorum to-morrow, which is the day appointed for the meeting of the Convention.

### Poughkeepsie Country Journal, 17 June 1788<sup>6</sup>

Sunday morning arrived Capt. North, in 24 hours from New-York, with whom his Excellency the Governor, and a number of other gentlemen, Members of the Convention, came passengers—and in the afternoon arrived Capt. Mott, with his Honor the Mayor of New-York [James Duane], and others, also Members of Convention.

### Hartford American Mercury, 30 June 17887

We hear, that when Gov. C—— sat out to embark for Poughkeepsie, he went *solus*; on his passing the Fort he was saluted with the discharge of a *single* swivel, the flag hoisted half way [up] the staff—The other members [i.e., the Federalists] were escorted by some thousands of their virtuous constituents; their passing the fort was announced to the public by the discharge of *thirteen* heavy cannon; the flag hoisted as high as possible.

1. RC, New York State Governors Autograph Collection, 1777–1976, Box 2, Collection "B," Albany Institute of History and Art.

2. See John Lansing, Jr., to Abraham Yates, Jr., 1 June 1788 (RCS:N.Y., 1122–23). For the preparation of "previous amendments" by Antifederalist delegates, see also Abraham G. Lansing to Yates, 1 June, and Yates to Abraham G. Lansing, 15 June (RCS:N.Y., 1120–22, 1173–74).

3. Reprinted in full in the *New York Packet*, 17 June, and six times outside New York by 25 June: Pa. (5), N.J. (1). The first paragraph alone was reprinted in the *New York Museum*, 17 June, Lansingburgh *Federal Herald*, 23 June, and *Albany Journal*, 23 June. Variations of the report appeared in the *New York Journal*, 16 June (one Rhode Island reprint) and in the Philadelphia *Independent Gazetteer*, 18 June (one reprint in Maryland and in Virginia). See Mfm:N.Y. for these variations.

4. "Several members" probably included Melancton Smith and Nathaniel Lawrence (see document immediately above).

5. For another account of the salute from the "battery," see Abraham Yates, Jr., to Abraham G. Lansing, 15 June (RCS:N.Y., 1173–74).

6. Reprinted: Daily Advertiser, 20 June; Pennsylvania Packet, 25 June.

7. Reprinted six times by 18 August: Vt. (1), N.H. (2), Mass. (2), R.I. (1).

# James M. Hughes to John Lamb Poughkeepsie, 17 June 1788<sup>1</sup>

Dear General

At 12 O'Clock this Day 52 Members of the Convention assembled at the Court House—His Excellency the Governor was appointed President—they then proceeded to ballot for a Committee to prepare Rules for their Government as a deliberative Assembly and thereupon Mr. Lansing Mr. Jones Mr. Haring Mr. Duane & Mr. Richard Morris were chosen—they then adjourned till Tomorrow Morning 10 'Clock—

The Numbers of the Anties astonish the Federalists and they look on their Case as desperate<sup>2</sup>—This is all I can afford you at present

Adieu & believe me to be your sincere Friend & Hum Servt

RC, Lamb Papers, NHi. See also Hughes to Lamb, 18 June (RCS:N.Y., 1202–3).
 Of the sixty-five delegates, forty-six were Antifederalists.

# Abraham Bancker to Evert Bancker Poughkeepsie, 18 June 1788<sup>1</sup>

I have just time to inform you that we arrived safe and in good Order on Sonday Afternoon [15 June], that we are provided with good Quarters and excellent Accommodations at Mrs. Van Kleeks,<sup>2</sup> that we made a House Yesterday and proceeded to the election of a President when his Excellency Govr. Clinton was chosen unanimously. AB Bancker & John Mc.Kesson Secry's. and the other necessary Officers were also chosen; that Rules for the Convention have been drawn up and agreed to; that after the Constitution & the Papers accompanying it were read, the House previous to Adjournment this day, resolved that they would resolve themselves into a Committee of the whole tomorrow Morning, to go into a discussion of the Merits and defects of the Constitution— I will write to you by the next convenient Opportunity, and am with Love & Affection to Aunt & Cousins

1. RC, Bancker Family Correspondence, NHi. The letter was docketed twice as received on 21 June.

2. Abraham Bancker described the Van Vleecks as "A Very Respectable family" in a letter to his father Adrian, which the latter quoted in a letter to Evert Bancker on 24 June (below).

# Abraham B. Bancker to Evert Bancker Poughkeepsie, 18 June 1788<sup>1</sup>

Hond. Sir

My two last gave you an Account of the weak state of Arrietta and the loss of our little Daughter, since which She appears to be recovering strenght and from the flattering hopes of the Doctors I ventured to leave home yesterday Morning early, in Order to attend the Business assigned us by the Legislature-the Convention Mustered fifty Members, unanimously Chose his Excellency the Governor for President, and Mr. Mc.Kesson with myself their Secretaries, besides the other necessary Officers and Committees-this day they have Adopted certain Rules for their Government, and had the Constitution and other Papers read, when a Resolution was entered into, "that the Convention will Tomorrow Resolve themselves into a Committee of the whole for the purpose of taking the Business under Consideration["]-after which they Adjourned until 10 oClk. I having just heard of a Chance Conveyance, thought proper to give you the forgoing Information-I Expect every Minute Tidings from home; should they Arrive before the bearer setts out I shall Communicate it-Couz. Abm. with Judge Ryerss and Mr. Mc.Kesson are my brother Lodgers at Mrs. Van Kleecks-I now Conclude with my Sincere Affection to Papa, Mama, Chris. & family and Remain Hond. sir—Your Ever Dutifull Son

1. RC, Special Collections, Drowne Deposit, John Hay Library, Brown University. The letter is docketed as received on 21 June and answered on 27 June.

# Alexander Hamilton to James Madison Poughkeepsie, 18 June 1788<sup>1</sup>

Yesterday, My Dear Sir, The Convention made a house. That day and this have been spent in preliminary arrangements. Tomorrow we go into a Committee of the whole on the Constitution. There is every appearance that a full discussion will take place, which will keep us together at least a fortnight. It is not easy to conjecture what will be the result. Our adversaries greatly outnumber us. The leaders gave indications of a pretty desperate disposition in private conversations previous to the meeting; but I imagine the minor partisans have their scruples and an air of moderation is now assumed.<sup>2</sup> So far the thing is not to be despaired of. A happy issue with you must have considerable influence upon us—

I have time to add nothing more than the assurances of my sincere attachment—

1. RC, Madison Papers, DLC. The letter was addressed to Madison in Richmond, Va., where he was attending the Virginia Convention. Hamilton incorrectly dated this letter 19 June. The Convention "made a house" on 17 June, completed its organization on the 18th, and went into the committee of the whole on the 19th.

2. Writing from New York City on 22 June, Massachusetts delegate to Congress Nathan Dane also heard about "an air of moderation." He noted that "it was reported last evening, and I believe from pretty good authority, that the opposition has no thoughts of rejecting in toto—nor are they fixed as to previous or subsequent amendments" (to Theodore Sedgwick [Sedgwick Papers, MHi]. See also Ebenezer Hazard to George Washington, 24 June [RCS:N.Y., 1221–22].).

# David Gelston to John Smith New York, 21 June 1788<sup>1</sup>

I am this [day] favored with your Letters of 17th & 18th Current— The agreeable Information of the Appointment of His Excellency *Govr Clinton* to the Chair *as Prest.* I had been before advised of—the important Accounts of the Ap[p]ointment of the *two secretaries*—and the more important news (if you will have it so) of Adjourning immediately after reading *the Constitution* I had not heard<sup>2</sup>—

I thank you however for all your Communications—but let us have something more important in your next—the appointment of your Commee. I knew of<sup>3</sup>—. the Standing Chairman or rather perhaps the sitting Chairman and who I had no knowledge of<sup>4</sup>—

The Note in my hands in favr. Nicoll Floyd for £5.7.4—is sign'd Nathl. Durkey—& is not paid—My Regards to the whole Circle—

Adieu yours with Esteam

1. RC, Papers of John Smith of Mastic, Long Island, NHi.

2. For early references to an adjournment, see Edward Carrington to James Madison,

17 June, and Henry Chapman to Stephen Collins, 20 June (RCS:N.Y., 1197, 1205-6).

3. Probably a reference to the committee of the whole.

4. Probably a reference to Governor Clinton, the Convention president, and Henry Oothoudt, the chairman of the committee of the whole, who was elected on 19 June.

# Alexander Hamilton to James Madison Poughkeepsie, 21 June 1788<sup>1</sup>

I thank you for your letter of the 9th. instant and am glad to learn that you think the chance is in your favour. I hope no disagreeable change may happen. Yet I own I fear some thing from your indisposition.<sup>2</sup>

Our debate here began on the clause respecting the proportion of representation &c. which has taken up two days. Tomorrow I imagine we shall talk about the power over elections. The only good information I can give you is that we shall be some time together and take the chance of events.

The object of the party at present is undoubtedly conditional amendments. What effect events may have cannot precisely be foreseen—

I believe the adoption by New Hampshire is certain<sup>3</sup> Yrs. Affecty

1. RC, Madison Papers, DLC.

2. See Madison to Hamilton, 9 June (RCS:Va., 1589).

3. On 12 June Rufus King wrote Hamilton that New Hampshire would ratify the Constitution and that he had arranged for that news to be sent to Poughkeepsie (RCS:N.Y., 1126–27).

# John Jay to Sarah Jay Poughkeepsie, 21 June 1788 (excerpt)<sup>1</sup>

my dear Sally

A Gentleman now in Town, and who will set out for New York in about an Hour, gives me an opportunity of writing you a few Lines. The Convention assembled with unusual Punctuality—there are not more than two Members, that I recollect, absent, and the House have entered on the Business with great assiduity & Regularity. As yet these Proceedings and Debates have been temperate, and inoffensive to either Party. *the opposition to the proposed Constitution appears formidable* tho more so from numbers than other Considerations. What the Event will be is uncertain—for my Part I do not despair on the one Hand, altho I see much Room for apprehension on the other....

Adieu my Dear Sally

1. RC, Accession no. 13686, N.

# Henry Oothoudt to Abraham Yates, Jr. Poughkeepsie, 21 June 1788<sup>1</sup>

on the 17th. about 12 Oclock the Convention Met 53 Members present After the returns Examined Proceeded to the Appointment of a President His Excellency the Governor Unanimously Appointed. The Secretaries John McKisson and Abraham B Ban[c]ker with the other officers Arranged—on the 18th. a Committee Appointed to report Rules for the Government Reported the same which Agreed to—on the 19th. Resolved in a Committee of the whole, The Chancellor [Robert R. Livingston] Opened with a Long Oration. Moved a Resolution that the Propossed plan of Government be Discussed Clause by Clause and no Question put untill the whole had been gone through. this was Amended and the Inclosed has been Agreed to-not Entered on the Minutes but kept in Committee-The 20th. Mr Lansing Answered the Chancellor after which proceeded to the Consideration of the Constitution when we Came to the 3d paragraph of the 2d Section Mr. M[elancto]n Smith Moved an Amendment. Upon this Mr Hamilton has spoke after which Adjourned to this Day 10 Oclock-We are now 62 Members. Mr. Thomson from Albany-Mr. Platt Dutches[s] and Mr Lefferts Kings Wanting-Thus far have we gone-The Spirit of Moderation Prevails how long uncertain-all Matters Stand well

[Enclosure:] Resolved

That no Question general or particular shall be put in this Committee upon the proposed Constitution of Government for the united States or upon any Clause or Article thereof, nor upon any Amendment which may be proposed thereto until after the said Constitution and Amendments shall have been Considered Clause by Clause—

1. RC, Yates Papers, NN.

# Adrian Bancker to Evert Bancker Hermitage, Staten Island, 24 June 1788 (excerpts)<sup>1</sup>

Dear Brother

I have Recd. your 3 favours of 17th. & 2 of the 21 Inst. by the first Accompanying 3 News Papers which came to hand last friday night [20 June]....

I am much Obliged to you for being so particular About my Son,<sup>2</sup> and Am happy to understand that Couzn. Arietta is got better and in A fair Way of Recovery, and that your Son ABB is Chosen Secretary to the Convention<sup>3</sup> As the two Abrahams will have an Opportunity of being often together With your 2 last letters, I recd. inclosed last fridays paper & A Lettr. from Our Son Abraham, wherein he Expresses himself much delighted with his Voyage to Poughkeepsie, and also with his Reception there, he Says he is got in A Very Respectable family where he is Amply Supplyed with what Ever they Could wish and that their provisions is Served up in taste He mentions that the Officers were Chosen the first day the 17th Instant Vizt. Govr. Geo: Clinton President, A B Bancker & John Mc.Kesson Secretaries to the Convention David Barclay doorkeeper, James Pritchard Messenger and Powers Printer, he also promises to write more at large by the Next.<sup>4</sup>...

1. RC, Bancker Family Correspondence, NHi. Docketed as received on 26 June and answered on 30 June.

2. Abraham Bancker represented Richmond County in the New York Convention.

3. Abraham B. Bancker was one of the two secretaries to the New York Convention.

4. Abraham Bancker's letter to his father Adrian has not been located.

## Philip Schuyler to Henry Van Schaack Poughkeepsie, 24 June 1788 (excerpt)<sup>1</sup>

Your favor of the 16th. Instant was deliverd me at Kinderhook on the 17th. I have deferred an Answer in the hopes that I should have been able to afford you some precise communications of the intentions of the convention convened at this place. but hitherto no room has been given to speak with certainty on that head, except only that they will not absolutely reject the constitution—They talk of conditional adoption[.] If such amendments shall be previously made as they intend to propose.—The Anties do not seem inclined to make much Speed in the business. They probably wish to learn the result of Virginia's convention—and from Accounts conveyed by some of our friends of the 13th Instant from Richmond the event is very problematical,<sup>2</sup> should Virginia reject, I fear the Anties here will follow the example....

1. RC, Henry Van Schaack Scrapbook, Newberry Library, Chicago.

2. Probably James Madison to Alexander Hamilton, 13 June (not extant), and Gouverneur Morris to Hamilton, 13 June (Syrett, V, 7, 7–8; and RCS:Va., 1622–23).

# Poughkeepsie Country Journal, 24 June 1788<sup>1</sup>

Saturday last [21 June] his Excellency George Clinton, Esquire, one of the Delegates for the county of Ulster, and President of the Convention of this State, set out from this place for Kingston, in the said county, accompanied by the Honorable Judge Wynkoop, one other of the members, and Abraham B. Bancker, Esq; one of the Secretaries to the Convention, where he was received with a salute of 13 cannon, amidst the acclamations of a grateful populace—And yesterday returned to this place, escorted by a corps of the light horse of said county, commanded by Capt. Cornelius Newkirk, jun. Capt. Lieut. Abraham Van Gaasbeck, jun. and Lieut. Jacobus Elmendorph, jun.

1. Reprinted in the New York Journal, 26 June; Daily Advertiser and New York Packet, 27 June; Impartial Gazetteer, 28 June; and six times outside New York by 24 July: Pa. (3), Md.

(1), S.C. (2). Half of the reprintings omitted the names of Van Gaasbeck and Elmendorph.

## John Jay to George Washington Poughkeepsie, post-24 June 1788<sup>1</sup>

Your obliging Letter of the 8 Inst.<sup>2</sup> found me at this Place—I thank you for the interesting Circumstances mentioned in it. The complection of our Convention is such as was expected-They have hitherto proceeded with Temper & moderation, but there is no Reason to think that either Party has made much Impression on the other. The Leaders in opposition seem to have more extensive views than their Adherents, and untill the latter percieve that circumstance, they will probably continue combined. The greater Number are I believe averse to a vote of Rejection-some would be content with recommendatory amendmentsothers wish for explanatory ones to settle Constructions which they think doubtful-others would not be satisfied with less than absolute and previous amendments; and I am mistaken if there be not a few Who prefer a Separation from the Union to any national Government whatever-they suggest Hints of the Importance of this State, of its Capacity to command Terms, of the policy of its taking its own Time, and fixing its own Price &c:-they intimate that an adjournment may be expedient, and that it would might be best to see the operation of the new Governmt before they recieve it-the people however are gradually coming right notwithstanding the singular Pains taken to prevent it. The accession of new Hampshire does good-and that of Virginia would do more-

With the greatest Respect & Esteem I am Dear Sir Your affte. & obt Servt

1. RC, Washington Papers, DLC. The letter is not dated by Jay. Because of the reference to New Hampshire's ratification, the letter had to have been written after 24 June, the day on which that news was received in Poughkeepsie. Washington docketed the letter as "June—1788."

2. For Washington's lengthy letter expressing sorrow that a majority of the New York Convention delegates were Antifederalists, voicing optimism about the adoption of the Constitution by the Virginia Convention, and hoping that Virginia ratification would influence the New York Convention, see RCS:Va., 1587–88.

# Edward Carrington to James Madison New York, 25 June 1788 (excerpt)<sup>1</sup>

... But little discovery has yet been made of the turn likely to be given to the business in the Convention of New York. the inclosed papers contain the Speeches of the Chancellor for, and of Mr. Lansing against the constitution.<sup>2</sup> were an Assembly collected disposed to profit

by discussion I would not wish a better advocate for the adoption than Mr. Lansing....

1. RC, Madison Papers, DLC. Printed: Smith, *Letters*, XXV, 189-90; and Rutland, *Madison*, XI, 179.

2. Robert R. Livingston's speech of 19 June and John Lansing's response of 20 June were first printed in the *Daily Advertiser* on 24 June (RCS:N.Y., 1682–89, 1704–8).

#### New York Independent Journal, 25 June 1788<sup>1</sup>

Extract of a letter from Poughkeepsie, dated June 20

"You may depend, Sir, whatever reports may be, that the convention, now in sessions in this town, discover the greatest fairness, and candour in all their proceedings. The idea of rejecting the constitution is intirely discarded—and the warmest opposers, anxious for the welfare of their country, are seeking only to amend those parts which they deem dangerous or unguarded."

1. Reprinted in the Impartial Gazetteer, 28 June, and in seven newspapers outside New York by 9 July: Mass. (1), R.I. (2), Conn. (4).

### Pennsylvania Journal, 25 June 1788<sup>1</sup>

### Extract of a letter from New York, 23d. June

"You are probably anxious to hear how our convention proceed, I shall therefore make it my pleasure to give you the earliest information; as yet they have done little; they made a house on Tuesday last [17 June], when governor Clinton was chosen president. After resolving themselves into a committee of the whole house, they agreed to take no question till after they had debated the constitution by paragraphs, and then to put the final one, whether it should be *adopted* or *rejected*. The Chancellor made a very good speech on Thursday last [19 June], on the necessity of a union, and Melancton Smith made a reply, when Alexander Hamilton answered him in a masterly manner.<sup>2</sup>—It is conjectured by many that this State will adopt it, but to me it is doubtful, however both sides are determined to discuss the matter candidly and leisurely; the antis' in hopes of hearing how the constitution fares in Virginia and New Hampshire.

"I have not the least idea that our convention will *reject*, though I am inclined to think they will adjourn, unless some of the antis' are brought over, which does not appear to me at all unlikely, it is whispered about already, that some of the principal opposers begin to soften."

1. This extract of a letter was also printed on 25 June with variations in the *Pennsylvania Gazette* and in the *Pennsylvania Packet*. It was reprinted three times by 9 July: Pa. (2), Md.

(1). The *Gazette* and the *Packet* printings and two of the three reprints omitted the introductory twenty-three words. The second paragraph was reprinted three times by 9 July: N.H. (1), Pa. (1), Md. (1).

2. Smith and Hamilton spoke on 20 June (RCS:N.Y., 1712-22, 1722-37).

## Cornelius C. Schoonmaker to Peter Van Gaasbeek Poughkeepsie, 26 June 1788<sup>1</sup>

When you left us yesterday we expected that on this day great and interesting debates would have taken place in the convention on the fourth section of the first article of the proposed Constitution-but I have the pleasure of informing you that the section was read, the amendment proposed to the clause by us was also read and is in the words following to wit "Resolved as the opinion of this Committee that nothing in the Constitution, now under consideration, shall be construed to authorize the Congress to make or alter any regulation in any State respecting the times places and manner of holding elections for Senators and Representatives unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be unable of making the same, and then only until the Legislature of such State shall make provision in the premises.<sup>2</sup> (And that nothing in this Constitution shall be construed to prevent the Legislature of any State to pass laws, from time to time, to divide such State into as many convenient districts as the State shall be entitled to elect Representatives for Congress, nor to prevent such Legislatures from making provision that the Electors in each district shall choose a citizen of the United States, who shall have been an inhabitant of the district for the term of one year immediately preceding the time of his election, for one of the Representatives of such State. "3" The supporters of the Constitution without any opposition worth mentioning acquiesced in our amendment. We then proceeded further in the consideration of the Constitution until we came to the first section of the second article which gives Congress power to levy and collect taxes duties imports excises etc. On this section I suppose much will be said to morrow

<sup>1.</sup> Printed: Marius Schoonmaker, *The History of Kingston, New York. From Its Early Settlement to the Year 1820* (New York, 1888), 393–94. Marius Schoonmaker dated the letter 25 June, but the contents of the letter indicate that it was written on 26 June. (See note 3, below.)

<sup>2.</sup> This part of the resolution was an amendment proposed by Samuel Jones on 25 June (RCS:N.Y., 1904–5).

<sup>3.</sup> The text in angle brackets was added to the resolution on 26 June as a modification made by John Lansing, Jr., to Melancton Smith's amendment to Jones's original (RCS:N.Y., 1910, 1916).

# Philip Schuyler to John Bradstreet Schuyler Poughkeepsie, 26 June 1788<sup>1</sup>

My dear Child,

I intended to have returned as on this day but my friends here have requested me to remain a few days longer in the hopes that I may be able to render my Country some aid—I have acquiesced in their wishes

The adoption of the Constitution by New Hampshire, altho it will be the means of ultimately bringing this state into the union and altho it has disappointed the Expectations of those who are averse to the Constitution, yet I have no reason to Conclude that It is attended with such effect as to induce the Convention to adopt the Constitution, otherwise than with previous Amendments—perhaps they may adjourn under pretence of taking the Sense of their Constituents, but this is very problematical<sup>2</sup>—

As I Seriously believe that many very many of our fellow Citizens who have voted for the Anti-federal list, have done so either from misapprehension, or were led to it by the arts & insinuations of interested & designing men—I say under this persuasion a spirit of forbearance & Conciliation ought to be evinced—And I wish you, when you meet any of those who have been in opposition, to detail these reasons and to suppose that they are honest in their intentions though mistaken and possibly mislead and that altho you lament the error, yet you respect the opinion of an honest mind<sup>3</sup>—

The debates are not yet published;<sup>4</sup> when they shall be promulgated and read, the Candid will acknowledge that those of the Chancellor Mesrs. Jay Harrison & Hamilton ought to have caused Conviction—Mr. Duane has not yet spoken,<sup>5</sup> but he also will do justice to the cause tho all are eloquent, yet Hamilton ad.<sup>6</sup> his sentiments are so elevated his Judgment so correct, his Eloquence so pleasing, so smooth and yet so pure that he reaches the heart and carries Conviction where every avenue to Conviction is not Shut up—alas I fear there are too many who labour under this prejudice—

My love to Eliza adieu—I am affectionately & sincerely Yours &c &c

1. Copy, Schuyler Misc. Collection, Special Collections, Schaffer Library, Union College, Schenectady. A note at the end of the copy states: "Copied from the original (much worn) by E. W. Schuyler." Other copies are in the Bancroft Transcripts, Philip Schuyler Letters, 1776–1788, New York Public Library, and in the Bancroft Papers, Massachusetts Historical Society.

2. For other comments made by Schuyler on the impact of the news of New Hampshire's ratification, see Schuyler to James Madison, 24 June (RCS:N.Y., 1212), and Schuyler to Henry Van Schaack, 26 June (immediately below).

3. The Bancroft copy at the New York Public Library indicates that a paragraph "of a private nature" is omitted here.

4. Francis Childs began publishing the Convention debates in his *Daily Advertiser* on 24 June.

5. Duane first spoke on 26 June.

6. Concerning this transcription, the copyist E. W. Schuyler stated: "I cannot make out the words that follow '*Hamilton*' & which end the sentence by (*ad*.)."

# Philip Schuyler to Henry Van Schaack Poughkeepsie, 26 June 1788<sup>1</sup>

I wrote you the inclosed and thought that It was gone by the last post, but this morning found It amongst some papers which I had put into a box, but In a letter from Your Brother of the 24th. Instant, he says "I have taken upon me to forward your letter to my Brother Henry" hence I concluded that I have directed a letter to you Intended for Mr Renselaer for I do not recollect to have written any other than the one inclosed since my arrival here.<sup>2</sup>—If the mistake has arisen as I conjecture please to forward It to Mr Renselaer by the first safe conveyance—

Those in the convention here who are unfriendly to the New plan of Government objected to the smallness of the Foedral house of representatives and proposed an Amendment in Substance that for every 20000 Inhabitants a representative should be sent and that the number should progressively increase until It arrived at 300.<sup>3</sup> this was warmly debated but not with equal force on Either side, the Foederalists has so much the advantage In the debate, that I am persuaded they carried conviction to their opponents, but as no question was to be taken on any amendment until the whole plan had been discussed, we cannot say If they will recede or not—

Their next amendment was to prevent any Senator from being reelected at the Expiration of Six years until an interval of six years had Elapsed, and that Each Legislature should at any [time] recall their senators and Appoint others in their steads<sup>4</sup>—on this Occasion too our friends had most decidedly the Advantage—

to The 4th Section of the first Article they also moved An Amendment, so as to prevent the united states from interfering unless a state should *neglect* or *refuse* to send members to the Foedral legislature. their Amendment was amended by adding *or should by any event* be rendered incapable, &c.—and was then Acquiesed in<sup>5</sup>—

The last paragraph of the 6th Section has been Objected to, but referred for consideration until some others shall be discussed—

The 8th paragraph, is this moment under consideration—on this the debates will be lengthy—

The Adoption by N Hampshire altho It has infinitely Chagrined the Opposition, does not seem to have had Any effect on their *system* and

I suspect they will pertinaciously insist upon adopting the constitution [only] If such previous amendments shall be made to It as they mean to Support<sup>6</sup>—

The moment any of the debates are printed I will do myself the pleasure to forward them to you—

1. RC, Henry Van Schaack Scrapbook, Newberry Library, Chicago.

2. Schuyler wrote Stephen Van Rensselaer a two-page letter from Poughkeepsie on 24 June, although only a brief excerpt from that letter has been located in an auction catalogue. Schuyler states that "At twelve this day an express arrived with a letter from Governor Langdon (of New Hampshire) advising that the new Constitution was adopted, for it 57 against it 46. This event took place on Saturday last [21 June]." The description in the auction catalogue states that Alexander Hamilton was also mentioned in the letter, which was "A fine letter in reference to rejoicing at the adoption of the Constitution of the United States." Schuyler was the father-in-law of Hamilton and Van Rensselaer. (See Stan V. Henkels Auction Catalogue No. 1125 [23 January 1915], Item No. 108, p. 16.)

3. The reference is to an amendment proposed by Melancton Smith on 20 June (RCS:N.Y., 1738).

4. The reference is to an amendment proposed by Gilbert Livingston on 24 June (RCS:N.Y., 1838).

5. The reference is to an amendment proposed by Samuel Jones on 25 June and amended on 26 June (RCS:N.Y., 1904–5, 1910).

6. See also Alexander Hamilton to James Madison, 25 June (RCS:N.Y., 1226).

#### New York Journal, 26 June 1788<sup>1</sup>

We are happy to hear that the utmost harmony subsists at Poughkeepsie, notwithstanding the difference of sentiment which prevails.

1. Reprinted five times by 8 July: Mass. (1), R.I. (2), Conn. (2).

#### Massachusetts Spy, 26 June 1788<sup>1</sup>

The Convention of Newyork are now sitting; accounts from that state assure us, that party spirit runs high, and in some instances has unfortunately been attended with fatal consequences. Many of their great men are fearful that their *importance* will be less, should the Constitution be adopted;—but the question is now changed—it is not, Whether they will adopt the Constitution?—but, Whether they will still continue in the union?

1. Reprinted in the Massachusetts Gazette, 27 June (with minor variations); New York Packet, 1 July; and New Jersey Brunswick Gazette, 8 July.

# Henry Oothoudt to Abraham Yates, Jr. Poughkeepsie, 27 June 1788<sup>1</sup>

Yesterday we Proceeded to the Consideration of the first Clause of the 8th Section of the first Article—This I Expect will keep us Engaged for 3 or 4 Days—I have Inclosed the proposed Amendments<sup>2</sup> brought forward Since my last—That you may be Informed how Matters Stand— The News of the Adoption of Newhampshire Does not seem to make an Imprestion I Expect it will not—I have no time to Add More the Hour of Meeting is at Hand—

1. RC, Yates Papers, NN.

2. The enclosed amendments have not been located, but on 30 June the *New York Journal* printed the five amendments that had been proposed by Antifederalists between 20 and 26 June. See "Newspaper Report of Amendments Proposed to the Constitution by Antifederalist Convention Delegates between 20 and 26 June 1788" (RCS:N.Y., 2028–31). Oothoudt wrote Yates on 21 June (above). That letter enclosed only a copy of Robert R. Livingston's resolution of 19 June.

# Christopher P. Yates to Abraham Yates, Jr. Poughkeepsie, 27 June 1788<sup>1</sup>

I have yours of 22nd. Instant, as to the proceedings of the Convention I expect you will receive that as early from Childs paper as from any other Source—

In point of Argument we stand firm we have as yet lost no ground we are got to the 8th. Section of the first Article which will hold us a while I expect—

I believe Sir there is not the most distant fear of a division among ourselves—

The Federalists appear much elated by the adoption of the Constitution in N. Hampshire—I suppose you have had great doings in N. York on the occasion<sup>2</sup>

Among our Friends I observe no change in the countenance, the opinion or the resolution of any—

It appears probable to me that we will not rise in less than three weeks hence—

1. RC, Yates Papers, NN.

2. For the reaction in New York City to the news, see *New York Journal*, 26 June (RCS:N.Y., 1213), and *New York Packet*, 27 June (Mfm:N.Y.). See also Abraham Yates, Jr., to Abraham G. Lansing, 25 June; Ebenezer Hazard to Jeremy Belknap, 26 June; and Richard Penn Hicks to John Dickinson, 28 June (RCS:N.Y., 1228, 1228–29, 1232).

## A Citizen

## New York Daily Advertiser, 27 June 1788

Mr. CHILDS, I was much surprised when I saw in one of the papers printed in this city, that the Debates which you furnish your subscribers with at a very considerable expence and trouble, were copied from your paper verbatim.<sup>1</sup> The cause of my surprise arises from this well known circumstance, that the printer some time ago, informed the public that he had established a correspondence betwixt Poughkeepsie and this place for the purpose of giving the earliest information of the proceedings of the Convention.<sup>2</sup> I would now ask two simple questions— Is the taking of the proceedings from your paper giving the earliest information or not? Is the public satisfied with it? For my own part I had flattered myself with the expectation of being furnished by two different papers, with the Debates taken down by two different hands. I confess I feel mortified at the disappointment; particularly as I subscribe (and I know many others do) to two or three papers, and they present us with little else, at present, than a transcript of yours. So that edition upon edition is served up to us almost every morning at breakfast.

*June* 26.

1. "A Citizen" refers to Thomas Greenleaf's *New York Journal*. On 24 June Francis Childs printed Robert R. Livingston's speech of 19 June and John Lansing's response of 20 June. On 26 June both speeches were reprinted in the *New York Journal*.

2. On 12 June, five days before the New York Convention convened, Greenleaf printed this notice: "IF The Editor has established a correspondence at Poughkeepsie, for the purpose of having the earliest Intelligence, from time to time, of the proceedings of the Hon. CONVENTION, expeditiously to communicate to his respective patrons." De Witt Clinton was among those with whom Greenleaf corresponded. See Clinton to Greenleaf, 24 June (RCS:N.Y., 1744).

#### Pennsylvania Packet, 27 June 1788<sup>1</sup>

Extract of a letter from New-York, June 25.

"Accounts from Poughkeepsie are rather favourable than otherwise— (what I mean by favourable is, that) the idea of rejecting or postponement is entirely laid aside—the question is, whether to ratify conditionally or unconditionally."

1. Reprinted in ten newspapers by 9 July: Mass. (4), Pa. (4), Md. (1), Va. (1), and in the June issue of the Philadelphia *Columbian Magazine*. The four Massachusetts reprintings omitted the text in angle brackets. The Winchester *Virginia Centinel*, 9 July, included an additional sentence at the end: "Several of the ANTI's begin to SOFTEN." The sentence is based on an item printed in the 25 June issue of the *Pennsylvania Journal* (RCS:N.Y., 2350), which was also printed in the 25 June issue of the *Packet*.

## Abraham B. Bancker to Evert Bancker Poughkeepsie, 28 June 1788 (excerpt)<sup>1</sup>

... You may perhaps expect some Accounts of the Business of our Convention, all I can say as yet is that the Business is going through very Slowly by Paragraphs and sundry Amendments proposed which are severally Debated by very able Speakers both for and against the

### CONVENTION COMMENTARIES, 28 JUNE 1788

present Plan held out, upon the whole, the Members appear very friendly upon the Occasion that I am greatly flattered the Result will terminate very favourable in the end—No Question however is to be taken till the whole shall have been fully discussed which I Expect will continue some weeks yet as the first Article eighth Section respecting the Powers of Congress there held out is now but first in Debate—I fancy Mr. Childs Paper will afford you the more material parts of the Debates to which I must refer you—Couz. Abm. I believe intends writing....

 $1.\ RC,$  Bancker Family Correspondence, NHi. Docketed as received on 30 June and answered on 4 July.

# George Clinton to Abraham Yates, Jr. Poughkeepsie, 28 June 1788<sup>1</sup>

Mr. DeWitt handed me your Letter of the 25th yesterday Evening— The Contents have been communicated to your Friends who join with me in Thanks for the Information & in requesting a Continuation of your Favours under the same safe Direction.

The Convention are assembling and in a few Minutes I must take the Chair I have therefore no Time to enter into a Detail of the Politicks of this Body, and I am the less Anxious as this will be handed to you by Colo Hughes who is capable of giving you the most ample Information of every Particular and on whose Accounts you may place the most perfect Reliance.

Pray lest I should not have Time to write to my Familly as I intend if I can find Leisure inform them that I am well

[P.S.] The Anti's are Firm & I hope and believe will remain so to the End—

1. RC, Yates Papers, NN.

## George Clinton to John Lamb Poughkeepsie, 28 June 1788<sup>1</sup>

I steal this Moment while the Convention is in Committee and the little Great Man<sup>2</sup> employed in repeating over Parts of Publius to us, to drop you a Line with the single View of convincing you I do not forget you

The News from New-Hampshire has not had the least Effect on our Friends at this Place; but as to News I refer you to Colo Hughes who will be able to give you a particular Detail of every Thing you can wish to hear from this Quarter & I need not say you may put full Faith in every Thing he may tell you. Adieu excuse this Scroll I must take the Chair my best Respects to Mrs. Lamb your Children & Familly & believe me with great Sincerity Dr Sir your Affectionate

1. RC, Lamb Papers, NHi. Clinton incorrectly wrote New York as the place of writing. The letter was addressed as "Favoured by Colo. Hughes."

2. Clinton refers to Alexander Hamilton who spoke several times on 28 June, including a very long speech that was, in part, a response to Clinton, who also spoke several times.

# Robert C. Johnson to William Samuel Johnson Poughkeepsie, 28 June 1788 (excerpts)<sup>1</sup>

## Hond Sir

I had the pleasure to receive your favor of the 20th. & am happy that you approve of my comeing in the Federal Sloop.<sup>2</sup> It was the means of my forming an acquaintance with those on board, who have since introduced me to a great number of other gentlemen—

I spend my time here very agreable, & I flatter myself very usefully having formed a numerous acquaintance, which is continually extending & have received much more attention than I could reasonably expect—I scarcely ever experienced more perfect pleasure, than from attending to *some* of the Speakers in Convention; a pleasure that was only clouded by the reflexion, how little progress in the art of Speaking, have I yet made.... I am this moment returned from hearing Hamilton—warm, animated, clear logical & convincing; attracting, nay, forceing, universal admiration & applause And [I am?] at present an Enthusiast.... I have heard Hamilton with rapture & admiration—And am an enthusiast, if I can be a Speaker, I *will* be—If I am wrong, I beg you will write to me, correct me, reform me....

I am Hond. Sir Yr. obedt. & affecte. Son

1. RC, Robert C. Johnson Collection, Connecticut State Library. It is unclear if the date is "27" or "28." Robert C. Johnson (1766–1806), the son of William Samuel Johnson, was a 1783 graduate of Yale College and a Stratford, Conn., lawyer. In November 1787 he spoke in support of the Constitution in the Stratford town meeting that elected his father one of the town's two delegates to the Connecticut Convention. William Samuel Johnson (1727–1819), a lawyer and a 1744 graduate of Yale College, represented Connecticut in the Constitutional Convention, where he signed the Constitution. In Congress in September 1787 he took part in the debate on transmitting the Constitution to the states, and in January 1788 he voted to ratify the Constitution in the Connecticut Convention. At the time this letter was written, Johnson was the president of Columbia College in New York City.

In portions of this letter not printed here, Robert Charles Johnson tells his father how he is striving to become a good speaker.

2. Probably a reference to the sloop that carried several New York City delegates to the Convention in Poughkeepsie earlier in June. See "Reports of Convention Delegates Traveling to Poughkeepsie," 8–30 June (above).

## Massachusetts Centinel, 28 June 1788<sup>1</sup>

A letter from New-York, mentions, that if that State does not ratify the proposed Constitution—the Convention, rather than vote themselves out of the union, will adjourn to February.

1. Reprinted six times by 5 July: N.H. (1), Mass. (3), R.I. (2).

# Isaac Roosevelt to Richard Varick Poughkeepsie, 1 July 1788<sup>1</sup>

I wish it was in my Power to inform you that our Convention had agreed to adopt the Constitution or Even what the Propable Event will be

Our oponents keep themselves much at a distance from us and we Cant Collect any of their Sentiments Either out or in Doors by any means whatever

In our discussions on the Constitution we have got only to the 8th Section of the first Article.

The time is mostly taken up in reasoning on the impropriety of their Proposed amendments.

I now only Can suggest that the Event of Verginia may influence their determination, should they reject I think it Propable our Convention will, but should they adopt, I am not Clear ours will, they may then Propose an Adjournment to Collect the Scence of their respective Constituents, Tho all will depend on their Leaders, Hope shall be able to Write you more by Saturday next.

1. Printed: Frank Hasbrouck, ed., *The History of Dutchess County, New York* (Poughkeepsie, 1909), 177.

#### New York Museum, 1 July 1788

A person from Poughkeepsie *reports*, that the *Anti's had carried* IT *by a majority of* 24<sup>1</sup>—but *WHAT* they had carried, our informant could not tell.

A gentleman *reports*, that a warm and spirited engagement took place a few days since, in the Convention at Poughkeepsie, between Col Hamilton and Mr. Lansing<sup>2</sup>—true Ciceronian bravery was exhibited on both sides, and so determined and resolute were each party, that the house was repeatedly called to order.

1. The secretaries of the Convention did not begin to keep a record of roll-call votes until 17 July.

2. See "Reports on the Altercation Between Alexander Hamilton and John Lansing, Jr.," 28, 30 June (RCS:N.Y., 2009–14).

## Poughkeepsie Country Journal, 1 July 1788<sup>1</sup>

Extract of a letter from a gentleman in Poughkeepsie to his friend in Connecticut, dated June 26th.

"SIR, On Tuesday the 17th inst. the political campaign opened at the court-house in this town, and has been carried on with various success to this day. The spectators who seldom make a number less than a hundred and oftentimes are twice so many, enjoy a mental feast exquisite as uncommon. The first geniuses of the country have here a field on which their powers have ample room. Under the federal banner Col. H—— stands the political porcupine, armed at all points, and brandishes a shaft to every opposer: A shaft, powerful to repel, and keen to wound. The C——r pours a stream of eloquence deep as the Ganges, and irresistable as the Cadaraqui.<sup>2</sup> Mr. J——y's reasoning is weighty as gold, polished as silver, and strong as steel. Mr. H——n's harangues combine the poignancy of vinegar with the smoothness of oil: His manner wins attention—his matter proselytes the judgment.

["]Mr. S——h, the Anti champion, adds the subtilty of Locke to the candour of Sydney. If his elocution is hesitating, it is still eloquent; and the exertions of his mind exhibit a man formed for investigation and debate. G——r C——n has spoken but seldom; but his silence does not proceed from a consciousness that he has not powers to persuade or arguments to convince.

["]Mr. L——g is often upon the floor, and has that respect paid him by his auditors, which none but men of abilities can obtain: He is heard with attention. Besides these, Mr. J——s, Mr. G. L——n and Mr. W— —ms have made remarks, and Judge M——s observations, very pertinent to the occasions on which they were delivered, but they have not as yet stepped forth decided disputants. Many gentlemen who have not as yet been upon the rough edge of controversial battle, will before the Convention rises possibly gratify the world with their address in such conflicts.

["]Upon the whole I believe, that in no state in America has the new constitution been fairer canvassed, abler defended, or more powerfully opposed. What will be the result I dare not divine. It may unfortunately happen that the proposed plan, notwithstanding its acceptance by nine states, will be rejected in such a manner as to be a cry of havock, and the letting loose the dogs of war<sup>3</sup>—Or, as I devoutly wish, accepted; only attended by proposed amendments similar to those of Massachusetts and South-Carolina.<sup>4</sup> In the former case, scenes of carnage and confusion may again shock the heart of sensibility and drench the eye of pity.—In the latter, peace with all her delightful appendages will

## CONVENTION COMMENTARIES, 1 JULY 1788

here probably erect a dome to be shaken only with the dissolution of the globe.["]

1. Reprinted in full in the *New York Journal*, 4 July, and in five newspapers outside New York by 22 July: Mass. (1), R.I. (3), Conn. (1). The last paragraph alone was reprinted four times between 23 and 31 July: N.H. (1), Mass. (2), R.I. (1).

2. The Cataraqui River flows into Lake Ontario at Kingston, Ontario.

3. William Shakespeare, *Julius Caesar*, Act III, scene 1, line 273. "Cry 'Havoc!' and let slip the dogs of war."

4. For the Massachusetts and South Carolina amendments, see CC:508 and CC:753. See also "New York and the Massachusetts Convention's Amendments to the Constitution," 6 February (RCS:N.Y., 751–54); and "New York City Newspapers Report South Carolina's Ratification of the Constitution," 5–7 June (RCS:N.Y., 1132–33).

## Poughkeepsie Country Journal, 1 July 1788<sup>1</sup>

In our last we informed our readers that the Convention in this place had entered on the discussion of the new Constitution by paragraphs.— They have continued on the discussion in that mode through the last week and to this day. We are not able to conjecture with any degree of probability when they will come to a decision; but as they resolved on Saturday [28 June] to meet twice a day for the future, we may conclude that the business will hereafter be much accelerated. The last week they were discussing the organization of the Senate—the power of regulating elections, and the powers relative to taxation.—Amendments were brought forward and discussed upon each of those heads, but as no question has as yet been taken upon any of them, we cannot say how far they may be successful.

1. Reprinted in the *New York Packet*, 4 July, *Impartial Gazetteer*, 5 July, and in three newspapers outside New York by 9 July: Conn. (1), Pa. (2).

### Poughkeepsie Country Journal, 1 July 1788<sup>1</sup>

The Journals of the Convention of this State are to be printed by the Printer hereof daily; and may be obtained at a low rate.

1. Nicholas Power, the printer of the *Country Journal*, ran this notice weekly through the issue of 19 August. On that day (and repeated in the issue of 26 August), he also informed his readers that "The Convention Journals are now printed and ready to be delivered to persons entitled to them. Also a few copies for sale at this office." On 19 August Power also announced that "Extracts from the Convention Journals will be hereafter published in this paper."

On 26 July the state Convention "*Ordered*, That each member of the Convention be furnished with a copy of the Journals, and that a copy be forwarded to each city, town, district and precinct within this State" (RCS:N.Y., 2325).

# Jonathan J. Hazard to Governor John Collins New York, 2 July 1788<sup>1</sup>

### Honored sir

Recd. you[r] favour of the 16th. of Last month and Noted the contents, I presented your Complements to your frend Griffin<sup>2</sup> with your Excuse for not writing, he redely Excused you, and at the same time observed he should be very happy to keep up that good harmony and corespondance between you that had hetherto Subsisted, I am confident from every part of his conduct toward you, that he is your Real frend—I have Indevered Ever since I have been hear, to find his mind In regard to the constitution, but it hath been out of power, but I am Led to beleave he would have been as well pleased, had the constitution been Rejected as he now is, I have not had the pleasur to see Genl. Lamb only when he has been Ingaged in buyseness, and it would have been Intruding to have Intrupted at that time. therefor Intend an Intervew with him when he is at Leishur, The Govr. [George Clinton] and our friend Melangton Smith are now at Pokepesev at the Convention, they have very hard work but I am Led to beleave that they will adobt the Constitution with previous amendments and if they do, it will opperate as tho it had been Regected, the Express arived this day with the adobtion of Virginea<sup>3</sup> I have Nothing farther to Inform at present when aney thing turns up Shall take the pleshur to comunicate Immediatly-

with gratude and Esteem I Remain your Excellenceys most obdient Humble Servant

PS. pray give my best complements to your good famely and all frends Espeshaly my frend Holmes

1. RC, L. W. Smith Collection, Morristown National Historical Park, Morristown, N.J. Hazard (c. 1744–post-1824), a South Kingstown, R.I., supporter of American independence and a major leader of the "Country Party," was a vigorous advocate of paper money and an opponent of the Constitution. He was a deputy (lower house), 1776, 1778–79, 1781, 1783, 1786–89, served in Congress in 1788, and in 1790 he sat in both sessions of the state Convention, where he voted against ratification in May 1790. He eventually moved to western New York. Collins (1717–1795), a Newport, R.I., merchant, and a supporter of American independence, was an assistant (upper house), 1774–78, a delegate to Congress, 1778–80, 1782–83, and governor of the state, 1786–90. A leader of the "Country Party," he advocated paper money but supported the Constitution. He cast the tie-breaking vote in the upper house to call a state convention that precipitated his replacement as governor.

2. Cyrus Griffin of Virginia, the President of Congress.

3. See "News of New Hampshire and Virginia Ratification Arrives in New York," 24 June–2 July (RCS:N.Y., 1210–21), and "The Arrival in New York of the News of Virginia's Ratification of the Constitution," 2 July (RCS:N.Y., 2084–87).

## Pittsfield, Mass., Berkshire Chronicle, 3 July 1788

We are told, that the Convention of New-York is about to adjourn, owing to many of the members being instructed to reject the New Constitution, and who now find that *policy* if not *principle* must compel them to adopt it.

## John Jay to John Adams Poughkeepsie, 4 July 1788<sup>1</sup>

I congratulate you my dear Sir! most cordially on your Return to your native Country, and am greatly pleased with the Reception you have met with—You deserve well of your country, and I am happy to find that the acknowledgment of your Services is not left solely to Posterity.

our convention is still sitting. The opposers of the Constitution have proposed many amendments. As yet we proceed with much Temper and moderation—I am not without Hopes of an accommodation, altho' my Expectations of it are not sanguine.<sup>2</sup> Be pleased to present my Compliments & Congratulations to Mrs. Adams, and believe me to be with sincere Esteem and Regard Dr. Sir your affecte. Friend & Servt

1. RC, Adams Papers, MHi.

2. In Jay's retained copy, located in the Jay Papers at Columbia University, Rare Book and Manuscript Library, Jay wrote "very sanguine" instead of "sanguine."

# John Jay to Francis Corbin Poughkeepsie, 4 July 1788<sup>1</sup>

Two Day[s] ago I had the pleasure of recg your obliging Letter of the 16th., and this morning that of the 25 ult. The Accession of Virginia is an Event most welcome to our Fœderalists, and it cannot fail to make a deep Impression on the other Party.<sup>2</sup>

our Convention proceeds with singular Temper and moderation. the opposition however still continues very inflexible, and to appearance little disposed to yield—There is nevertheless Reason to hope that as the Party in favor of the Constitution daily gains ground as the People of the Southern Part of the State are with great unanimity Advocates for it;—and as so great a number of the States have adopted it, that its opposers will at least wish for some Line of accommodation, that may acquit them with their Partizans, on the one Hand, and relieve them from the Consequences of Rejection on the other.

a considerable number of amendments have already been offered, and more may be expected, as yet we are not told whether they are intended as conditional or recommendatory. We shall probably continue sitting at least another week—If any thing interesting should occur I shall not omit the earliest opportunity of communicating it to You.—

1. FC, Jay Papers, NNC-RB. Corbin (1759–1821) represented Middlesex County in the Virginia House of Delegates, 1784–95, and in the Virginia Convention, where he voted to ratify the Constitution on 25 June 1788.

2. See "The Arrival in New York of the News of Virginia's Ratification of the Constitution," 2 July (RCS:N.Y., 2084–87).

# Isaac Roosevelt to Richard Varick Poughkeepsie, 5 July 1788<sup>1</sup>

We now permit our opponents to go on with their objections and propose their amendments without interruption. When they have gone through we may more fully learn their intentions. We have now got to the 3rd Article on the Judiciary Department.

1. Printed: Edmund Platt, The Eagle's History of Poughkeepsie . . . 1683 to 1905 (Poughkeepsie, 1905), 59.

#### Albany Journal, 7 July 1788<sup>1</sup>

We have undoubted authority to inform the public, that the Federalists in our Convention have, since the adoption of the Constitution by Virginia, ceased debating or making any replies to the arguments and reasonings of the Gentlemen in the opposition; and that the Constitution will not be adopted without previous amendments.

It is said the Convention will finish their session this week.

1. Reprinted: Vermont Gazette, 14 July.

# New York Packet, 8 July 1788<sup>1</sup>

By a gentleman, who arrived here yesterday from Poughkeepsie, we are informed, that the spirit of warm contention had in great measure subsided between the parties in Convention, and that cool reasoning instead of angry debate had taken place in that honorable body, and that matters were likely to take *a favorable turn*. The Convention are now framing their objections to the Constitution for amendments; it is supposed they will be similar to those of Virginia.<sup>2</sup> It is said, this week will nearly complete the important business for which they met.

#### CONVENTION COMMENTARIES, 9 JULY 1788

1. Reprinted in the *New York Journal*, 9 July, and in seventeen newspapers outside New York by 16 August: N.H. (2), Mass. (3), R.I. (2), Pa. (3), N.J. (1), Md. (1), Va. (3), N.C. (1), Ga. (1).

2. For the Virginia Amendments, see CC:790, and for their reception and publication in New York, see "The Arrival in New York of the News of Virginia's Ratification of the Constitution," 2 July (RCS:N.Y., 2086–87).

#### Poughkeepsie Country Journal, 8 July 1788

On the 3d inst. a number of respectable inhabitants of Fredericks<sup>1</sup> and other adjoining towns, assembled together at the house of Col. John Drake, in order to congratulate each other on the joyful news of the ratification of the new constitution by nine of our sister States.— At 3 o'clock an elagant dinner was prepared; after which the following toasts were drank, each with the discharge of a field piece and a number of small arms.

1. The United States.

2. The President and members of the Grand Federal Convention.

3. May the proposed Constitution be generally adopted.

4. The members of the several Conventions who have adopted the proposed Constitution.

5. May power be influenced only by justice.

6. May the United States become an asylum for the oppressed, and the dread of tyrants.

7. The brave heroes that have been instrumental in procuring our Independence.

8. His Most Christian Majesty, his Royal Family, and all others our faithful Allies.

9. May true Religion, Agriculture & Commerce, flourish universally.

The day passed with decent regularity, and much to the satisfaction of all present.

Frederick Town, July 3d, 1788.

1. Frederickstown was in southern Dutchess County, which in 1812 became part of newly created Putnam County.

## New York Daily Advertiser, 9 July 1788<sup>1</sup>

A letter from Poughkeepsie of Saturday last [5 July], informs us, "That the Convention were proceeding in the business with some expedition—That on Friday and Saturday, many amendments were proposed, of which the Federalists took little notice:—That they had got to the 2d sect. of the 3d art. relative to the Judiciary.—And that Mr. Jones was very industrious in pointing out the DEFECTS of that part of the system.—The letter-writer also adds, that since the news from Virginia, notwithstanding the proposition of amendments, that there appears to be a disposition in the opposition, rather friendly to the Constitution;—and that he is not without his hopes of seeing it adopted.

1. Reprinted: Pennsylvania Packet, 12 July.

#### **Providence United States Chronicle, 10 July 1788**

A Gentleman who came Passenger in the Polly informs, that upon the Ratification of the Federal Constitution by Virginia being read on Tuesday Evening, last Week,<sup>1</sup> in the Convention of New-York, the Gentlemen who had opposed it declared, they should now withdraw their Opposition—with an Expectation that such Amendments would be recommended in the Ratification as would satisfy their Constituents.

1. The news of Virginia's ratification arrived in Poughkeepsie between 12:30 and 1:00 P.M. on Wednesday, 2 July (RCS:N.Y., 2084).

# Peleg Arnold to Welcome Arnold New York, 11 July 1788 (excerpt)<sup>1</sup>

... The information from this States Convention has generally Been that they would not addopt the New Constitution; But the Last Reports Say that the Federal Party gain Strength and it is generally believed here that it will be addopted I presume the amendments by the Virginia Convention have had Considerable influence on the minds of the Members of this Stat[e]s Convention which has ocationed this change ...

1. RC, Gratz Collection, PHi. Printed: Smith, *Letters*, XXV, 224–25. Peleg Arnold (1752–1820), a Smithfield, R.I., lawyer and tavern keeper, was a member of the state Assembly, 1777–78, 1782–83, and the House of Assistants, 1791–95, and chief justice of the state Supreme Court, 1796–1809, 1810–12. He was also a delegate to Congress, 1787–88. Welcome Arnold (1745–1798), a wealthy Providence merchant and an active supporter of the Constitution, sat almost continuously in the state Assembly from 1778 to 1795, serving five terms as speaker.

### New York Packet, 11 July 1788<sup>1</sup>

Extract of a Letter from one of the Members of the Convention of this State at Poughkeepsie.

"The business of the Convention is now drawing nearly to a point; the prospect brightens, and I hope and trust we shall adopt the Constitution in the course of this week, but it is in the power of the Gentlemen opposed to it, to protract the business to almost any length they please."

1. Reprinted eight times by 24 July: R.I. (2), Conn. (2), N.J. (1), Pa. (2), Va. (1).

## CONVENTION COMMENTARIES, 13 JULY 1788

# Morgan Lewis to Tench Coxe New York, 12 July 1788 (excerpt)<sup>1</sup>

... our convention mean a Conditional Adoption of the Constitution, which they (the Anties) say, is unconditional—I think if it passes as it at present stands it cannot be received—

I am your Friend & servt.

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi.

### New York Independent Journal, 12 July 1788<sup>1</sup>

Extract of a letter from Poughkeepsie, dated July 9.

"DEAR SIR, Whatever may have been said against the opposers of the New Government, now in our Convention, I believe no men, upon a point so very important and interesting to America, ever behaved with more candor, fairness, consistency and patriotism-and while they are anxious for the welfare of their country, and jealous of any grant of power, whereby the liberties and freedom of the people may be in the least endangered, their zeal will do them honor, and however they be branded with the epithets of anti's, enemies to their country, &c. they will rise superior to these little prejudices, and among the sensible and discerning part of mankind, will be considered as the guardians of their country. They have opposed the federalists with that spirit, freedom and openness, which the consciousness of rectitude naturally inspires, and now lament the expediency of following the example of the sister states. They will adopt the Constitution without any previous amendments; but a bill of rights, alterations &c. will accompany the ratification, which probably will take place some time this week. I shall send you the result of their doings, and am, Your's, &c:

1. Reprinted ten times by 7 August: Mass. (1), Conn. (2), Pa. (2), Md. (2), Va. (1), S.C. (2).

# Henry Knox to Rufus King New York, 13 July 1788<sup>1</sup>

It is possible that some favorable reports may have reached you concerning the intentions of the Convention of this state<sup>2</sup>—If so you are sufficiently anxious<sup>3</sup>—

I have received no letters from Colonel Hamilton or any others of the Convention, that will warrant the idea in any degree—but there has been a buz for a few days past that the Convention would adopt the constitution and afterwards state strongly some material Amendments—The [reports however by the post last evening do?] not warrant any such conclusion, on the contrary it is supposed it will be rejected or previous amendments stipulated and from a number of circumstances I am induced to beleive that this would be the case—& The probability is more in favor of an adoption that will be effectual than any other mode of treating the question—I cannot at present go into a specification of the grounds of my hopes—In a few days probably previous to the 17th the question will be decided

Conceiving it possible that none of your other friends would write by this post I have given you this opinion to comfort you—I do not wish you to give it great weight—but suspend a contrary judgement untill next post—

1. Draft, Knox Papers, GLC 2437.03934, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, at the New-York Historical Society. Knox dated this draft "New York 13 July 1788" but docketed it "To R King Esq/17. July 1788."

2. King and his wife Mary were in Massachusetts for most of June and July spending time in both Newburyport and Boston. No member of the New York Convention appears to have kept him informed about that body even though, while in Boston, he had been instrumental in helping to establish an express system that would take the news of New Hampshire's ratification of the Constitution to the New York Convention. (See "The Establishment of a Federalist Express System Between the New Hampshire and New York Conventions, 4–16 June [RCS:N.Y., 1124–28].)

3. The word "enough" was crossed out after the word "anxious," and the word "sufficiently" was interlineated before the word "anxious."

#### New York Morning Post, 14 July 1788<sup>1</sup>

Extract of a letter from Poughkeepsie, dated July 11.

"Our labours are now drawing to a conclusion; a few days will determine them. Our opponents are still determined on their amendments; they will be of three kinds—The first of an explanatory nature; the second, recommendatory; the third, conditional.<sup>2</sup>

"They seem to have been influenced by our arguments, but they are too proud to confess it.

"They will persevere in their destructive scheme, at least for some time.

"We received by express, the account of the postponement in Congress for fixing the seat of fœderal government, in order to have an opportunity of establishing it at New-York<sup>3</sup>—but it had rather a bad tendency; for they treated it as a feint—One of their shrewd ones ridiculed the idea, and asked whether a Spider did not always put himself in the middle of his Web.

"My next letter will be very interesting."

#### CONVENTION COMMENTARIES, 15 JULY 1788

1. Reprinted in the *Daily Advertiser*, 14 July, and in nineteen newspapers outside New York by 7 August: N.H. (1), Mass. (5), R.I. (2), Pa. (5), Md. (2), Va. (2), N.C. (1), S.C. (1). The *Wilmington Centinel* of North Carolina omitted the last two paragraphs.

2. On 15 and 17 July, respectively, the *Daily Advertiser* and the *New York Journal* printed items further explaining the debate over amendments (RCS:N.Y., 2127–29).

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

#### Newport Mercury, 14 July 1788

By a Vessel arrived from New-York we learn, that the Opposition, in that State, to the New Constitution was wholly given up; the News of which was carried from Poughkeepsie (where the Convention was sitting) to New-York in 9 Hours.

## Melancton Smith to Nathan Dane Poughkeepsie, c. 15 July 1788<sup>1</sup>

I have received yours, and thank you for them—The [Convention] have gone through the proposal of amendments, and are now deliberating what to do with them—In this we do not accord in sentiments, but I am not without hopes, we shall become of one mind—I entirely accord with you in Opinion, and shall if necessary avow them—Time and patience is necessary to bring our party to accord, which I ardently wish—

I have no time to copy the amendments proposed nor to answer Mr. Osgoods friendly Letter,<sup>2</sup> for which I beg you to thank him.—I beg you to use your influence to defer the organization of the New Governmt. until we decide<sup>3</sup>—you may be assured, that time & great industry is requisite, to bring us to act properly—My task is arduous and disagreable—You shall hear more by the next oportunity

1. RC, John Wingate Thornton Collection, New England Historic Genealogical Society, Boston. Smith is responding to Dane's letters of 24 June and 3 July (RCS:N.Y., 1254–59). Smith's letter is undated, but it was probably written around 15 July, by which time Smith had received Samuel Osgood's letter of 11 July. (See note 2, below.)

2. A reference to the letter from Samuel Osgood to Melancton Smith and Samuel Jones, 11 July (CC:802).

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

#### New York Journal, 15 July 1788

By accounts from Poughkeepsie, so late as Saturday evening [12 July], we learn, that it was not expected the final question would be taken

until Wednesday, that is, to-morrow.—Materials may be expected this day by which a perspective could be formed of the important issue which will result from the extensive deliberations of the hon. the Convention; but the accounts received in the city are so various and confused, that it is difficult to fix any point on which, even anticipation, with permanency, could erect a standard: our readers, therefore, must wait with patience until the political hemisphere be a little brightened.— It is well ascertained, that the amendments, which are now preparing, will be of *three* kinds, viz. *explanatory, recommendatory,* and *conditional.*<sup>1</sup>

1. See New York Morning Post, 14 July, at note 2, and note 2 (above).

#### Poughkeepsie Country Journal, 15 July 1788<sup>1</sup>

The Convention in this place have finished the discussion of the Constitution by paragraphs. On Friday last the anti-federal side of the House brought forward the form of a ratification, with three amendments annexed as conditions of the ratification. (Whether such a mode of ratification was advisable, or whether it would be received by the Union as valid, have been the subject of animated discussion.) We expect the question thereon will be taken this day. It was urged on yesterday, but postponed.

1. Reprinted: Charleston *City Gazette*, 4 August. The sentence in angle brackets was reprinted as part of a longer report in the *New York Journal*, 17 July (below).

### New Hampshire Recorder, 15 July 1788

We hear that the Convention of New-York have adjourned 'till October next.

# John Jay to Sarah Jay Poughkeepsie, 16 July 1788 (excerpt)<sup>1</sup>

My Dear Sally:

... Our business here goes on heavily. The issue is yet uncertain. Nor can I tell you how long we may yet remain here. The season of the year makes many of the members impatient to return. Before the end of the week it is probable that some important question will be decided....

Adieu, my love. Yours affectionately,

1. Printed: Johnston, Jay, III, 348-49.

## Massachusetts Centinel, 16 July 1788

#### NEWS from NEW-YORK.

From the New-York Journal of Thursday last [10 July].

Accounts from Poughkeepsie, last evening, by private letters, mention, that the *final question* was to have been taken in the hon. convention *yesterday*. The writers mention, that it was thought the constitution would be carried in the same mode as by Virginia.

Letters from New-York confirm the above account. In our next we hope to have the pleasure of announcing the erection of the *ELEV*-*ENTH PILLAR* in support of the new ROOF, in the accession to [the] Confederation of the State of New-York.<sup>1</sup>

Extract of a letter from New-York, dated July 6.<sup>2</sup>

"From Poughkeepsie, we have been informed, that, on the arrival of the express, giving an account of Virginia having adopted the Constitution, the antifederal party took no more notice of it than if the most trifling occurrence had been mentioned.—Some think they will adjourn until some time in August; others that they will adopt the Constitution, and some others that they will reject it. My opinion is, that, notwithstanding they may now be convinced of the necessity of adopting, yet as they have acted on the opposition so long, and with such warmth, they cannot with a good grace immediately give their assent. This I think makes an adjournment necessary.

"Should the Convention reject the Constitution, I sincerely believe that the southern district of this State will apply to the new Congress to be taken into the federal government. The southern district comprehends, Long Island, Staten-Island, York-Island and Westchester county, and pays about one half the taxes of the whole State."

The New-York procession is postponed until the 22d inst.<sup>3</sup>

We are told, that the plan for putting the new government into operation, has been agreed to by Congress—but that the *blanks* for the place where, and the time when the first Congress is to meet, were not filled up—*Philadelphia*, it was supposed, would be inserted in the former and *December* or *February* in the latter.<sup>4</sup>

1. The first paragraph from the *New York Journal* was widely reprinted (Mfm:N.Y.). The second paragraph, original to the *Centinel*, was reprinted in the *New Hampshire Gazette*, 17 July.

2. This extract, original to the *Centinel*, was reprinted four times by 24 July: Mass. (3), Conn. (1).

3. The news of the postponement first appeared in the *Daily Advertiser* and *New York Journal* on 7 July (RCS:N.Y., 1591).

4. This paragraph, original to the *Centinel*, was reprinted six times by 24 July: N.H. (1), Mass. (3), R.I. (1), Conn. (1).

# Paine Wingate to John Pickering New York, 17 July 1788 (excerpts)<sup>1</sup>

Heartily fatigued with the business of the day, and with writing I set down to write you a very hasty letter....

We have now a full representation in Congress from all the States. Have not yet made the arrangements for the new Congress. The first Wednesday in Dec. is proposed for chusing electors of President, & the last Wednesday of that month for the choice of President. The beginning of Feb. it is probable Congress will meet & it is yet mere conjecture that Philadelphia will be the place. A few days will now determine all those points. We have waited this week to know the determination of [the] New York convention. Our intelligence last evening was not favorable from Poughkeepsie. We expect hourly to hear the final result. There is too much I suspect of personal animosity among some members of the convention which will be a detriment to that condesention which at this time is very necessary. This city will be exceedingly enraged against the antifederal party if they should reject the constitution as it will necesitate the removal of Congress which they much fear. Nineteen out of twenty are said to be federal in the city. Next Wednesday is the day appointed for the procession in New York celebrating the new constitution which is to be with extraordinary pomp. I believe the late principle transactions of Congress will be in your newspapers & needless here to mention.... I am Dr. Sir your affectionate friend & brother.

1. Typescript, Edmund C. Burnett Collection, DLC. Burnett describes this as "Copy from the original furnished by the courtesy of Mr. C. E. L. Wingate of Winchester, Massachusetts." Printed: Smith, *Letters*, XXV, 231–33. Wingate, a New Hampshire delegate to Congress, was Pickering's brother-in-law.

## New York Journal, 17 July 1788<sup>1</sup>

Accounts received by last evening's mail, inform, that the question, for ratifying the constitution, on condition of amendments, was urged to be taken on Monday last [14 July], but was postponed until Tuesday.

(Whether such a mode of ratification was adviseable, or whether it would be received by the union as valid, has been a subject of animated discussion.)

Further accounts, by a gentleman, who left Poughkeepsie at 4 o'clock, P. M. on Tuesday, state, that the federalists requested to be indulged until yesterday, when it was supposed that the question would be put, or an adjournment moved.—Also, That Col. Hamilton had brought forward a system of amendments.<sup>2</sup>

#### CONVENTION COMMENTARIES, 19 JULY 1788

1. Reprinted ten times by 30 July: N.H. (1), Mass. (5), R.I. (1), Conn. (3). The paragraph in angle brackets had been printed in the *Country Journal* on 15 July (above). The Newburyport, Mass., *Essex Journal* did not reprint the paragraph in angle brackets.

2. On 16 July John Sloss Hobart made a motion to adjourn (RCS:N.Y., 2185, 2186), and Alexander Hamilton read amendments on 15 July (RCS:N.Y., 2178–79).

# Abraham B. Bancker to Peter Van Gaasbeek Poughkeepsie, 19 July 1788 (excerpts)<sup>1</sup>

## My Dear Friend

 $\ldots$  Since leaving you two other propositions have been brought forward one by Mr Hamilton for an unconditional adoption attended with recommendatory amendments, the other by Mr Smith for an adoption for a certain number of years (four was spoken of) at the end of which should a convention not have met to consider the proposed amendments this State should be at liberty to withdraw themselves from the Union; so that three propositions are now before the convention.<sup>2</sup>...

[P.S.] Since writing I find our anti-Federal Party have determined to stick to their first plan. Of course Mr Smith withdrew his last proposition, and then the question stood between Mr Hamilton's unconditional and Mr Lansing's conditional ratification when upon a division there appeared 41 in favor of the latter and 18 against it.<sup>3</sup>... They are now proceeding to consider the bill of rights, and I expect will adopt part of both as may appear best. Which I expect will also be the case both with the explanatory and recommendatory amendments; the conditional will be held to by a considerable majority....

1. Printed: Marius Schoonmaker, *The History of Kingston, New York. From Its Early Settlement to the Year 1820* (New York, 1888), 394. The ellipses are in the printed source.

2. Bancker refers to the three propositions before the Convention on 17 July: (1) Melancton Smith's first ratification proposal (RCS:N.Y., 2200–2203), (2) Alexander Hamilton's substitute form of ratification and amendments (RCS:N.Y., 2205–8), and (3) Smith's second plan, which he proposed as a substitute for his first proposal and which contained the right of withdrawal (RCS:N.Y., 2213–15).

3. For the text of the conditional ratification proposed by John Lansing, on 19 July, see RCS:N.Y., 2234–42. It was similar to Smith's first proposal. For the roll-call vote to make the Lansing-Smith proposition the basis of the form of ratification to be considered by the Convention, see RCS:N.Y., 2242–43.

## Alexander Hamilton to James Madison Poughkeepsie, 19 July 1788<sup>1</sup>

I thank you My Dear Sir for yours by the post.<sup>2</sup> Yesterday I communicated to Duer our situation which I presume he will have communicated to you.<sup>3</sup> It remains exactly the same, no further question having been taken. I fear the footing mentioned in my letter to Duer is the best upon which it can be placed; but every thing possible will yet be attempted to bring the party from that stand to an unqualified ratification. Let me know your idea of the possibility of our being *received* on that plan. You will understand that the only qualification will be *the reservation* of a right to recede in case our amendments have not been decided upon in one of the modes pointed out in the Constitution within a certain number of years, perhaps five or seven.—[If this?] can in the first instance be admitted as a ratification I do not fear any further consequences. Congress will I presume recommend certain amendments to render the *structure* of the government more secure. This will satisfy the more considerate and honest opposers of the constitution, and with the aid of time will break up the party.

Yrs. affecty

1. RC, Madison Papers, DLC. The letter is dated "Saturday." Madison's letter to George Washington of 21 July stated that he had received "a letter from Hamilton dated the day before yesterday" (RCS:N.Y., 1331). Madison's response of 20 July is immediately below. 2. Possibly Madison to Hamilton, 29 June (RCS:Va., 1720). This is the last known letter

that Madison wrote to Hamilton before 19 July.

3. Hamilton's letter to William Duer, 18 July, has not been located.

## James Madison to Alexander Hamilton New York, 20 July 1788<sup>1</sup>

Yours of yesterday<sup>2</sup> is this instant come to hand & I have but a few minutes to answer it. I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is that a reservation of a right to withdraw if amendments be not decided on under the form of the Constitution within a certain time, is a *conditional* ratification, that it does not make N. York a member of the New Union, and consequently that she could not be received on that plan. Compacts must be reciprocal, this principle would not in such a case be preserved. The Constitution requires an adoption in toto, and for ever. It has been so adopted by the other States. an adoption for a limited time would be as defective as an adoption of some of the articles only. In short any condition whatever must viciate the ratification. What the New Congress by virtue of the power to admit new States, may be *able* & disposed to do in such case, I do not enquire as I suppose that is not the material point at present. I have not a moment to add more than my fervent wishes for your success & happiness

[P.S.] This idea of reserving [a] right to withdraw was started at Richmd. & considered as a conditional ratification which was itself considered as worse than a rejection

2374

1. RC, Hamilton Papers, DLC. The letter is dated "N. York Sunday Evening."

2. Immediately above.

## Lansingburgh Federal Herald, 21 July 1788<sup>1</sup>

We are told, that Mr. Swart, a member of this state convention, passed through town yesterday,—that he left Poughkeepsie last Saturday morning, at which time, he said, there were a majority in the convention who WOULD NOT reject the constitution—and that the convention would rise to-morrow.

1. The *Albany Journal*, 21 July, reported that "Yesterday passed through this city, on his way from Poughkeepsie, D. Swart Esq. one of our delegates in Convention, by whom we learn—*nothing*!" Dirck Swart of Albany County left the Convention on 19 July and did not return.

# Alexander Hamilton to James Madison Poughkeepsie, 22 July 1788 (excerpt)<sup>1</sup>

I wrote to you by the last post<sup>2</sup> since which nothing material has turned up here—We are debating on amendments without having decided what is to be done with them. There is so great a diversity in the views of our opponents that it is impossible to predict any thing. Upon the whole however our fears diminish

Yrs. Affecty . . .

- 1. RC, Madison Papers, DLC. Printed: Syrett, V, 187.
- 2. See Hamilton to Madison, 19 July (above).

# Isaac Roosevelt to Richard Varick Poughkeepsie, 22–23 July 1788<sup>1</sup>

The Convention now appear to be divided in Four Classes, one of which for an Adoption with Conditions one for a given time in order to withdraw if a General Convention is not obtained in that time; one for an adjournment and one for an absolute Ratification, this Last I am hopefull from their diversity of Sentiments will yet be Carried and I think this day or to morrow will decide.

a great deal of Patience, Moderation & Calmness on the part of the Federalists has been Exercised, much Precious Breath been Spent in Speaches & debates, which tho' Powerfull to Rational minds, has only Served to delay a Rash decision and give time to reflection. and Finally Caused a Division of Sentiments, which I hope will in the End Produce a Federal Victory.

[23 July] The above I intended by the Stage yesterday but Adjourning too Late, the Stage was gone off.

This day half after Three we Just got a Majority of two against a Conditional Adoption and to morrow we hope to have the Compleat Ratification by a Majority of at Least that Number, have Just time to Mention this, the Bearer Just going off.

Give my Love to all where due, hope to See you Soon.

[P.S.] The Votes 29 for & 31. Against the Conditional adoption.<sup>2</sup>

1. RC, Roosevelt Collection, NHyF.

2. For this vote, see RCS:N.Y., 2280-81.

## New York Journal, 23 July 1788

The honorable convention, being feelingly solicitous for the general welfare, on both sides, says a correspondent, are really fearful of the general question.—May the genius of harmony, who aims at general good, continually reside amongst them.

## Connecticut Journal, 23 July 1788<sup>1</sup>

Extract of a Letter from a Gentleman in New-York, to his Friend in this City [New Haven], dated July 21st, Sunday Evening.

"A Number of the Antifederalists in Convention, have agreed to join in an absolute Ratification for five Years; but that at the end of that Term, if Congress shall not in the mean Time recommend the Meeting of a Convention, in Conformity to the Provisions of the Constitution, the State of New-York shall be at Liberty to make her Election, either to continue in the Confederacy or not.—The above Intelligence was brought by a Gentleman directly from Poughkeepsie."

1. Reprinted in the Massachusetts Gazette and Salem Mercury, 29 July, and Exeter, N.H., Freeman's Oracle and New Hampshire Spy, 2 August.

# Richmond Virginia Gazette and Weekly Advertiser, 24 July 1788

Extract a letter from New-York, July 14, 1788.

"Our Convention is still in session, and probably will be during this week. The last accounts from them are unfavourable: We are wholly at a loss to conclude what they will do: I am very fearful their mode of (what they call an) adoption, will amount to an absolute rejection. Should they reject, commotions of a very serious nature must ensue."

# Philip Schuyler to Peter Van Schaack Poughkeepsie, 25 July 1788<sup>1</sup>

The Committee of the whole have just now had the question, on the Adoption of the Constitution, with a bill of rights Annexed, explanatory

2376

and recommendatory ammendments but no conditional ones. It was carried 31 to 28. It will be reported this afternoon or in the morning and will doubtless be carried in the Convention. thus perseverence, patience and abilities have prevailed against numbers and prejudice, will you advise your brother Henry of this happy event and Congratulate our friends at Kinderhook

1. Copy, Accession no. 4821, N.

## Massachusetts Gazette, 25 July 1788

In our next publication, we hope to be able to lay before the publick the result of the deliberations of the New-York Convention. At present we can only submit it as our opinion, that a majority of the members who compose that body are under the fullest *conviction* of the *necessity* of adopting the Federal Constitution; notwithstanding this, the gratification of party spirit seems to be a greater object with some of them (we need not mention which class they belong to) than the publick weal. Whether that bane to civil society (party spirit) will operate to such a degree as to effect the rejection of the Constitution by that state, is a problem of which we shall not attempt the solution: it seems hardly consistent with the dictates of reason, however, to admit the preposterous idea, that men of such known abilities as the leading members of the opposition in [the] New-York Convention to the plan of federal government, can offer so great a sacrifice at the altar of party faction, as the dearest interests of the state; if this should be the case, patriotism will drop a tear on the transaction, and the page of the historian, who may transmit to posterity an account of the formation of a national government for so extensive an empire as the American Continent, will be sullied by a relation which will reflect dishonour on men who were not unacquainted with the path which led to virtuous fame, but neglected to tread it.

The disadvantages which will attend the rejection of the Federal Constitution by the state of New-York, are many and great, and should such a measure take effect, it will no doubt be the means of creating a division of the state, and nine tenths of the property being in the possession of men who are in favour of the federal system, if reports can be credited, the court of the anti-federal President cannot make a very brilliant appearance, from the support he may derive from his narrow sighted adherents.

# Abraham B. Bancker to Evert Bancker Poughkeepsie, 26 July 1788<sup>1</sup>

### Hond. Sir

This Morning our Convention Adopted the new Constitution by a Majority of three the Plan is changed to an unconditional Adoption a Bill of rights with a number of Explanatory and Recommendatory Amendments attend it—for particulars I must refer to those Gentlemen who are about returning to their Homes after compleating the Business of their Mission—the complicated state of the Business will detain me here with Mr. Mc.Kesson a day or two longer when he sets out for Albany and myself for home—its now a fortnight since I paid a Visit there—but have heard one day this week of Arrietta being pretty cleaver and mending daily—Couz Abm. leaves me this Afternoon and will hand this, and to him I refer for particulars respecting my health— Being in haste I must conclude with sincere Affection to Papa Mama and Chrisrs. family & remain Hond. sir, Your Ever Dutiful Son—

1. RC, Solomon Drowne Collection, Special Collections, John Hay Library, Brown University, Providence, R.I. Endorsed as received on 28 July per Abraham Bancker and as answered on 1 August per John Hasbrook who was going to Kingston.

# Edward Carrington to William Short New York, 26 July 1788 (excerpts)<sup>1</sup>

... New York & North Carolina are now in session.... N. York has been sitting about 6 weeks at Poughkepsi, about 80 Miles from the City. a very great Majority have all along been decidedly in the opposition, but the situation of the business, from the adoption of so great a Number of States, has been embarrassing to them. they have wished to reject, but knew not how to do it-a conditional adoption has been brought forward in a variety of Shapes, but all have even displeased the party projecting them after a little consideration. thus has the time of this assembly been spent; but it is expected that in a very few days, their deliberations will issue in an absolute adoption, attended with recommendatory amendments, nearly such as Virginia have agreed to. Mr. Hamilton Mr. Jay and Chancellor Livingston have Conducted the federalists party. Governor Clinton a Mr. Lansing & a Mr. Smith have conducted the Antifederalists. these have become established terms throughout the United States, to distinguish the Supporters, and opponents of the constitution...

1. RC, Short Papers, DLC. For the entire letter, see CC:817.

## Massachusetts Centinel, 26 July 1788<sup>1</sup>

#### NEWS from NEW-YORK.

### Extract of a letter from New-York, July 20, 1788.

"The Poughkeepsie Convention is still sitting, and will not probably rise until the last of this week—The antis are trying their hand at a kind of adoption that shall save their reputations with their constituents—I mean some of them, as to others they would probably reject, if they had the power."

Extract of a letter from New-York, July 20, 1788.

"Our Convention are yet wrangling—The opposers of the Constitution wish much to have the voice of the federalists with them in their *conditional* ratification—But the *feds* are firm—and the *antis* are obstinate. The *Helmsman*<sup>2</sup> leads a majority by the nose, just as he pleases— He tells them that if they ratify the Constitution, they must by *heavy taxes* support their government, which is now wholly done by the impost, &c. This with the Mynheers<sup>3</sup> is a weighty argument.—However, a separation will be the inevitable consequence of a rejection—and the Convention know it, which accounts for their procrastinating disposition."

1. The first extract was reprinted in the *New Hampshire Spy*, 29 July; the *Salem Mercury*, 29 July; and the Exeter, N.H., *Freeman's Oracle*, 2 August. The second extract was reprinted only in the *New Hampshire Spy*, 29 July.

2. A reference to Governor George Clinton.

3. A reference to those of Dutch descent taken from a Dutch form of address.

#### Salem Mercury, 29 July 1788<sup>1</sup>

Yesterday, Capt. Neil arrived here from Newyork, in 60 hours. He informs, that it was the general opinion there, that the Convention of that State would yet ratify the Constitution, without an adjournment. This opinion was inferred from the antifederal party so carefully keeping off the final question, and proposing amendments more and more conceding. In short, the Opposition is composed of men of too much consideration, to vote that State out of the union; especially, as a secession of the most important part of it would be the immediate consequence.

1. Reprinted: Exeter, N.H., Freeman's Oracle, 2 August.

### New York Independent Journal, 30 July 1788<sup>1</sup>

#### Federal Bonnet.

Just received per the Ship George, Captain Boudinot, from London, the New FEDERAL BONNET, handsomer than any hitherto imported; it is universally worn, and proves very becoming to every Lady's person.

# To be had of Thomas Roberts, No. 34, HANOVER-SQUARE.

1. The same advertisement appeared in the *Daily Advertiser* on 31 July, and on 2 August the *Independent Journal* repeated its advertisement.

### Massachusetts Centinel, 30 July 1788<sup>1</sup>

Extract of a letter from Poughkeepsie, July 20.

"We have yet hopes—several of those who were at first opposed to the Constitution, will now vote for it—others are relenting<sup>2</sup>—Our Hamilton, Livingston and Jay, have done wonders—they have darted the rays of conviction into the hearts of all who have heard them—and they have melted them—the 'big tears rolling down the manly cheeks,' have been witnesses to it—The God of our fathers, I believe, hath not forsaken us—and I hope in my next to give you an evidence of it—by informing you that we have adopted the Constitution."

1. Reprinted in the New Hampshire Gazette on 31 July, and the Portland, Maine, Cumberland Gazette on 7 August.

2. On 20 July Nathan Dane, a Massachusetts delegate to Congress, wrote that "We now expect every day to hear this State has decided as to the adoption—but there seems to be no certainty what their decision will be—tho—I think the probability, is in favor their acceding to the New Confederacy" (to Theodore Sedgwick, 20 July, Smith, *Letters*, XXV, 235). On 21 July William Bingham, a Pennsylvania delegate to Congress, said that "There are faint hopes entertained of an unconditional Ratification, or an Adjournment which will be tantamount" (to Tench Coxe, *ibid.*, 239).

#### Virginia Independent Chronicle, 30 July 1788

Extract of a letter from New-York, July 18, 1788.

"We are still in the dark respecting the sentiments of our Convention—What they will do, is hard to divine. Opinions are various—some think they dare not *reject*—others, that *they will* do it.—The question was to be brought forward yesterday; probably we shall hear to-day. If they adjourn for a few weeks, which it is expected, there is little doubt but that it will be adopted. Mr. Jones and Mr. Smith, it is said, are in favor, though formerly strong *anti's*."

# VII. THE AFTERMATH OF RATIFICATION 25 July 1788–5 May 1789

## VII-A. Celebrations of New York Ratification 26 July-15 August 1788

Newspapers reported on celebrations in twelve locations throughout New York: Albany, Ballstown, Dover, Flushing, Half Moon District (in Waterford), Hurley, New York City, Newburgh, Red Hook, Saratoga, Schenectady, and Smithtown. Spontaneous celebrations occurred in New York City and Newburgh on the evening of 26 July, while planned celebrations occurred in the other places between 30 July and 15 August. Nine out-of-state celebrations were reported in Boston, New Brunswick (N.J.), Newport, Philadelphia, Plymouth (Mass.), Portsmouth (N.H.), Providence, Springfield, and Wilmington (N.C.).

These celebrations were characterized by flags and banners, illuminated houses, bonfires, militia parades, cannon, musket, and rocket firings, bell ringing, orations and addresses, and processions of tradesmen, craftsmen, religious leaders, professional men, and public officials. Impressive bowers and colonnades were constructed, and elegant dinners were held at which eleven or thirteen toasts were drunk often with American beer and cider. Dancing was also featured. On the day after the Half Moon District's celebration, the women of the district, joined by women from Lansingburgh, held a celebratory procession in Waterford. The elaborate celebration in Albany mimicked the federal procession held in New York City on 23 July.

Violence erupted in only one place. When news of ratification arrived in New York City at night on 26 July, a mob gathered and marched through the streets intimidating the occupants of the houses of the leading Antifederalists, and some of the mob ransacked the printing office of Antifederalist printer Thomas Greenleaf and destroyed his type.

## Albany, Albany County 8 August 1788

See also Abraham G. Lansing to Abraham Yates, Jr., 3 August 1788 (RCS:N.Y., 2444).

## Albany Journal, 4 August 1788

The COMMITTEE of ARRANGEMENT, do hereby inform the public, that the PROCESSION is postponed till Friday, the 8th inst. A particular order of which will be published before that day.

Saturday, August 2, 1788.

In Committee,

Albany July 28, 1788.

THE RATIFICATION of the Constitution, for the Government of the United States, by the Convention of this State, after a full and an ample Discussion, is an EVENT, from which we may with much Confidence, hope to derive a Variety of the most beneficial Consequences; and among others, that of a Restoration of Harmony between the Citizens of the States in general, and of this in particular. Pervaded with Sentiments and Principles favorable to good Government and mutual Conciliation, we are happy that we can now with Propriety, not only, congratulate our immediate Constituents, but every Class of Citizens, on the accomplishment of an Event so ardently wished for by America in general—And under the joyful Prospect of its encreasing the Peace and Happiness of our Common Country, we earnestly intreat the *Citizens in general*, of this City, to partake in a PUBLIC REJOICING, and to join in a Federal Procession, on *FRIDAY*, the 8th Day of August next ensuing, to be concluded with a decent *American Repast*.<sup>1</sup>

By Order of the Federal Committee, Robert M'Clallen, Chairman,

A SUBSCRIPTION, to defray the Expences of the intended *Rejoicing*, on the *Ratification* of the Constitution, for the Government of the United States, by the Convention of this State, has been signed by a Number of Citizens, such other Citizens as chuse to contribute, will have an opportunity of subscribing, by calling at Mr. *Lewis's*,<sup>2</sup> where a Subscription-Paper is left for that purpose.

Albany, July 31, 1788.

1. The "notice" of the Albany federal procession also appeared at the beginning of the report of the procession in the *New York Packet*, 5 September (RCS:N.Y., 2383).

2. A reference to Robert Lewis's "City Tavern," a favorite meeting place of Federalists. (See RCS:N.Y., 1271, 1272, 1273.)

#### Albany Gazette, 7 August 1788

The Independent Company of Artillery of this city, and the Troop of Horse, are requested to meet on their respective parades, To-morrow morning at 8 o'clock, to join the Procession. Aug. 7.

#### VII-A. Celebrations, Albany, 8 August 1788

## The Albany Federal Procession, 8 August 1788 New York Packet, 5, 9 September 1788<sup>1</sup>

Account of the Rejoicings in the City of Albany, on Friday, the 8th ult. on celebrating the Ratification of the Constitution for the Government of the United States, by the Convention of the State of New-York.

On Monday, the 28th of July, a number of Citizens convened, determined on a Rejoicing and Procession, and published the following notice:

[For the "notice," see *Albany Journal*, 4 August (above).]

The proposals contained in this publication being acceded to with great alacrity by the citizens, Committees were appointed to make the necessary arrangements; the result of which was, that on the day appointed, at sunrise, a gun was fired to announce the day;

At ten o'clock, A. M. 11 guns were fired to assemble in the fields near Water-Vliet;

At half after ten, one gun for forming the Procession;

At eleven, the Procession was formed, when the whole line on the march saluted the *Constitution*.

Immediately after the salute, the Procession moved in the following order:

The Albany Troop of Light-Horse, commanded by Capt. *Gansevoort*, the officers and men in complete uniform.

#### Music.

#### The CONSTITUTION,

Neatly engrossed on parchment, suspended on a decorated staff, and borne by Major-General *Schuyler*, on horseback.

Standard of the United States, carried by Colonel John H. Wendell.

Eleven ancient citizens each representing a State that had ratified the Constitution, bearing a scroll of parchment, with the name of the State endorsed in capitals.

#### Axe-Men,

Ornamented with garlands of laurels.

An elegant Plough, guided by Stephen Van Rensselaer, Esq.

Sowers.

John Cuyler, Esq. and Capt. Jacob Lansing.

A neat Harrow, guided by Francis Nicoll, Esq.

#### Farmers,

Neatly dressed, with various implements of husbandry, emblematically decorated.

The Farmers' Flag carried by Mr. *Gerrit Witbeek*, green silk, a sheaf of wheat, motto, *God speed the Plough*.

#### Brewers,

Preceded by a dray, carrying a butt—Master Van Rensselaer, in the character of Bacchus, astride, with a silver beaker in his hand.

Carpenters,

Preceded by a carriage, drawn by two horses, on which was erected a work shop, 14 feet by 7, surrounded by a neat Chinese railing, carrying on a pedestal-edifice of 3 feet square, supported by 4 pillars 5 feet high, over which was erected a pediment of the Tuscan order, covered by a pediment of four fronts, each inscribed UNION; eleven of the columns erect, the 12th reclining, supported, by a band; three men at work in the shop. The Flag carried by Mr. *Thomas Easterly*, crimson silk, in an escutcheon, a cheron argent, between two pair of compasses above, and a sphere in base or, on a chief of the 3d, two roses of the first, a pale sable charged with an escalop of the 2d; motto, *We unite*.

Gold and Silver Smiths,

Preceded by a carriage, bearing a Gold and Silver Smith's shop, 12 feet by 7, covered with a canopy, supported by pillars 7 feet high all the implements of the art in the shop, and 3 artists and an apprentice industriously employed, in engraving, hammering and burnishing spoons—the shop decorated, eleven stars in the meridian, and one rising in the horizon. Flag carried by Mr. *John Fulsom*—blue silk, escutcheon, Leopard's head or, quartered with azure, a covered cup between two bucklers of the 3d.

> Boat Builders, with their tools decorated. Tinmen and Pewterers, with the implements of their craft ornamented. Block and Pump Makers, with their tools ornamented. Blacksmiths, neatly dressed,

A carriage, drawn by six horses, supporting a Blacksmith's shop, 14 feet by 8, containing a forge, bellows, and all the apparatus of the trade—One foreman, one sledgman, two vicemen, one clinck, all at work; who made and completed, during the procession, a set of plough irons, a set of scythe mounting, two axes, shoes for three horses, &c. Flag carried by Mr. *John Bross*;

Master Workmen.

The Flag black silk, in an escutcheon, a chevron between three hammers argent, handled and crowned or—motto, *With hammer in hand all arts do stand*.

## Clock and Watch Makers.

An apprentice, bearing an embellished eight-day time-piece—Mr. *John Tunnicliff* cutting clock wheels, four of which he compleated during the procession.

[9 September]

Sail Makers.

Barbers, handsomely dressed,

Bearing the implements of their craft decorated—a flag, carried by Mr. *Charles Bowman*—white silk, in a shield, a rose proper, crowned—motto, *Honor and Honesty*.

Bakers, properly dressed.

Bearing the instruments of their art decorated—an escutcheon erect on a staff; a loaf ornamented with party coloured ribbons, fastened to a shield, borne by Mr. *George Nestle*.

Nailers,

Each wearing a clean white apron, preceded by a carriage, drawn by four bay horses, supporting a Nailer's shop, 11 feet by 9. The shop containing a forge, bellows, 4 blocks, and all the implements of the trade; 4 apprentices at work, dressed in white, and decorated with blue ribbons. The railing round the shop was neat and fanciful; twice 11 inches high, supported by 11 pillars, the ends ornamented with a neat scroll work of iron; an oval plate in the middle of each end, inscribed, *The Nail Manufactory*; the sides decorated with palisades of spikes and nails, in number 11 times 11, the middle spike 16 inches, and the others gradually decreasing to a 4d. nail. Flag borne by Mr. *William Shepherd*; blue silk, in an escutcheon, the implements of their profession; crest, on a wreath, a hammer in hand proper; the motto,

With hammer and heart, we'll support our part.

Clothiers.

Tobacconists, dressed in white frocks,

Each carrying a hand of tobacco consisting of 11 leaves, bound together and decorated with ribbons.

Carmen, in proper dress,

Preceded by a horse and cart, carrying a hogshead marked No. 11; Flag borne by Mr. *John Burgiss*; white silk, a cross portate, laying athwart an escutcheon gules; a horse in harness proper; motto, *We hope to rest in God.* 

> Ship Joiners and Ship Wrights, With the implements of their art ornamented.

Riggers. Hatters, with decorated tools, Preceded by a Flag, carried by Mr. Solomon Allen, on an escutcheon, a dexter hand and hat; motto, Success to American Manufactures.

Inspectors of Flour.

Millers, in proper dress.

Weavers,

Bearing the shuttles decorated; Flag borne by Mr. *George M'Gurkey*; purple silk, in an escutcheon, a chevron argent, between 3 leopards heads, having each a shuttle in his mouth or, as many roses gules, seeded proper; motto,

Weave truth with trust.

Printers,

Preceded by Apprentices decorated with blue sashes,

carrying volumes of Newspapers, &c.

A white silk flag, carried by Mr. *Charles R. Webster*,<sup>2</sup> in an escutcheon, the Bible, the Constitution, Sept. 17, 1787, Ratification of the State of New-York, July 26, 1788; on a wreath, a hand holding a composing-stick proper; motto,

Our Freedom is secured.

Messrs. Webster, Stoddard and Babcock.<sup>3</sup>

Apprentices decorated with blue sashes, carrying quires of paper, &c.

&c.

## Painters and Glaziers.

#### Taylors,

Ornamented with yellow sashes and cockades, wearing green aprons, preceded by Messrs. *Henry* and *Gibson*; a Master-workman, bearing a flag of green silk; in an escutcheon, a tent royal between two parliament robes gules, lined ermine; on a chief azure, a lion rampant, motto,

Concordia parva res crescunt.<sup>4</sup>

Coach Makers and Wheel Wrights,

Preceded by Mr. *James Bloodgood* and Mr. *Robert Kelly*; Mr. *Van Allen*, a Master Workman, carrying a flag of blue silk, in an escutcheon, a chevron, between three coaches or; motto,

## Post nubila Phæbus.<sup>5</sup>

Followed by a carriage, drawn by 4 horses, on which was erected a large work-shop, handsomely decorated, inscribed in front and rear; several men at work, who framed a coach, and put several wheels together.

Turners, properly dressed,

Preceded by Mr. John Norris; a Master-Workman bearing a flag of pink coloured silk, in an escutcheon sable, a Catherine wheel or; motto,

We turn to serve the common weal, And drive the trade with skill and zeal.

2386

## Masons and Bricklayers,

In their proper dresses, carrying the implements of their trade ornamented; preceded by Mr. *Gerrit Keating*, bearing a flag of blue silk; in an escutcheon, on a chevron a pair of compasses, between 3 castles argent.

## Saddlers and Harness Makers,

With the implements of their craft, preceded by Mr. *Jeremiah Johnston*, bearing a flag of blue silk, in an escutcheon, a chevron between three saddles or; motto,

## Our trust is in God.

#### Tanners and Curriers,

Carrying the implements of their branches decorated; preceded by Mr. *John Harbeck*; a flag of pink silk, carried by a Master Workman; 2 lions supporting 2 bark knives, and currying knives erect, supported in centre proper.

#### Brass Founders,

Neatly dressed in green aprons and white cockades, carrying implements of the profession; preceded by an air-furnace neatly constructed. Pewterers and Tinmen.

Wearing green aprons and white cockades; each carrying some implements belonging to his trade, decorated with ribbons, &c.

#### Coopers,

Preceded by Mr. *Benjamin Winne*, aged 84 years; on a carriage drawn by 4 horses, a Cooper's-shop well constructed, ornamented with 11 pillars, each crowned with a cask; several men at work; Mr. *Robert Hewsen*, carrying a flag of red silk; in an escutcheon, party *per pale* gules and or, chevron between 3 hoops, in a chief azure 3 bunches of flags verte.

## Butchers,

In uniform of neat white frocks and blue sashes, driving 2 beautiful oxen, fancifully ornamented with various coloured ribbons; preceded by music; Mr. *William M'Intosh*, bearing a flag of blue silk; in the escutcheon 2 axes saltierwise argent, between 3 bulls heads cowped attired or, a boar's head gules, between two garbs verte; motto, *May we never want fat cattle*.

## Cordwainers,

A carriage, drawn by 2 horses, on which a handsome shop, 12 feet long and 6 wide, was erected. The shop completely furnished with implements of their trade; the roof was supported by eleven decorated pillars, hung round with boots, shoes, &c. In the shop, Mr. *Fredenryke*, and several journeymen and apprentices at work, dressed in white, with aprons, yellow sashes and cockades. The carriage was preceded by Mr. *David Groesbeck* and Mr. *Anthony Hollenbake*, and followed by Masters, Journeymen and Apprentices. Mr. *Matthew Fryer*, carrying a yellow silk flag; in the escutcheon a bend, 3 goats heads gules, 2 above and one in the base; the crest a crown.

> State Standard, carried by Major John D. P. Ten Eyck. Glass Makers,

Dressed in green, carrying the various tools and implements of their profession, globes, bottles and other specimens of their manufactory; preceded by Mr. *Ferdinand Walfarht*.

#### A BATTEAU,

Elegantly painted and decorated, on a carriage, drawn by 2 grey horses, neatly caparisoned, loaded with goods proper for the Indian trade; navigated by a proper number of batteaumen, furnished with setting poles, paddles, &c. which were used with great skill during the procession. Mr. *Gerardus Lansing*, in the character of a trader, and an Indian properly dressed and ornamented setting in the stern. During the time of the repast, the batteau made a voyage towards the Mohawk country, and returned with a full cargo of peltry.

Captains of Vessels,

Preceded by Capt. *Philip Lansing*, carrying a flag of blue silk, on which was a sloop without sails, motto, *God sends sails*.

Merchants and Traders, with their Clerks, Apprentices, &c.

Preceded by Mr. *Jacob Cuyler*, carrying a large white flag; in an escutcheon, one ship inward, and another outward bound; supported by two sheaves of wheat; crest a sheaf of wheat, all proper; motto, *May our exports exceed our imports*.

The Corporations of the Dutch, Episcopal and Presbyterian Churches, preceded by the Clergy.

Sheriff and his Deputies, with white wands.

Constables, with their staves.

Grand-Jury.

Members of the Corporation.

Judges and Justices of the Common Pleas.

The Chancellor.

Gentlemen of the bar, in gowns, followed by their Students.

Schoolmasters followed by their Scholars.

Surveyor-General.

Adjutant-General, and Officers of Militia, in complete uniform. Physicians and Students.

Detachment of Artillery, commanded by Captain-Lieutenant *Hale* the Standard blue silk, on which was a field piece, mortar & burningshell. The Procession moved, with the greatest regularity, through Water Vleit-street, Market-street and State-street, to

## The FEDERAL BOWER;

which the van reached at half past twelve o'clock, announced by the firing of a gun.

This edifice, made an highly elegant appearance. It was erected on the most advantageous part of the heights west of Fort-Frederick;<sup>6</sup> commanding the most extended prospect of any situation near the city; and when the flags of the respective divisions were displayed on its battlements, that of the United States on the centre, that of this State on the right, and the Farmer's on the left, the coup d'oeil<sup>7</sup> was extremely pleasing.

The edifice was 154 feet in length and 44 in breadth, and was raised upon 4 rows of pillars, 15 feet in height, which were close wreathed with foilage, and composed eleven inches in front. From the architrave, which was cloathed with verdant branches, festoons of foilage were suspended, which crossed the arches; above the centre of which, were white oval medallions, with the name of a terrifying [i.e., ratifying]<sup>8</sup> State on each. The centre arch, on the medallion of which was inscribed NEW-YORK, projected some feet before the rest, and with an elegantly finished pediment formed a graceful portico to the building. The superstructure of this arch, was ornamented in high taste, with wreathes and festoons of foilage. On the summit of its pediment, immediately under the flag of the United States, was placed, "the American Eagle," in carved work, charged with the arms of the United States on its breast, with an olive branch in its dexter, and a bundle of thirteen arrows in its sinister: beneath it, in the centre of the pediment, was the crest of the State, also in carved work; and immediately above the arch was the orchestra. Pediments were also raised on the extreme arches of the edifice, and in such a proportion of height and ornament, as to compleat the symmetry of the whole.

When the Procession had drawn up in a line, at the rear of the bower, the company marched off in regular divisions to the tables, which were plentifully covered with substantial American cheer; handsomely arranged under the direction of Mr. *William Van Ingen*. And though the tables, which were eleven in number, placed across the colonnade, in a line with the arches, were by no means sufficient for the company, which in its number far exceeded the expectations of the warmest favorers of the procession, yet, so lively was the pleasureable spirit of accomodation, so general the wish to diffuse satisfaction, that no inconvenience was felt or complained of by any. After dinner, the following toasts were drank, each honored with the discharge of eleven guns.

1. The United States.

2. The States which have ratified the new Constitution.

3. The late Convention of this State.

4. The Eleventh Pillar in the Federal Edifice.

5. General Washington.

6. The friendly powers of Europe.

7. Agriculture and Commerce.

8. American Manufactures.

9. Inland Navigation and the Fur Trade restored.

10. The Memory of those Heroes who have fallen in defence of American liberty.

11. Concord and confidence at home, and respectability abroad.

12. May virtue, patriotism and harmony prevail, and discord be banished from all American Councils.

13. May the Union of the States be perpetual.

A gun was then fired, as a signal for again forming the Procession, which was done with the utmost regularity and dispatch. The route then taken, was down State-street into Pearl-street, and through it, Columbia-street, Market-street and Court-street, into the spacious pasture south of Fort Orange;<sup>9</sup> where the whole formed a semicircle. After eleven guns had been fired from the Fort, answered by 3 cheers from the whole, the respective divisions marched of[f], at intervals, and, as they passed the Fort, received the salute of a single gun, which they returned with three cheers. Thus were the whole dispersed, by degrees, in such order and quiet, that had a stranger, arrived in the city before 6 o'clock, his observation could never have suggested to him, that there had been any public meeting, however trifling.

Indeed, it would be injustice to the citizens at large to withhold the strongest commendation of that tranquility and order, which universally prevailed throughout the day, and of that ingenuity and attention, which were conspicuous in every department of the Procession—It would be injustice to the elegant taste of the gentlemen who planned the bower, not to be lavish in a description of its appearance—to Gen. *Sc[h]uyler*, not to describe the heart-felt satisfaction which he plainly appeared to give, when he rode down the line of Procession, immediately before moving, and harangued every part of it, on the propriety of maintaining peace and order—to *James Fairlie*, Esq. Marshal of the Procession, and his Assistants, Messrs. *Thomas Witbeek, Casparus Hewson, John Cuyler, jun.* and *John Bleecker*, not to pay the compliments justly merited by their skillful management—and to Mr. *William Van Ingen*, not to make those

2390

acknowledgments which his services demanded—but they would appear to be the exaggerated language of panegyric, to all but those who had opportunity to judge of their propriety—and those would certainly have been ready to acknowledge that they felt it. Let it be sufficient to add, that the whole was conducted with a display of order, ingenuity and happiness, that far outwent expectation, and challenged the astonished admiration and the pleasing sensation of every unprejudiced spectator.<sup>10</sup>

1. This account of the Albany procession of 8 August has been transcribed from two installments printed in the *New York Packet* on 5 and 9 September, which were probably reprinted from the *Albany Gazette*, 28 August, an issue that has not been located. The *Albany Gazette's* account was also reprinted in the *Daily Advertiser*, 6 and 8 September; *Hudson Weekly Gazette*, 9 September; and *Pennsylvania Mercury*, 11 September. For more on the publication of the procession, see *Albany Gazette* was printed in Joel Munsell, ed., *Annals of Albany* (10 vols., Albany, 1850–59), I, 331–34.

2. Webster was the publisher of the *Albany Gazette* and with his twin-brother George the publisher of the *Albany Journal*.

3. The reference is to George Webster co-publisher of the *Albany Journal*; Ashbel Stoddard the publisher of the *Hudson Weekly Gazette*; and John Babcock the co-publisher of the Lansingburgh *Federal Herald*.

4. Latin: In harmony small things grow. This was the motto of London's Worshipful Company of Merchant Taylors, which was granted a royal charter in 1503.

5. Latin: After the clouds, the sun.

6. See RCS:N.Y., 1267, note 2.

7. French: A general view.

8. All of the reprintings corrected the obvious error from "terrifying" to "ratifying" state.

9. See RCS:N.Y., 1270, note 4.

10. Despite the reference to the calmness of the procession, Munsell's *Annals of Albany* appended the following apparently unique account of the violence that occurred in Albany on the Fourth of July 1788 (I, 335), mistakenly attributing the violence to the procession of 8 August:

"It may be mentioned, by way of episode, that when the procession reached Green street, a party of anti-federalists, as they were then called, who had collected there, made an assault upon it, and a skirmish ensued. One of the principal actors in the scene was the late Mr. Jonathan Kidney. A cannon had been procured, and heavily charged; and the excitement was so great, that it would undoubtedly have been discharged upon the line of procession, had not Mr. Kidney prevented it by driving the end of a file into the fuse, and breaking it off. The light-horse made a charge upon the assailants, who scampered out of the way. The projecting oven of the old Stone House was torn down to furnish missiles. Among the wounded on the occasion was Mr. James Caldwell, who received a brick upon his forehead."

A similar and slightly shorter account of the violence is in Cuyler Reynolds, comp., *Albany Chronicles: A History of the City Arranged Chronologically*... (Albany, 1906), 373. (For the violence in Albany on the Fourth of July, see RCS:N.Y., 1268, 1270, 1274–75.)

## Albany Journal, 11 August 1788<sup>1</sup>

Saturday, August 9, 1788.

The COMMITTEE charged with the preparations for yesterday's PRO-CESSION, present their compliments—assure their Fellow Citizens, that an account of the Procession, particularizing the ingenuity and taste of the different Mechanic Branches, will be detailed, and published at an early day.<sup>2</sup>

The Committee, with infinite satisfaction, congratulate the Citizens on that distinguished propriety of conduct—that harmony and good order, which was so pleasingly conspicuous in every part of the day, and which prevailed not only with those immediately composing the procession, but also with the numerous spectators which attended on the occasion.

The committee request James Fairlie, Esq. and the other gentlemen selected to assist him in directing the movement of the procession, to accept of thanks, for the attention and alertness evinced in the discharge of the business committed to them.

1. The Albany Journal for 11 August is not extant. The transcription is taken from the Daily Advertiser, 23 August, the only extant reprint.

2. The *Journal* did not print the account of the procession in its issues of 18 and 25 August or 8 and 15 September. The issue of 1 September is not extant. The account of the procession, is immediately above.

#### Lansingburgh Federal Herald, 11 August 1788

#### An ODE.

The following Ode, for the *Day*, was written and handed to a Member of the Federal Committee while the procession were moving in Albany, on Friday last.

Let earth resound with joy! let man be glad; Desponding FREEDOM here a welcome finds; No more the languid nymph, forlorn and sad, Shall seek for refuge with the vagrant winds.

Forc'd from the east, the heavenly Goddess flies, But finds asylum in the western skies;
Columbia's sons, alone, possess the dame; Nor her alone;
For SMILING PEACE partakes her blissful throne, And leaves the fields of blood to babbling fame. Chorus. Let celestial music sound,

Bid the thund'ring cannon roar;

Time an ÆRA NEW has found, FREEDOM reigns from shore to shore.

ILLUSTRIOUS SAGES, whose try'd worth alone, First bade the exil'd wandering Goddess stay, Heaven by YOU hath rivetted her throne, To YOU shall unborn ages homage pay.

Firm in cause of MAN ye greatly stood, And fear'd to drench your native land in blood. May all the muses join your deeds to praise; Nor only your's; Thy PATRIOTS, ALBANY, have join'd their pow'rs, The NEW IMPORTANT EDIFICE to raise. Chorus. Where the joyful Goddess leads, Lo thy worthies move along; Future bards shall sing thy deeds, Realms unknown shall join the song. 'Tis done! 'tis done! the FEDERAL STRUCTURE high<sup>1</sup> ON EQUAL RIGHT, has rear'd it[s] golden fame, COMMERCE no more shall heave the falt'ring sigh, But with her wealthy navies plough the main. CREDIT again will raise its silver crest. While FAITH unbars the TRAFIC OF THE WEST. No more shall rags deprive the land of GOLD, Nor tender laws Invade our rights, to prop the villains cause, While fearful justice trembles to behold. *Chorus.* Federal STARS shall ever glow; Federal Ægles ever blaze; Love and harmony below, Mark the worthy FEDERAL's ways. YORKERS rejoice! your state is SAV'D FROM BLOOD! UNION protects her with a guardian's care; DISCORD, that threat'ned like a raging flood, Has spent her fruitless breath in empty air. Huzza, the land is free-let cannon sound The grateful theme thro' all the groves around; None like Columbia's sons in arts encrease, Nor can we find,

In all the ancient writings of mankind,

A law like their's, and form'd like their's in peace. *Chorus.* Ceres<sup>2</sup> crowns our loaded plains, How the golden clusters shine; Aid! oh aid! immortal strains, Make these humble lays divine.

#### By W. W.

1. Compare with "Benjamin Rush: Observations on the Fourth of July Procession in Philadelphia," *Pennsylvania Mercury*, 15 July (CC:805, p. 266): "'Tis done! We have become a nation."

2. Ceres was the Roman goddess of agriculture, grain, and motherly love.

#### Lansingburgh Federal Herald, 11 August 1788<sup>1</sup>

Extract of a letter from a gentleman on his way to New-York, dated Albany, August 8, to his friend in this town.

"This morn. about nine I arrived here, and found the streets already throng'd with people. The gentlemen which, I suppose, form the federal committee, were extremely active in forming the procession, which moved from a field a little north of town. I chose a station in marketstreet, through which the procession passed, from whence I could observe it to great advantage: It was conducted with the utmost regularity—order seemed the presiding genius of the day—of which my stay here will not admit a recital—Let it at present suffice to say, that the different ranks and professions, preceded by ensigns, expressive of their different orders, moved through Market and State-streets with a degree of silence and order seldom known in such a multitude-All, all was elegant beyond expression. There were to be seen stages on which all the different mechanicry of the city were actually following their trades; and from the best observations I could make they wrought to no small advantage, even while they moved in procession. I have seen many procession[s] in Europe, but none performed with such singular brilliance and activity as this-They all deserved the highest encomiums, but in particular a stage of *nailers*, the workmen consisted of youths, to appearance about 11 or 12 years of age—They indeed shewed a dexterity truly surprising; neither was it easy to distinguish which best understood his business. At seeing these,-Happy America (exclaimed I) if thy morning shine so conspicuously, what will thy meridian splendor produce—Thy childhood is a pattern for the aged nations of the east. The spectators were very numerous, and I could observe flushes of alternate joy and surprize in almost every countenance. The procession moved to the green above the city, where under a truly American summer

house, composed of green pines, they partook, like a company of brothers, a truly American dinner, in which numbers of spectators joined," &c. &c.

1. Reprinted: New York Morning Post, 18 August; Daily Advertiser, New York Packet, and Hudson Weekly Gazette, 19 August; Pennsylvania Packet, 22 August.

#### Hudson Weekly Gazette, 12 August 1788<sup>1</sup>

We have the pleasure to assure our readers, that the greatest harmony and good order prevailed during the procession in Albany, on Friday last.

1. Reprinted: New Hampshire Spy, 26 August; Massachusetts Spy, 28 August.

## Ballstown, Albany County 30 July 1788

#### Albany Journal, 4 August 1788<sup>1</sup>

We learn from Ballstown, that a number of the Inhabitants of that district, assembled on Wednesday the 30th ult. at the house [of] Capt. Uriah Gregory, to celebrate the Adoption of the Constitution by this state; and after partaking of an elegant dinner, the following toasts were drank, each accompanied by a volley of small arms, by part of Captain Gregory's Company, assembled on the occasion.

1. The Constitution; or, Prosperity to the United States under the New Government. 2. The late Federal Convention. 3. The Eleventh Pillar. 4. General Washington, and the late American Army and Navy. 5. The Friends of the New Government throughout the Union, male and female. 6. May useful learning be encouraged in the United States. 7. May agriculture, manufactures and commerce flourish throughout the Union. 8. The memory of those brave worthies who fell during the late revolution. 9. May the Organizers of the Federal Government, be actuated by prudence, economy and patriotism. 10. May all the States speedily and heartily join to carry into effect the New Plan of Government. 11. The Friends of Freedom throughout the world.

1. Reprinted: New York Morning Post, 15 August; Pennsylvania Packet, 18 August. Only the first paragraph (with variations) was printed in the Lansingburgh Federal Herald, 4 August (below), and reprinted in the Daily Advertiser, 11 August; Pennsylvania Mercury, 14 August; and Pennsylvania Packet, 15 August.

The first paragraph in the *Federal Herald* reads: "We learn from Ballstown, that a number of the inhabitants of that district assembled on the 30th ult. at the house of Capt. Uriah Gregory, to celebrate the adoption of the constitution by *this* state, that, after dinner, *eleven* truly federal and patriotic toasts were drank, accompanied by a like number

of volleys from the musqueteers detached from Capt. Gregory's company—that the day was happily spent, and that at an early hour the company retired."

## Dover, Dutchess County 11 August 1788

#### Poughkeepsie Country Journal, 19 August 1788<sup>1</sup>

Extract of a letter from a gentleman in Dutchess county, to his friend in Poughkeepsie, dated August 12.

"I was yesterday at the Federal Village, belonging to the estate of Maj. Henry G. Livingston, at Dover in this county,<sup>2</sup> where a great number of gentlemen and other respectable inhabitants met by invitation from that gentleman, in order to celebrate the ratification of the constitution of the United States by the State of New-York. Mr. Livingston had prepared at his own expence, a fine Ox, which he had roasted, and a sufficiency of bread: it was served on eleven tables, in a neat and decent manner, and it is supposed five hundred persons partook of it. There was also an elegant entertainment prepared at Messrs. Gregorys' Federal Store in the said village, where the following toasts were drank:

1. The 4th of July 1776.

2. The Congress of the United States.

3. The State of New-York.

4. General Washington and the late army.

5. General Montgomery, and those patriotic heroes who fell in the late war.

6. The late Convention of the State of New-York.

7. Chancellor Livingston.

8. Col. Alexander Hamilton.

9. Hon. John Jay.

10. May agriculture and commerce flourish.

11. The Federal Union.

["]At the drinking of each toast, there was a discharge of cannon from artillery, commanded by Captain William A. Hubbard; and of small arms by eleven of the light infantry, neatly uniformed, commanded by Capt. Wm. Edmonds.

"In the evening the village was illuminated, which made a handsome appearance; also a grand bon-fire. Every person seemed to rejoice at the event that gave rise to the celebration—and at a suitable hour in the evening they retired in a peaceable manner to their respective homes."

1. Reprinted: New York Packet, 22 August; Pennsylvania Packet, 1 September; Hudson Weekly Gazette, 2 September.

#### 2396

#### VII–A. Celebrations, Flushing, 8 August 1788

2. Henry G. Livingston (1754–1817) had been a captain of fusiliers in the 1st New York Independents and became a brigade major after his regiment was incorporated into the Continental Army. He seems to have been a wealthy landowner who moved throughout the state residing in Sharon, Red Hook, Dover, Poughkeepsie, and New York City.

## Flushing, Queens County 8 August 1788

## New York Daily Advertiser, 13 August 1788<sup>1</sup>

On Friday the 8th inst. at Flushing, in Queen's County, the adoption of the New Constitution was celebrated, by a number of the inhabitants, who had collected on this occasion from different parts of the county, to testify their approbation of those measures which promise happiness to us as a nation, and which are so truly interesting to every one who wishes well to the rising States.-At day-break, a salute was fired from the park of Artillery, in front of a splendid and beautiful colonnade, erected on the green in the centre of the town, the structure of which was somewhat similar to the one built at West-Point, on the Birth of the Dauphin of France. It consisted of a variety of pillars, covered with sprigs of the fir and yew trees, arched between and ingeniously ornamented on the top, with a border of the same materials, supporting standards of the different states who have adopted the new constitution. At the East end, was a canopy of white linen, the curtains of which were festooned with blue ribband, and exhibited this inscription-"Federal Constitution, September, 1787." Under the canopy was placed the President's Chair, on a platform somewhat elevated, and covered with a rich carpet, the whole forming a very pleasing and elegant appearance.

At three o'clock, the discharge of Eleven guns, announced that dinner was served under the colonnade; the President, Col. William S. Smith,<sup>2</sup> was conducted to the chair, and the gentlemen sat down with that Hilarity usual on such an occasion. After dinner, the following toasts were drank, with a discharge of Eleven guns to each, from the Park.

1. The United States, and Union in their Councils.

2. The illustrious Washington.

3. Our Allies, and all the Friendly Powers.

4. May the Citizens of America have spirit to defend, what the wisdom of her Councils have framed.

5. The Eleven States, who have adopted the New Constitution.

6. The memory of those American Heroes, who fell in the late glorious struggle for their liberties. 7. May our Interest as a Nation, be supported by Honesty and Industry.

8. May the Liberty of the Press be preserved, and its Licentiousness punished.

9. May the industrious Farmer reap the fruits of his Labor.

10. Cincinnati.

11. The American Fair.

An Oration adapted to the pleasing æra, was then delivered by Mr. JOHN MULLIGAN,<sup>3</sup> a student of Columbia College. This unexpected exhibition to the auditory, the graceful manner in which it was delivered, and the truly interesting subject on which he spoke, excited admiration in the hearers, and commanded loud plaudits to the youthful Orator.

The conviviality of the day was heightened by the arrival of a number of gentlemen from New-York, who participated at the entertainment, and landed with a discharge of artillery, which was answered by the park.—The greatest good order and decorum, was observed throughout by all present, who testified their approbation of the conduct and exertions of those gentlemen in particular who planned and finished the colonnade, who commanded and served the artillery, and who with great cheerfulness conducted the business.—All of whom merit the applause of their fellow citizens, who thus endeavored to shew to the world, their high satisfaction, in the conduct of their Delegates in Convention, in adopting that Constitution, which has for its object, peace liberty—and happiness to mankind.

1. Reprinted: New York Morning Post, 14 August; New York Packet, 15 August; Pennsylvania Mercury, 16 August; Pennsylvania Packet, 18 August.

2. In 1786 Colonel William Stephens Smith, secretary of the American legation in London, married Abigail Amelia Adams, the daughter of John Adams, the American minister plenipotentiary to Great Britain. In May 1788 Smith, a native of New York, and his wife returned to America and settled in Jamaica, N.Y. The reference in this account to Smith as the "President" probably only means that he was the presiding officer at the festivities.

3. John W. Mulligan received an A.B. from Columbia College in 1791 and an A.M. in 1834.

## Half Moon District, Albany County 13 August 1788

#### Lansingburgh Federal Herald, 25 August 1788<sup>1</sup>

On Wednesday, the 13th inst. the inhabitants of Half-Moon district assembled at Waterford, to testify their approbation of the ratification of the federal constitution by eleven states. At 10 o'clock the signal was given from a field-piece for forming a procession; the people then collected, to the number of 500, on the bank of the river half a mile above the town, and formed a procession in the following order: A company of Light Infantry, in complete uniform, commanded by Capt Ketchum; Music; the constitution, ornamented with blue ribbon, borne on the end of a flag-staff, by Col. Taylor, on horseback; The United States standard, borne by Mr. Daniel Read; Farmers, preceded by Morse Kent, Esq. Mechanics, with flags emblematical of their different occupations; Merchants; Officers of Militia; Strangers; A company of Artillery, with a field-piece. In this order they moved through the different streets until they arrived upon a plain on the west side of the town; they there halted, and, after a discharge of 13 guns, seated themselves under a beautiful bower, erected for the purpose, and, at 3 o'clock, partook of a truly American feast: Beer, of their own brewing, was the only liquor suffered to be brought on the table; in this they drank the following patriotic toasts, each accompanied with a discharge from a field-piece, and also a discharge of musquetry, by a plattoon of Capt. Ketchum's company.

lst. May heart-felt joy and conscious approbation, with the unfeigned respect and applause of their countrymen, attend the virtuous federal convention.

2d. The Constitution; may it prove the lasting happiness and glory of America.

3d. General WASHINGTON and all other true American patriots.

4th. The several states that have embraced the federal constitution (or shall embrace it); may their union be indissoluble.

5th. The immortal memory of those brave men who so nobly fell in the late glorious contest.

6th. American Councils; may they ever be distinguished for wisdom and virtue.

7th. Arts and Sciences; may they flourish throughout America's wide extended empire, and render her as famous (in those respects) as ancient Greece and Rome.

8th. The American Arms; may they be ever weilded with invincible courage and magnanimity, tempered with God-like compassion to their foes.

9th. The American Flag; may it wave triumphantly, honored and respected, in the different quarters of the globe.

10th. American Trade and Commerce; may they be extended to every part of the habitable earth, and prove the source of opulence and independence to our countrymen.

11th. Manufacture and Agriculture; may their encouragement and assiduous cultivation make ample and speedy amends for the ravages and desolation of war. The procession was then formed again, and, after moving thro' the town in the same manner as before, returned to the bower, and kept their order until the field-piece fired eleven times, at the last of which every voice joined in a loud huzza. The whole was conducted with the greatest regularity; and the utmost harmony, decency and decorum, prevailed throughout the day.

1. Reprinted in full in the *Pennsylvania Packet*, 5 September. Reprinted without the toasts in the *Pennsylvania Mercury*, 4 September, and the Annapolis *Maryland Gazette*, 11 September.

## Half Moon District and Lansingburgh Women Celebrate New York's Ratification 14 August 1788

#### Lansingburgh Federal Herald, 25 August 1788<sup>1</sup>

#### FEMALE FEDERALISM.

On Thursday the 14th instant, in imitation of the laudable example set them the day before by the gentlemen,<sup>2</sup> the Ladies of Half-Moon district, joined by a number from Lansingburgh, assembled at Waterford, and to manifest their attachment to the federal interest, formed as beautiful a procession as ever was beheld: They were sixty-four in number, dress'd with the utmost neatness and simplicity, without the aid of foreign gewgaws to embellish their persons, but were, like Thompson's Lavinia, "when unadorn'd adorn'd the most"3—Preceded by two ladies supporting the constitution, ornamented with blue ribbon, on the end of a flag-staff, they walked, two by two, at a proper distance, and in perfect order, through the different streets, while the countenances of the numerous and respectable beholders revealed the transporting joy which reign'd triumphantly within their breasts on viewing the amiable espousers of the federal cause. They then moved to the green west of the town, and beneath an elegant colonade, permitted a large number of gentlemen to partake with them of the bounties of the tea-table. While the company were thus regaling, eleven cannon were discharged in honor of the event they were celebrating.

Tea being over, a drum, fife and violin, gave the signal for a country dance, and the gentlemen handing out their partners, led down the dance in a perfectly rural style. The dance ended, the ladies again form'd into a procession, and, in the same manner as before, walked thro' the town; and to close the order of the day, moved to a house prepared for their reception, safely deposited the constitution, and were again accompanied by the gentlemen in the innocent and elegant

2400

#### VII-A. Celebrations, Hurley, 12 August 1788

amusement of dancing, from which the company retired at an early hour.

1. This item was reprinted in the New York Packet, 5 September; New York Journal, 11 September; Country Journal, 16 September; and twenty-two times outside New York by 18 September: N.H. (2), Mass. (6), R.I. (2), Conn. (2), N.J. (2), Pa. (2), Md. (2), Va. (3), S.C. (1). The Worcester American Herald, 11 September, reprinted only the first paragraph. The Massachusetts Centinel, 10 September, printed an edited version of the first paragraph, entitled "The FEDERALISM of the LADIES," which stated that the ladies and gentlemen "concluded their demonstrations of joy, on the promising happiness which their country will receive from the establishment of a wise, equal and energetick government." Moreover, in describing the "dress, deportment and countenances" of the ladies and gentlemen in the procession, the Massachusetts Centinel inserted the following verse:

" 'Their forms were all, the brightest thoughts can frame, Their minds were all the fondest wish can claim; Whate'er is great, or good, or soft, or fair, Refin'd, or lovely, fix'd its mansion there.' "

2. See document immediately above.3. Lines 209–13 of James Thomson's *Autumn. A Poem* (Dublin, 1730) reads:

"... A native grace Sat fair-proportion'd on her polish'd limbs, Veil'd in a simple robe; for loveliness Needs not the foreign aid of ornament, But is when unadorn'd adorn'd the most."

#### Hudson, Columbia County

See Peter Silvester to Francis Silvester, 25-28 July 1788 (RCS:N.Y., 2427).

## Hurley, Ulster County 12 August 1788

## Poughkeepsie Country Journal, 26 August 1788<sup>1</sup>

At the town of Hurley, the 12th of August, 1788, a number of respectable inhabitants of said town, and also of the adjacent towns, federalists, and well-wishers of the common cause of America, who met at the house of Captain Cornelius Du Bois, in said town, to congratulate each other on the happy event (which we hope and believe to be) of the ratification of the grand Federal Constitution, by eleven of our sister states, and particularly the state of New-York.

A field-piece being prepared; after which the following toasts were drank, each with a discharge of said field-piece:

1. The Congress of the United States. 2. His Most Christian Majesty. 3. General Washington. 4. The eleven States who have adopted the Constitution. 5. The Federal Patriots in the late Convention of New-York. 6. The brave officers and soldiers of the late American army. 7. The memory of the heroes who have fallen in defence of American liberty. 8. The State of New-York. 9. A speedy coalition of parties in pursuit of the public good. 10. May wisdom and unanimity pervade the councils of the United States. 11. Liberty and happiness to all mankind.

The day passed with hearts full of joy, and decent regularity, and much to the wishes and satisfaction of all present.

Mr. Power, as the inhabitants of our town are desirous to have this published, would be glad you would put it in your next paper, and you will oblige a number of your customers.

1. Reprinted: *Daily Advertiser*, 29 August (without the last two paragraphs); *Pennsylvania Mercury*, 2 September (without the last paragraph).

#### Kinderhook, Columbia County

See Peter Silvester to Francis Silvester, 25-28 July 1788 (RCS:N.Y., 2427).

## City and County of New York 26 and 28 July 1788

## New York Independent Journal, 28 July 1788 (Supplement Extraordinary)<sup>1</sup>

On Saturday evening [26 July] about 9 o'clock arrived the joyful tidings of the adoption of the New Constitution, at Poughkeepsie, on Friday, July 25, Yeas 30, Nays 25, Majority 5.—The bells in the City were immediately set a ringing, and from the Fort and the Federal Ship Hamilton, were fired several Salutes. The Merchants at the Coffee-House testified their Joy by repeated huzzas; and a large body of Citizens, headed by a number of the first characters, went to the houses of the Members of the Convention, and gave three Cheers,<sup>2</sup> as a testimony of their approbation of the glorious EVENT brought about by their united, unremitted, and toilsome Exertions.—In short, a general joy run through the whole City, and several of those who were of different Sentiments drank freely of the *Federal Bowl*, and declared that they were now perfectly reconciled to the New Constitution.

1. Broadside (Evans 21172). For a description of this broadside, see RCS:N.Y., 2285n. This report was reprinted in the *New York Museum* and *New York Packet*, 29 July; *New York Journal*, 31 July; Lansingburgh *Federal Herald*, 4 August; and in thirty-one newspapers outside New York by 23 August: N.H. (2), Mass. (4), R.I. (2), Conn. (5), N.J. (1), Pa. (7), Md. (3), Va. (4), S.C. (2), Ga. (1). It was also reprinted in the July issue of Philadelphia American Museum. A few newspapers printed the report under the heading "Eleventh"

2402

Pillar," while others supplied illustrations. The most elaborate illustration—a dome with eleven pillars—appeared in the 11 August issue of the Charleston *City Gazette* (VII–B, below).

See Appendix IV (below) for the illustration that appeared in the New York Packet, 29 July.

The New York Museum had the most extensive introduction to the report which reads: "ELEVENTH (an Important) PILLAR of the Grand FEDERAL DOME! !

NOW shall COLUMBIA lift her cheerful head, Put forth the leaves of glad prosperity; And after all the gloomy scene of grief, And sad affection, flourish and revise, In all the bright serenity of peace."

2. An unknown writer of a 27 July letter noted "Last evening at 9 o'clock, this pleasing intelligence reached this city; on which commenced firing of cannon, ringing of bells, huzzaing, serenading at the doors of all the Federal Members in Convention, &c. &c. which continued the whole night, until day-light this morning" (*Massachusetts Gazette*, 1 August).

## Victor DuPont to Pierre Samuel DuPont de Nemours New York, 26 July 1788 (excerpt)<sup>1</sup>

... On the 26th at 9 o'clock in the evening, news was received of the adoption by the state of New York. The whole night was spent in rejoicing. They shouted "Hurrah!" at the doors of federalists, and broke the windows of the others. They broke down the doors and smashed the presses of a gazetteer of the opposition party.<sup>2</sup> These are small *liberties*. I was not obliged to come to blows with the captain of an american frigate whom one of our boarders had invited to dine because I said that the printer certainly would have been in the right to fire on them and ought to have killed some [of them]. He replied to me that all those who had offered him assistance or had aided him and who had taken his part were *rascals* like him. I remarked to him that he was a very boorish fellow, and he subsided.

New York's convention was truly glorious. The federalists, whose party was the weaker by 9, have obtained by their eloquence a majority of 5. Their debates will be published.

1. FC (Tr), Victor DuPont Papers, Eleutherian Mills Historical Library, Greenville, Del. Other excerpts from this letter are printed under 1–4 July and 23 July (RCS:N.Y., 1240–43, 1602–3).

2. The reference is to the press of Thomas Greenleaf, publisher of the *New York Journal*. See Thomas Greenleaf, *New York Journal*, 7 August (RCS: N.Y., 2407–10), and Philadelphia *Independent Gazetteer*, 7 August (RCS: N.Y., 2411–12, 2413, note 3).

## Samuel Blachley Webb to Catherine Hogeboom New York, 27 July 1788 (excerpt)<sup>1</sup>

I thank you dear Kitty for No. 17. which came to hand last evening about 8 oClock, at a moment, the most joyous we have experienced for some years, the Mail brought us the pleaseing intelligence of our Convention at Poughkeepsie haveing agreed to adopt the New Constitution—it was received with unusual marks of Joy every Class of Citizens turned out, Bells rang—Cannon fired, fire works were displayed and the federal Ship (which is now posted in the Broad-Way near the Bowling-Green) was handsomely illuminated, the whole night was spent in loud acclamations of Joy, and continued untill past 8 oClock this morningindeed I was afraid that Sunday would not bring them to their usual steadiness, the whole however pass'd over without anything improper taking place, untill about two in the morning, Mr. Greenleaf the Printer had insulted the City at large by several impertinent publications—and during the time of their moving round in a body, they stop'd at the house where he keeps his printing press, they broke into the house & I am told destroyed his Types, he fled,—this is the only instance in which the least unjustifiable act has been committed, —& I trust we shall hear no more of it...

1. RC, Webb Papers, CtY.

# Convention Delegates Return to New York City 28-29 July 1788

#### New York Packet, 29 July 1788<sup>1</sup>

Yesterday afternoon arrived here, from Poughkeepsie, the Honourable the Members of Convention for this City and County. In the evening the Citizens, testified their perfect approbation of their conduct, and their joy upon the adoption of the New-Constitution by this State, by the discharge of eleven guns at the dwelling house of each member, attended with repeated huzzas from a large concourse of people.

We were unable to obtain a copy of the ratification of the Constitution by this State, for this day's paper, but shall present a copy of this important instrument to the public in our next.

#### New York Daily Advertiser, 29 July 1788<sup>2</sup>

On Saturday last [26 July] our Convention adjourned sine die, after having compleated the Ratification of the Constitution.

And Yesterday the Hon. Col. Hamilton, his worship the Mayor [James Duane], Judge Hobert, Mr. Low; Mr. Rosevelt and several other gentlemen, Members of the Convention, arrived in town from Poughkeepsie.

Col. Hamilton, who has brought with him the ratification of the Constitution, signed by the President, we understand will have the honor this day to present it to Congress.<sup>3</sup> In the evening a salute of 11 guns was fired before the house of each Member of the Convention from this city, as a testimony of the abilities, integrity and faithfulness with which they have discharged their duty to their country.

#### New York Independent Journal, 30 July 1788<sup>4</sup>

The Honourable Members of the Convention, who went from this city, returned on Monday [28 July], after having completed the important business to which they were entrusted, to the entire satisfaction of their grateful constituents. In the evening a number of gentlemen assembled, and caused these gentlemen to be saluted by a discharge of 11 guns, before each of their respective houses, and which was succeeded by loud huzzas and other gratulations of joy.

#### New York Packet, 1 August 1788

On Tuesday last [29 July], His Excellency the Governor arrived in this City from Poughkeepsie. His Excellency was saluted on his arrival by a discharge of thirteen guns from the Battery.

#### Poughkeepsie Country Journal, 5 August 1788

Tuesday afternoon [29 July], arrived at New-York, from Poughkeepsie, his Excellency the President, and several other gentlemen, members of the Convention—who were honored with a salute of eleven guns as they passed the battery.

1. Both paragraphs were reprinted in the *New York Journal*, 31 July, and the *Boston Gazette*, 4 August. The first paragraph alone was reprinted in the Lansingburgh *Federal Herald*, 4 August, and in eight out-of-state newspapers by 9 August: Mass. (2), R.I. (2), Conn. (2), Pa. (1), N.J. (1).

2. Reprinted: Pennsylvania Packet, 31 July; Albany Journal, 4 August (only last two paragraphs); Hudson Weekly Gazette, 5 August (only last three paragraphs); Connecticut Gazette, 8 August; New Hampshire Spy, 12 August (only first paragraph).

3. In his 26 July letter to the President of Congress, George Clinton—the President of the New York Convention—informed him that New York's ratification of the Constitution would be delivered to him "by the Hand of the Honorable Mr Hamilton" (RCS:N.Y., 2335). Hamilton attended Congress on 30 July and handed in the Form of Ratification that was read in Congress on that day.

4. Reprinted: Connecticut Journal, 6 August. The first sentence alone had been printed in the New York Museum on 29 July.

#### New Haven Gazette, 31 July 1788<sup>1</sup>

Last Monday morning [28 July] we received intelligence that the Convention of the State of New-York have adopted the constitution.— The news arrived at New-York last Saturday evening, at about 9 o'clock, and the joy of the citizens was expressed by the ringing of bells & discharge of cannon till midnight. The question was carried in the convention by a majority of five.

1. Reprinted: *Litchfield Monitor*, 4 August; Springfield, Mass., *Hampshire Chronicle*, 6 August (without last sentence).

## New York American Magazine, 1 August 1788

On Saturday evening last [26 July], we received the joyful news that the Convention of this State, had ratified the New Constitution, by a majority of five voices. On this occasion, the citizens testified their joy by the ringing of bells, the firing of guns, and universal congratulations. Indeed the satisfaction visible among all classes of people, is better conceived than described. This State has saved her honor and preserved her union.

A number of people collected about nine o'clock, and went to the house of each member of the Convention for the city, and county of New York, honoring each with three cheers, and acclamations of applause. They then performed the same honors to the President of Congress, and to Commodore Nicholson.<sup>1</sup>

The multitude then dispersed; but a small party of about twenty assembled, at one o'clock, broke the windows of Mr. Greenleaf, the Printer, and carried away some of his types. The public may be assured that the citizens almost unanimously reprobate and detest this outrageous proceeding. They regret that the smallest act of violence has been committed to allay the joys of the moment, and tarnish the glory of the federal cause. That Printer has insulted the federalists—he has abused the citizens for one of the most solemn and majestic exhibitions that ever honored a free government—he has trifled with the good sense of America—but the field is won, and magnanimity forbids the least act of cruelty, or exulting abuse. Neglect is all the punishment that newspaper flummery can possibly deserve.<sup>2</sup>

1. Cyrus Griffin of Virginia was the President of Congress, while Commodore James Nicholson commanded the Federal ship *Hamilton* which was an important part of the federal procession of 23 July 1788. For Nicholson and the vessel, see RCS:N.Y., 1592–95, 1645–46.

2. For the printed accounts of the attack upon Thomas Greenleaf's house and printing office, see Thomas Greenleaf, *New York Journal*, 7 August, Philadelphia *Independent Gazetteer*, 7 August, and "Libertas" to Isaiah Thomas, 12 August (all below). See also the *Massachusetts Gazette*, 1 August, and *Massachusetts Centinel*, 2 August, in "Boston Newspapers Report New York's Ratification of the Constitution," 31 July-4 August (RCS:N.Y., 2438, 2439-40).

2406

## Massachusetts Centinel, 2 August 1788 (excerpt)<sup>1</sup>

Extract of a letter, from a correspondent at New-York, to the Printer hereof, dated July 27, 1788.

"With the most heartfelt pleasure and satisfaction I embrace this early opportunity to inform you, that the Hon. Convention of this State have at length adopted the new Constitution—by a majority of five yeas 30—nays 25.—Several members of the opposition were *absent*. The motion for *previous Amendments* was lost the day before—the Convention reflecting, that a *recommendation* of such, as expressed by Virginia, and some other States, would secure to them all the liberties and previleges, which they should wish. The intelligence was received last evening, and caused the most enraptured joy in every breast; which demonstrated itself in loud huzzas, &c.—in ringing of all the bells in discharge of cannon from the battery, and from on board the Federal Ship Hamilton<sup>2</sup>—firing of rockets, &c. &c. and a serenade composed of several hundred persons perampulated round the city, all night, saluting the houses of the federal delegates, &c...."

1. Reprinted: Salem Mercury, 5 August; Exeter, N.H., Freeman's Oracle, 9 August. For the entire newspaper item from which this is excerpted, see Massachusetts Centinel, 2 August, in "Boston Newspapers Report New York's Ratification of the Constitution," 31 July-4 August (RCS:N.Y., 2438-41).

2. For the Federal ship *Hamilton*, which was part of the federal procession of 23 July 1788, see RCS:N.Y., 1586, 1592–95, 1645–46.

## Thomas Greenleaf New York Journal, 7 August 1788<sup>1</sup>

#### To the PUBLIC.

In last Thursday['s] Journal [31 July]<sup>2</sup> the liberal patrons of this paper, and a respectable public, were informed, that the publication of it DAILY ceased on the 26th of July, and that THURSDAY's paper would be continued as before the introduction of the Daily Register. The Editor did not then choose to mention the reasons of this failure; but, since a variety of erroneous accounts have been circulated, he now conceives an impartial relation of facts absolutely indispensable, viz.

After returning home, late on Saturday evening, the 26th ult. I was informed, that the house had been repeatedly insulted during my absence, by the firing of guns, into it, and exclamations of the most abusive nature. Having been treated thus in the early evening, and the street being then quiet, I was led to suppose, that no more outrage would be offered, and accordingly persuaded my family to retire to their several apartments, which they did, it being then past 12 o'clock; I, however, placed a pair of loaded pistols in an open closet in my chamber, next the street, and about one o'clock, being in a dose, I was alarmed with the sound of many voices, and a HALT before the house. I sprang from my bed, put on a few cloaths, and had seized my pistols, when there was a violent knocking at the door. I threw up the window and presented myself to the view of the people, saying, "gentlemen, what do you want;" to which the head of the party vociferated, "God damn him, brake down the door-by God, down with it, &c." at which the door was attacked, and large stones were thrown. I loudly told them, I should defend my house-adding, "gentlemen, I am armed." At this instant four of them, at the order of "brake in my boys," drove against the door with violence, which repulsed them, and others attacked the bow-window, the glass of which flew. I then reached out and fired in the midst of them, when they precipitately retreated a few rods, crying, "don't fire! don't fire!" As their leader approached the second time with a large stone, in the position of throwing, I presented my second pistol at his breast, which flashed in the pan. I had no one to load as I discharged my pistols; and they, finding the fire ceased, sallied again, and broke into the shop. Having no further means of protection, I retreated, as they were breaking from the shop into the entry, abandoning to them the full range of my house, and office, which they plundered of a quantity of types, leaving the office in a ruinous condition.

Fortunately a number of friends came, and followed the party in every stage of their tumultuous proceedings, who afford the most ample evidence of their conduct, and the identity of their persons. These gentlemen were respectable citizens, some of them federalists, who, I have no doubt, calmed the rage in some degree, and of course merit my grateful thanks.

These are facts which ought to alarm the citizens of New-York, for what dignified character, or characters, would willingly reside in a country, where, in violation of all law, the existence of an individual is unsafe, and his property exposed to incessant molestations. The sufferer, in the present instance, wishes to give the melancholy narration with calmness, at the same time disclaiming the unworthy idea of being awed by further threats of depredation of property, or even deprivation of life—for, of what value is that life which is dragged along at the mercy of a mob? He has the greatest confidence in the justice and candor of his fellow citizens, and flatters himself, that his conduct will meet the approbation of every liberal and dispassionate mind. The Editor conceives, that the publication of the paragraphs in the Register of the 24th July,<sup>3</sup> was not the sole reason of the late unwarrantable proceedings; but that it was intended, by some artful and designing persons,

to ruin him with the public, and thereby destroy the usefulness of his paper as a free and impartial one. Further to inflame the minds of the community, it was industriously reported, that a HAND BILL, calculated to burlesque the citizens, had been printed in this office. (Whether such a bill was printed or not is yet a matter of doubt to many; if that was the case, this office never produced it; and it must be inferred, that an enemy had done it to ABET the mischief which afterwards took place.) These produced an enthusiastic spirit of revenge against the printer, who is acknowledged to be guilty of no other crime than that of having ACTED THE PART OF AN INDEPENDENT CITIZEN, by admitting political pieces into his paper, which were opposed to the general sentiments of the inhabitants of this city, upon the momentous subject of the new constitution. This freedom, which we have been taught to distinguish as the FREEDOM of the PRESS, has hitherto been conceived the "PALLADIUM of LIBERTY," in America; and, thanks to the patriotism of her sons, it has not yet been interdicted-when that period arrives, which avert, oh genius of liberty, farewell to all political virtuefarewell to justice.-It is a happy reflection, that we live in an age of political disquisition; an age in which the knowledge of government is universally disseminated—wanting nothing but a renovation of public virtue and an energetic government—sufficiently checked for ensuring the safety of public liberty-to render us a happy and a respected people. From these reflections the printer is led to believe, that OUTRAGE will not be countenanced, nor the perpetrators suffered to go unpunished. He knows he has enemies, but enemies which are so by delusion only—enemies which were made so by the artifice of designing men slaves to passion, and resentment.

As an individual, the Printer conceives, that to espouse the cause of his country, of his life, and his property, are inherent and darling privileges—when these are gone—take, who will, the dastard life. Could he, who now respectfully addresses your justice—your humanity as brethren—on this alarming occasion—conceive that he had been guilty of any crime (from imprudencies none are exempt) he would not even have attempted to defend his life, his house, or his property; but, on the contrary, have thrown himself into the arms of a deluded multitude—for, "the man who does not supremely detest a life of crimes is not fit to live." Had there been crimes, the laws would have given redress.

The Editor was treated with the utmost politeness by the civil magistrates, to whom he applied for prosecution, which has been procrastinated by request. No one can suppose, but that the protection of the wholesome laws of the state will be required, for the restitution of property, the loss of business, and other conspicuous damages, as a free and independent JURY, from law and evidence, may judge right. There are [those] who menace with the idea of repeated mobs, and of the improbability of obtaining counsel to plead the cause of the injured, should a prosecution take place: not the innocent freeman, but slaves were made to fear, where impartial justice is the aim.—When a Printer refuses to preserve his press FREE for all parties, rejects decent discussions upon important topics (which the Printer hereof never has, nor ever was desired to do) and voluntarily FETTERS it, then—if ever, in a republican country, jealous of her liberties—is the time to fear.

In the further prosecution of this Journal the Editor, agreeably to his proposal of 1786,<sup>4</sup> will endeavour to observe a sacred regard to justice; anonimous scurrility of a private nature will always be rejected; literature, and the sciences, shall be patronized—agriculture, the home manufactures, and commerce, the three great pillars of our political constitutions, shall constantly be held to view—christianity, patriotism, and every moral and political virtue, shall be inculcated—the earliest foreign and domestic intelligence shall be communicated—choice poetical and historical pieces, as well as curious tales and anecdotes, shall be occasionly inserted.—No pecuniary emolument shall ever deter the editor from sounding the alarm in times of public danger, or threats prevent him from adhering strictly to his motto, in "daring to accost e'en Kings themselves or rulers of the free,"<sup>5</sup> when, they are found to be dangerous in office.

Farther SUBSCRIPTIONS, &c. are requested.

On the respectable citizens in general, inhabiting a free country, does the Editor depend for support—and, while he can charge himself with no misdemeanor, he shall ever conceive such a dependence richly founded, especially so long as he can, with the most profound veneration, subscribe,

The public's most obedient, Humble Servant, THOMAS GREENLEAF. *Printing-Office, New-York, August* 7, 1788.

1. Reprinted: Philadelphia Independent Gazetteer, 12 August; New Jersey Journal, 13 August; Worcester American Herald, 21 August.

2. See "Thomas Greenleaf's Publication Policy After the Destruction of His Press," 31 July–11 September 1788 (Mfm:N.Y.).

3. See *New York Journal*, 24 July (RCS:N.Y., 1615–17). See also Philadelphia *Independent Gazetteer*, 7 August, at note 3, and note 3 (immediately below).

4. Greenleaf's proposal was actually printed in the *New York Journal* on 18 January 1787—the day on which he affixed his name to the *Journal* "as the PROPRIETOR, ED-ITOR and PRINTER" (Mfm:N.Y.).

5. Taken from James Thomson's *Liberty* (1735–36), Greenleaf's motto reads: "Here TRUTH Unlicens'd reigns; and dares accost—e'en KINGS themselves, or RULERS of the FREE!"

## Philadelphia Independent Gazetteer, 7 August 1788

Extract of a letter from a gentleman in New-York, to his friend in this city, July 31.

"It is impossible for me to give you any adequate idea of the situation we are in at present in this city. Was the press any longer the faithful vehicle of public intelligence, or the post office of public utility, I should not have occasion to write to you by private conveyances, what I have in view at present; but not a word can transpire here, unless to gratify a red-hot *federal faction*.

Saturday evening [26 July], on the news arriving of our state having adopted the new constitution, the bells were set a ringing—a multitude of people, of course, collected in the streets—were instantly headed by a few popular leaders, and led from one intemperance to another, huzzaing through the streets-firing their musquets as they went-knocking at people's doors-breaking down stoops-three cheers, and clapping of hands in compliment to the unconditional adopters of the new constitution, were given before each of their houses.-Worried out with adoration of themselves and their idols, our heroes now think of gratifying another passion—revenge against those who did not think of the new constitution as they did.—Accordingly, huzza! huzza! the governor! (observe my friend, the magnanimity of these midnight heroes, they knew that neither the governor nor any of his family were at home, except one of his daughters, a little girl)[.] At length they arrive before his house—a general hiss prevails, tired of this, huzza! a halter for the governor! At this the little girl throws up the sash, makes them a low courtsey—"I thank you gentlemen, for the compliment you pay my father, he has always had the censure of disorderly people, and I have heard him say, that nothing gratified him more highly than it, except the approbation of good men."1 Our heroes not being armed for a war of this kind, where good sense was necessary, raise the siege and march off to make use of the arms which GOD accoutred them with in common with the rest of the animal creation-Huzza for Colonel Hamilton! Huzza for Colonel Hamilton and the federal ship!<sup>2</sup> pervades the streets, at last the tune changes, Greenleaf, the printer comes in view-A serious scene this! They attack his house—he defends it,—fires upon the mob, they however prevail and break in-he luckily escapes-their revenge is disappointed in a great measure, they however make the best of it, and break all his windows and a number of other things, plunder the house and set off-strole about the streets with their plunder, until, at last (blessed sight!) the earth once more appears in shades, and we see and hear them no more.

Next day, which happened to be Sunday, was tolerably quiet, only the cushions of the different churches half thumped to pieces on the adoption of the new constitution, and the noise of a few street politicians, talking of Greenleaf's affair. I went to see his house. Every one was giving their opinion of the business. One said, "it was a pity it had happened, but he had no business to meddle with the potters and their clay." Another replied, Was his speaking as he did of the *potter* and his *clay* a sufficient reason for men to do such deeds as these—destroy an honest man's house who had no share in Greenleaf's offence-destroy a press which stood in a much more important point of view to the public, than as the property of Mr. Greenleaf-destroy a check the public had on able, and I am afraid, ill-designing men—And how do you know but there were lawsuits of importance to individuals or to the public, depending upon *advertisements* in that press which the rioters have broke up?—Well but he insulted the potters, and men do not always consider what is right-"Then," replied a potter standing by, "you mean to charge the potters with this affair? The potters of this city, are too orderly a set of men to commit such outrages, I will venture to say not one of them was there-We disclaim the hellish deed!"-But if he had not fired said another, these things would not have happened. "If he had not fired!" replied an old soldier, "why if he had not fired, he ought to have been, as it is most probable he would, put to the sword. Every man's house is his fort, and no one can surrender a fort without the most vigorous resistance, unless by capitulation, without being chargeable with the most abject meanness and cowardice. You stare! Let me ask you, What would you imagine if you saw people putting out lights and breaking violently into your house? The worst. Well then, what is the next most natural thought? To defend yourself as long as you can, and if you cannot do it, nor make your escape, to sell your life as dear as you can, by ridding society of as many of the ruffians as possible. I would have called them assassins if the outrages had not been committed close by the Coffee-House, where our first people, as they design themselves, were rejoicing."-Such is the run of our street politics. But I am happy-Monday comes in view.3

This day our *federal* members arrived in town. They slipped quietly in, and saved the city the nuisance of a preposterous cavalcade and procession, and were amply repaid for it by the praises which they received for *this instance* of their *modesty*. This, however, did not save the city from another nuisance—A number of people collect together, get a piece of cannon on a cart—*cart* it about the streets, stop at every one of the federal member's door, fire eleven rounds, give three cheers,

and clap their hands. This might be well enough in day light—but to collect a mob to traverse, fire, and huzza through the streets for half the night, admits of no apology. If, however, from a great number of very decent people being along, dispersed without offering any personal insult, except, contemptuous neglect of the governor, and a few hisses before his door, which from the decency of the people along, could not be made general.—Tuesday and Wednesday, passed on pretty quietly until the evening of Wednesday, when a trifling exhibition took place to keep up the fever-When these disorders will end, GOD only knows! For my part, I expect no peace until we get this federal ship Hamilton, in her proper element. She confounds our language, and she confounds our senses. She is now at moorings where Pitt's statue stood;<sup>4</sup> and if she is to remain there until she delivers her cargo, advertised in last Tuesday's paper, our prospects of peace are very distant indeed.— Our federal clamours would soon cease, if we could get time to think, but as wise doctors, in certain fevers, give irritating liquors to keep them up until a certain stage, to preserve the life of the patient; so it is thought our political doctors will change the show to preserve the federal rage—First, we have a mighty fuss to get ready for a procession then it takes place-now the federal ship Hamilton is illuminated at the Bowling Green-She sails afterwards and arrives at Pitt's statue-We are told she is now clearing for the Bowling Green. Let us have another procession on our own state's adopting the new constitution, is now the cry to be raised—By such means as these the federal fever has lately been raised very high and it is thought may be kept up a little longer."

1. The reference is probably to Governor Clinton's daughter Cornelia who was born in 1774. In June 1788 Abigail Adams Smith met Cornelia and described her "as smart and sensible a girl as I ever knew—a zealous politician, and a high anti-Federalist" (to Abigail Adams, 15 June [RCS:N.Y., 1173]). According to Columbia College student John Randolph, a "party of *Federalists*" "went to the Governor's where they gave three hisses and beat the rogue's march around the house" (to St. George Tucker, 30 July [RCS:N.Y., 1626]. See also *Massachusetts Gazette*, 1 August, in "Boston Newspapers Report New York's Ratification of the Constitution," 31 July–4 August [RCS:N.Y., 2438].).

2. For the Federal ship Hamilton, see RCS:N.Y., 1586, 1592-95, 1645-46.

3. For the controversy over Thomas Greenleaf's description of the federal procession of 23 July, see RCS:N.Y., 1614–19.

For the destruction of Greenleaf's press, see *New York Journal*, 7 July (immediately above); John Randolph to St. George Tucker, 30 July (RCS:N.Y., 1626); and Comte de Moustier to Comte de Montmorin, 2 August (RCS:N.Y., 1630).

4. In February 1768 the New York legislature—grateful for the 1766 repeal of the Stamp Act (1765)—provided money for an equestrian statue of George III and a statue of the Elder William Pitt. Completed in England, the statues arrived in New York City in

June 1770. The statue of George III was erected at the Bowling Green and that of Pitt on Wall Street. On 9 July 1776—the day that the New York Provincial Congress ratified the Declaration of Independence—irate patriots pulled down the statue of George III. Probably in retaliation, British soldiers mutilated Pitt's statue in 1777.

## Libertas to Isaiah Thomas New York, 12 August 1788<sup>1</sup>

If you have, or intend to publish any thing respecting the late attack upon Mr. Greenleaf the printer, or of his conduct I hope your liberality will extend so far as to give the paragraph[s] which were inserted in his paper of the 24th Ulti[m]o, the pretended cause of this outrag[e]ous bereftment of his property,<sup>2</sup>—Thus will the publick, as well as an *individual*, judge of his criminality.—To say in a free Country, that a printer is federal or antifederal, is, in my humble opinion, ridiculous, Mr Greenleaf has been censured, by enthusia[s]tic partizans, for having admitted a certain kind of political pieces into his paper—for this he ought to receive the thanks of every American, and to be supported in his liberal principals, by every Friend to the Happiness of the United States.—

1. RC, Thomas Papers, MWA. Thomas (1749–1831)—America's leading publisher of books, pamphlets, and almanacs and the printer of the Worcester *Massachusetts Spy*—employed 150 persons at seven presses, a paper mill, and a bindery. Benjamin Franklin described him as "the Baskerville of America." The *Spy's* motto, taken from Article XVI of the Massachusetts Declaration of Rights of 1780, was "The Liberty of the Press is Essential to the Security of Freedom." Thomas retired wealthy in 1802. In 1810 he published *The History of Printing in America* and two years later founded the American Antiquarian Society.

2. See "The Controversy over Thomas Greenleaf's Description of the Procession," 24–31 July (RCS:N.Y., 1614–19).

## Newburgh, Ulster County 26 July 1788

#### New York Packet, 1 August 1788<sup>1</sup>

Newburgh, July 28, 1788.

Saturday last [26 July], about four o'clock in the afternoon, intelligence was brought to this town, of the adoption of the proposed Federal Constitution, by the Honourable Convention at Poughkeepsie.— The inhabitants of this place immediately assembled, and after a salute of eleven guns under the display of the union flag, the following toasts were drank—

1. The State of New-York.

2. The Confederated States of America.

3. The illustrious President and Members of Congress.

4. The whole gradation of Heroes and Benefactors of Mankind, from the first of the human Race to the immortal Washington—and all the sons of Wisdom, from Solon to the invincible Hamilton.

5. May the Mountains of America never Ring with the Din of Party but the white Rose and the red embrace and blend their Colours.<sup>2</sup>

6. His most Christian Majesty, and our European Allies.

7. May the Justice of the Confederated States never suffer the murmurs of injured Creditors to disturb their tranquility.

8. May the Knowledge and Felicity of Mankind be as perfect as their nature will admit, as diffusive as their existence, and eternal as the flux of time.

9. May Agriculture, Manufacture and Commerce, mutually excite and enrich each other.

10. The memory of those brave men, who fell in defence of freedom.

11. May the important acquisition of yesterday, with the merit of those who procured it, warm the heart of every freeman, and "brighten downward on the lapse of time."

The whole was conducted in a manner becoming freemen, and the greatest satisfaction appeared in every countenance.

1. Reprinted: *Pennsylvania Packet*, 5 August; *Country Journal*, 12 August. The *Country Journal* reprint was prefaced: "Mr. Power, Be pleased to give the enclosed a place in your next paper, and you will much oblige a great number of your friends and customers."

2. A reference to the War of the Roses, a series of civil wars in England (1455–1485) fought between the adherents of the Houses of Lancaster and York. The Lancastrians supposedly wore a red rose badge, while the Yorkists wore a white.

## Red Hook, Dutchess County 6 August 1788

#### Poughkeepsie Country Journal, 12 August 1788<sup>1</sup>

Red-Hook, Aug. 7, 1788.

Mr POWER, Please to give the enclosed a place in your Paper, and oblige a number of your CUSTOMERS.

On Wednesday the 6th instant, a number of gentlemen met at the house of Mr. Thomas Swart, at Red-Hook, in Rhinebeck precinct, for the purpose of celebrating the adoption of the Federal Constitution by eleven States, and spending the day in a sociable and harmonious manner, smoaking the Calumet of Peace, and burying in oblivion all distinctions of party. After dinner the following toasts were drank, under the discharge of a piece of artillery, and the business of the day concluded with the utmost cheerfulness and festivity. 1. The United States of America.

2. The President and Members of the General Convention.

3. The States which have adopted [the] Federal Constitution.

4. May the Citizens of the United States ever have reason to commemorate the 17th of September, 1787.

5. May the Olive be ingrafted on the Laurel, and Victory ever be made the Handmaid of Peace.

6. His Most Christian Majesty, and the friendly Powers of Europe.

7. May Party Spirit cease, and all Classes unite to smoak the Calumet of Peace.

8. May Wisdom in Council, and Activity in the Field, ever characterize the People of America.

9. The Convention of the State of New-York.

10. The Members of Dutchess who were in the Majority of the Convention.<sup>2</sup>

11. The virtuous Minority of Rhode-Island.

VOLUNTEER TOASTS.

May North-Carolina speedily become the Twelfth Pillar in the Federal Edifice.

Peace to all Mankind.

1. Reprinted: Daily Advertiser, 15 August; Pennsylvania Packet, 20 August.

2. Dutchess County elected seven Antifederalist delegates to the state Convention. Four of them—John De Witt, Jr., Gilbert Livingston, Zephaniah Platt, and Melancton Smith— voted to ratify the Constitution. Jonathan Akin and Jacobus Swartwout voted against ratification, while Ezra Thompson did not vote.

## Saratoga, Albany County 13 August 1788

#### Lansingburgh Federal Herald, 18 August 1788<sup>1</sup>

On Wednesday the 13th instant, a number of respectable inhabitants of the district of Saratoga, and county of Albany, assembled at the house of Mr. Ezekiel Ensign, to manifest their joy on the late important and much wished for determination of the convention of this state, when a procession was formed, and moved under the particular direction of Col. John Graham and major Garret Lansing, headed by Capt. John Vernon's company of Light Infantry in compleat uniform, which was followed by Gen. Gansevoort and Col. Van Vechten, bearing the new constitution, and eleven respectable gentlemen carrying the ratifications of the different states who have adopted it: these were followed by the citizens, and officers of militia in their regimentals; and the rear was brought up by a detachment of artillery, with a field piece, under the command of Mr. John Blecker. The procession moved some distance, and on its return was saluted with eleven discharges from the field piece, which was repeated when it halted with eleven rounds from the Light Infantry. The persons composing the procession then went to dinner, after which the following toasts were drank, and a gun discharged for each.

1st. The New Constitution, and the eleven states who have adopted it.

2d. The Congress.

3d. Gen. WASHINGTON.

4th. The memory of those brave Americans who gloriously fell struggling for the liberties of their country.

5th. The King and Queen of France and the female friends of America.

6th. The American FARMERS.

7th. May the laws under our new government be mild, and our rulers virtuous.

8th. The friends of freedom throughout the world.

9th. May unity, peace and prosperity prevail through every part of the United States.

10th. The late Convention of the state of New-York.

11th. Col. HAMILTON; may that worthy patriot live long, and enjoy the brightest honors of a grateful country.

The whole was conducted with decency and decorum; every face wore a smile of satisfaction, and unanimity pervaded throughout; even several gentlemen who have hitherto warmly opposed the new constitution shewed their conciliating disposition by being among the foremost in the procession.

1. Reprinted: Daily Advertiser, 26 August; Independent Journal, 27 August; Pennsylvania Packet, 2 September.

### Schenectady, Albany County 15 August 1788

#### Albany Gazette, 21 August 1788<sup>1</sup>

*Extract of a letter from S[c]henectady, August 18.* 

"On the 15th inst. the ratification of the Constitution by the Convention of this state, was celebrated by a very numerous and respectable body of citizens, assembled at the house of Mr. Robert Mostyn, in this town, for that purpose. At 3 o'clock, the company were seated under a bower, erected by Mr. Mostyn, with great ingenuity and taste, where they partook of an elegant entertainment, after which the following toasts were drank:

1. The ratification of our Convention.

- 2. Congress, and the States in Union.
- 3. Agriculture and Commerce.
- 4. Prosperity to the State of New-York.
- 5. Governor Clinton.
- 6. General WASHINGTON, and the late American Army.
- 7. Foreign Allies.
- 8. May the rich Fur Trade of the West return to its former channel.

9. To the memory of those Heroes who fell in the late struggle for Independence.

10. The patriotic Framers of the present National Constitution.

11. May the Union of America continue to the end of time.

That harmony and good order, which so particularly characterises all true friends to union, was never more conspicuous than in this truly social band; and at an early hour, each one returned to his respective home, with marks of the most pleasing satisfaction and joy."

1. The Albany Gazette for 21 August is not extant. The text has been transcribed from the *Pennsylvania Mercury*, 4 September. It was also reprinted in the *Pennsylvania Packet*, 5 September.

### Smithtown, Suffolk County 14 August 1788

#### New York Daily Advertiser, 2 September 1788

SMITHTOWN, (Long-Island) Aug. 18, 1788.

Last Thursday being appointed by the inhabitants of this town, for celebrating the adoption of the new Constitution by our convention, the day was announced by firing a cannon at sunrise, and hoisting the flag of the United States.

At 2 o'clock most of the inhabitants of Smithtown, and many from Huntington, Islip, and Brookhaven, assembled at Smithtown church, where they were entertained with a very sensible and pertinent address, by Mr. JEFFERY SMITH, which was succeeded by a federal ode, in two parts, sung to the tune of "*the Dauphin*."

At 5 o'clock the company partook of an excellent cold collation, which a number of patriotic ladies and gentlemen had previously prepared at their own houses and brought with them.

The tables were set on a fine green under the shade of the church; and while people of every rank were here feasting on the richest bounty

2418

of the country, the ladies, and such gentlemen as chose it, were regaling themselves, in the neighbouring houses, on a cup of excellent hyson.

After the repast, the following toasts were drank, each of which was re-echoed by the discharge of a twelve pounder, viz.

1. The United States.

2. Our Allies in Europe.

3. General Washington.

4. The Federal Government—Wisdom to the legislative, impartiality to the judicial, and undaunted resolution to the executive department.

5. May the martial genius of Columbia never sleep, though dandled on the lap of peace.

6. May bravery and probity ever enjoy the sweets of liberty.

7. The agriculture, manufactures, and commerce of the United States.

8. May the industrious farmer be gratefully remembered by all lovers of meat; nor may he be forgotten by those who eat bread.

9. Those who will not be our friends, may they never dare to be our foes.

10. May the arms of Columbia be ever open to exiled virtue.

11. May this day be productive of unanimity and friendship.

Beer and cyder were the only drink at this entertainment; no distilled liquors being necessary to animate the company's spirits on so joyful an occasion.

The most perfect harmony and good order prevailed thro' the day benevolent joy glowed in every breast, and hilarity was marked on every face—two or three only excepted, the wings of whose ambition was clip't by the shears of avarice.

About sun-set the elderly people retired home—but the young ladies and gentlemen spent the twilight by walking in procession hand in hand, with a trumpet blowing in front, and other music playing in the rear. In the mean time a transparent painting was exhibited, which had a very pleasing effect. "Columbia's eagle crown'd with auspicious light," appeared, rising from a thick cloud, and winging his way through the sky. Eleven bright stars formed an arch over the eagle, one of which had just emerged from a cloud. Two other stars from beneath, appeared to emit a few feeble rays, but were so obscured by surrounding clouds, they could scarcely be seen. The full moon was also represented, just rising from a thick and tempestuous cloud, that seemed to settle away into the Eastern Hemisphere.

The remainder of the evening was spent in the pleasing exercise of dancing.

Never, perhaps, was there more perfect satisfaction given on such an occasion:—And what contributed much to it, was the generosity of those

who provided for the day. The company was very large, yet there was enough and to spare. The Indians and Negroes had what they would eat, and there was still much left, which was distributed among the poor.

#### Boston, Mass.

#### Massachusetts Gazette, 1 August 1788 (excerpt)<sup>1</sup>

... Wednesday information was received of the adoption of the Constitution by the Convention of New York, and yesterday, in consequence of this pleasing intelligence, the bells in the town were set a ringing, and a discharge of thirteen cannon from Castle William was given....

1. Reprinted: New Hampshire Spy, 2 August; Pennsylvania Mercury, 12 August; Pennsylvania Packet, 13 August; Maryland Journal, 15 August.

### Jeremy Belknap to Ebenezer Hazard Boston, 2 August 1788 (excerpt)<sup>1</sup>

Your last confirmed the News for which our bells had rung the day before. We are extreemly happy that New York has come in, I imagine that a history of the Transactions at Poughkeepsie for a Month past would be a Curiosity. Every southerly wind we expect will bring us like good News from North Carolina...

1. RC, Belknap Papers, MHi. Printed: Belknap Correspondence, Part II, 54-56.

#### Massachusetts Centinel, 2 August 1788 (excerpt)<sup>1</sup>

... Since our last paper the pleasing intelligence has been received in this town, of the Ratification of the Federal Constitution by the Convention of New-York—An event so little expected, and so highly interesting, could not fail of giving the greatest satisfaction to the citizens of this TRULY FEDERAL METROPOLIS—this they demonstrated by ringing the bells, and by those cordial congratulations to each other, which nothing but the sincerity of the pleasure they felt could produce....

1. Reprinted: Salem Mercury, 5 August.

# New Brunswick, N.J. 28 July 1788

#### Brunswick Gazette, 29 July 1788

The news of the Ratification of the New-Constitution by the Convention of the state of New-York, was received in this city yesterday morning at 6 o'clock; at half past 6 the bells in the different churches commenced ringing, and continued till 9 o'clock—when the company of artillery, under the command of Capt. Douglass, paraded on *Federal Hill*, where eleven guns were fired, in honor of the Eleven Adopting States. Flags were displayed in different parts of the city; and every countenance seemed to glow with joy, on the erection of the Eleventh Pillar to the Grand Federal Edifice.

#### New York Daily Advertiser, 30 July 1788<sup>1</sup>

Early on Monday morning the 28th inst. the agreeable news of the ratification of the Federal Constitution by the State of New-York was announced in New-Brunswick, in consequence of which the inhabitants assembled to testify the joy which they participated on this important event. The bells were rung for several hours, a union flag was displayed on the church steeple, the companies of artillery under the command of Captains Douglass and Guest, paraded, and after firing eleven rounds, and giving three cheers in honor of the eleven Federal Pillars erected for the grand Edifice, they returned to their several avocations, with marks of the most pleasing satisfaction and joy.

1. Reprinted: New York Packet, 1 August; Country Journal, 5 August; Pennsylvania Packet, 5 August.

#### Newport, R.I.

#### Newport Herald, 31 July 1788<sup>1</sup>

The *unconditional* ratification of the FEDERAL CONSTITUTION by NEW-YORK hath blasted the last hopes of the Antifederal junto in this State, as they find themselves reduced to this mortifying alternative—"Adopt the Constitution and you may yet retain your sovereignty; but if you reject it, your territory shall be partitioned among your neighbours.["]

Upon receiving the interesting intelligence of the ratification of the New Constitution by New-York, great demonstrations of joy were manifested by our fellow-citizens.—The bells echoed the joyful tidings, and the colours displayed the triumph over anarchy—no town on the continent could be more unanimous in their sentiments—none more unfeigned in their 'gratulations, as none had experienced in so great a degree the scourge of licentiousness and fraud.

1. Both paragraphs were reprinted in the *Independent Journal*, 9 August, and in ten newspapers outside New York by 1 September: N.H. (1), Mass. (3), Conn. (1), Pa. (3), Md. (2). The Exeter, N.H., *Freeman's Oracle*, 9 August, reprinted only the first paragraph. The second paragraph only was reprinted in the Lansingburgh *Federal Herald*, 25 August,

and in four newspapers outside New York by 1 September: N.H. (1), Mass. (1), R.I. (1), Pa. (1).

#### Philadelphia, Pa.

#### Pennsylvania Gazette, 30 July 1788<sup>1</sup>

The adoption of THE NEW FEDERAL CONSTITUTION by the convention of NEW-YORK, being the eleventh state, is a matter of the most transcendent joy, and honorable in the highest degree to *the Majority* of that house. Part of that majority must have the greatest abilities to convince objectors so strenuous, and part of them must possess the most uncommon share of candor and patriotism, to listen with so much moderation to the arguments of federalism and their country.

On the joyous news of the adoption of the new Constitution by the convention of our neighbour and sister NEW-YORK, the merits of the friends to the government in that honorable body, and the virtue of those from the opposition who helped them to execute the good work of ratification, were complimented with *a glorious peal* from Christ Church bells.

1. Both paragraphs were reprinted in the *New York Morning Post*, 4 August; *New York Packet*, 5 August; *Hudson Weekly Gazette*, 12 August; and in seven newspapers outside New York by 16 August: N.H. (1), Mass. (1), Conn. (1), Pa. (2), Md. (1), S.C. (1). The first paragraph only was reprinted five times by 20 August: R.I. (1), Pa. (1), Va. (2), S.C. (1). The Baltimore *Maryland Gazette*, 5 August, and Northampton, Mass., *Hampshire Gazette*, 27 August, reprinted only the second paragraph.

#### New York Packet, 12 August 1788<sup>1</sup>

#### Extract of a letter from Philadelphia, dated 2d inst.

"The New-York ratification of the Constitution, has indeed produced some noise from the bells here, but not a man have I heard speak of it, who does not grieve at heart, that they adopted it so soon—they were in hopes that they would have delayed the matter till Congress had passed the vote to remove to Philadelphia, which I hope they may not."<sup>2</sup>

1. Reprinted: Albany Journal, 18 August; Country Journal, 19 August; Springfield, Mass., Hampshire Chronicle, 20 August.

2. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

# Plymouth, Mass. 2 August 1788

#### Massachusetts Centinel, 13 August 1788<sup>1</sup>

We have from time to time particularized the proceedings of many joyous days, which the adoption of the federal Constitution has occasioned. A respect for the antient town of *Plymouth*, induces us to mention their federal exhibitions.—On the 2d instant, having received the interesting intelligence, that the State of New-York had adopted the Constitution—in addition to mutual congratulations, a respectable collection of the inhabitants formed a social circle on the *Training-Green*, to indulge the pleasing impulses of joy together.—Liberal and truly federal sentiments prevailed throughout the collection.—Animated with the occasion of their meeting, the following *toasts* were drank, accompanied with proper discharges of cannon, while repeated cheers to the system so gloriously perfected, enlivened and concluded the scene.

1. The American Union—may it be dear to the heart of every citizen. 2. The illustrious Washington-perpetual be his fame, as the freedom of his country. 3. His Excellency Governour Hancock, and all "the rulers of the free." 4. Political truth and safety-thanks be to Heaven, that America has perceived and embraced them. 5. The Federal Constitution-may it govern those, that may govern us. 6. The magnanimity of New-York—may her share of national prosperity compensate the supposed magnitude of her sacrifices. 7. Agriculture, commerce, and arts, and a spirit to enjoy the blessings which they procure. 8. Prosperity to the fisheries—protected by the *federal flag*, may they flourish forever. 9. The Commonwealth of Massachusetts-may a sober sense of the natural and political advantages, which she enjoys, penetrate the hearts of her citizens. 10. The friends to American liberty throughout the worldmay they never have reason to blush that they have espoused her cause. 11. The virtuous minority of Rhode-Island, may the conduct of her majority exhibit the last sad example to the world, of political depravity and errour. 12. To the memory of the old colony of Plymouth, and our renowned forefathers-may the empire which has sprung from their labours, be as permanent as the *rock* on which they landed.

1. Reprinted (without the first sentence): Salem Mercury, 19 August; Northampton, Mass., Hampshire Gazette, 20 August. The first paragraph alone was reprinted in the Pennsylvania Mercury, 23 August; Pennsylvania Packet, 26 August; and New Brunswick, N.J., Brunswick Gazette, 2 September.

### Portsmouth, N.H. 1 August 1788

#### New Hampshire Spy, 2 August 1788

#### ELEVENTH PILLAR RAISED.

(By the arrival of the mail last evening we received the pleasing intelligence of the *unconditional* ratification of the New-Constitution by the state of New York, by which the ELEVENTH PILLAR of the *Grand Federal Edifice* is happily erected. Upon the intelligence being communicated, a number of respectable characters testified their joy by three hearty cheers; the bells in the town were set a ringing, & mutual congratulations took place. On our part, we sincerely felicitate our readers upon the happy event, and are happy in being the first to announce it to the citizens of New Hampshire.)

### Providence, R.I. 29 July 1788

#### Providence Gazette, 2 August 1788<sup>1</sup>

It is with real Pleasure we announce to the Public, that on Friday, the 25th ult. the Convention of the State of New-York ratified the Federal Constitution, by a Majority of five-which, as there were but 65 Members in that Convention, may be considered as a larger Majority than that of Massachusetts.-This pleasing and really important Intelligence was received from New-York by Capt. Godfrey, in the Lady Greene Packet, on Tuesday Morning last-all the Bells were immediately rung,—and the Standard which belonged to the late Rhode-Island Regiment, commanded by Col. Jeremiah Olney, was displayed on Federal Hill.-The public Exhibition of the Standard-"which had been often displayed with Glory and Bravery in the Face of very powerful Enemies, and is carefully preserved to commemorate the Atchievements of a brave Corps," did not fail of bringing to Mind many memorable Scenes of the late War, as well as the present degraded Estimation of this State in the public Mind, compared with that which she held at the Close of it.-Weybosset-Bridge, commonly called the Great-Bridge, on this happy Occasion put on a most brilliant and federal Appearance, highly pleasing to the true Friends of their Country.—On the South Side of the Bridge were erected Standards bearing large Flags, with the Constellations and Stripes of Union, representing the Eleven adopting States, placed in the same Order as they successively ratified the Constitution, beginning with Delaware, and ending with New-York-on each Standard a Label was affixed, specifying the Name of the State thereby

represented, the Time when, and the Majority by which the Constitution was adopted—On the opposite Side of the Bridge, disconsolate and alone, was a Standard for North-Carolina, three Quarters raised, with a small Flag, a Label mentioning the Name of the State, and the Time of the Meeting of their Convention, with this Motto-"It will rise."-But in a still more disconsolate Situation was a bare Pole, representing poor Rhode-Island, pointing the opposite Way from North-Carolina, raised to about the 45th Degree from the Horizon, with a Paper affixed to it, on which was written, -["]Rhode-Island in Hopes."-The Standard of France (the great and good Ally of America) was also erected on the Parade, near the Bridge.-These Standards were continued in this Situation the Remainder of the Day.—A Procession was formed on the Market Parade, and moved, with Drums beating and Colours flying, to Federal Hill-where, precisely at Eleven o'Clock, Eleven heavy Cannon were fired, in Honour of the Eleven confederating States, and after mutual Gratulations and three hearty Cheers the Whole dispersed.—At Three o'Clock Eleven Cannon were fired on the Bridge, by Col. Tillinghast's Independent Company, and Eleven Cheers given.—A Number of young Gentlemen equipped themselves with Arms, &c. under the Command of Col. Whipple—and after marching through the Town, with martial Music, they discharged twice Eleven Rounds on the Bridge, by Platoons.—Eleven heavy Cannon from Federal Hill closed the Day.—What makes this great Event more particularly joyous is, that from the best Accounts we had previously received from New-York, there was every Appearance of the Constitution being partially rejected, by a conditional Adoption.

1. The Newburyport, Mass., *Essex Journal*, 13 August, reprinted a slightly shorter version with minor changes in wording.

# Springfield, Mass. 29 July 1788

### Springfield Hampshire Chronicle, 6 August 1788

Yesterday se'nnight arrived in this town Mr. William Stimpson, on his way from New-York to Charlestown, near Boston, who brought the agreeable intelligence of the adoption of the Constitution by that State.— Soon after the news arrived, a number of the respectable inhabitants of this town met and proceeded to Federal Hill, where they expressed their sentiments of genuine Federalism by the discharge of eleven cannon, in honour of the States which have ratified the New Government.

#### Wilmington, N.C.

#### Wilmington Centinel, 20 August 1788<sup>1</sup>

On the 25th ult. the honourable the convention of the state of New-York, *ratified* the constitution proposed by that *band* of *patriots* and *saviours* of their *country*—the late *Fæderal Convention*.

When the intelligence of the ratification of the new constitution by the convention of the state of New-York, was received in this town, the citizens, to testify their joy on the happy acquisition of the *eleventh pillar* to the *Fabric of Liberty*, assembled, and with three *Huzzas* hailed the "NEW ÆRA OR ÆPOCHA OF LIBERTY."

1. The second paragraph alone was reprinted in the Charleston *City Gazette*, 30 August, and the *State Gazette of South Carolina*, 1 September.

# VII-B. Public and Private Commentaries on the Constitution, 25 July 1788–23 February 1789

The documents in this section consist largely of private letters. Most are written by New Yorkers; others are written by delegates to the Confederation Congress, officers of the Confederation government, and foreign diplomats residing in New York City. About onefourth of the letters are from outside of New York. Few newspaper items appear.

A wide variety of topics are considered. These include (1) commentaries on the Constitution, especially on the need for amendments, (2) commentaries on the circular letter of the New York Convention and the efforts to call to a second constitutional convention, (3) the reasons why the New York Convention ratified the Constitution, (4) the celebrations of its ratification in New York and elsewhere, (5) the Confederation Congress' preparations for the establishment of the new government under the Constitution, (6) the related debate in Congress over the location of the federal capital, a matter of the utmost importance to New York City, (7) the progress of ratification in the remaining states of North Carolina and Rhode Island, (8) the publication of the New York Convention's journal and debates, (9) the establishment of an Antifederalist newspaper in Albany, (10) the authorship of *The Federalist*, and (11) the economic impact of the Constitution on New York.

This section includes two groupings of documents. They are (1) the extensive reports of four Boston newspapers on the New York Convention's ratification of the Constitution and Boston's reaction to it, and

(2) the publication of the *Convention Debates* by Francis Childs and the Antifederalist charges of bias against him. Other significant documents are the Antifederalist society's lengthy proceedings relating to the calling of a second constitutional convention to consider amendments and an exchange of letters about New York in August and September 1788 among Alexander Hamilton, John Jay, Thomas Jefferson, James Madison, and George Washington. A substantial Antifederalist newspaper commentary on the Constitution by "Sidney" (Abraham Yates, Jr.) appeared on 4 December 1788.

# Peter Silvester to Francis Silvester Kinderhook, 25–28 July 1788 (excerpt)<sup>1</sup>

... we have not heard any thing this week material from the Convention at Poughkeepsie-since writing the aforegoing I can with pleasure inform you that on saturday last [26 July] about one o'Clock by [the?] Stage we received the agreeable Account of the Adoption of the constitution by a majority of three of our State Convention this notice was preceeded by a Report of Cannon at Hudson which Anticipated the tidings in a Conjectural way there were but few that heard those cannon roring and as it Thundered at the time we would not venture to conclude that it was Cannon & if it was we did not like to be too positive for fear it might be for some other cause & thereby be disappointed but we were Soon relieved from the Suspense by the Arrival of the Stage-there was soon made a procession thru the Town in Miniature-A Federal Ship &c. & Tolerably well done for so Short notice & sudden exertion & our Country situation all done decently & in good order without exultation or giving or intending to give any offence-the bearer of this our neighbour & friend Mr. Moore will tell you all about it-I hope in Good [i.e., God] that this adoption will satisfy the inhabitants of the State & prevent any disorders or Confusion & that we may yet live in union like a band of brethren of one family in Fellowship and Harmony like good Citizens supporting & preserving one common Interest upon the principles of rectitude.... I am with every Parental regard Your loving father

1. RC, Silvester Family Papers, NHi. The letter is dated at the beginning 25 July and at the end 28 July. Peter Silvester (1734–1808), a Kinderhook lawyer, represented Albany County in the First and Second Provincial congresses, 1775–76, and Columbia County in the state Assembly, 1788, 1803, 1804–6. In the state Senate, Silvester represented the Eastern District, 1796–97, and the Middle District, 1798–1800. He served in the U.S. House of Representatives, 1789–93.

# Ebenezer Hazard to Jeremy Belknap New York, 27 July 1788 (excerpt)<sup>1</sup>

We were informed last Night from Poughkeepsie that the Convention of this State had adopted the new Constitution, unconditionally, by a Majority of six; in Consequence of which the *Bells were rung* til Midnight.

On Wednesday last [23 July] we had a grand Procession:<sup>2</sup>—on Thursday Greenleaf ridiculed it in his Paper, & gave great Offence: a number of his Subscribers dropped his Paper; & last Night (during the Rejoicing) a Body of People collected at his Door:—I am told he fired among them & wounded one Man; & that they broke his Windows, burst into his House, & destroyed his Types:—he made his Escape by a back Way.

Oswald, the typographical Cain of Phila. has been confined in Jail since the 15th. Inst.—is to remain there til the 15th. of next Month,— & to pay a fine of £10, for *Contempt of the Court.*<sup>3</sup> He & his Friends are trying to make the Public consider this as an Attack upon the Liberty of the Press; but the Design is understood, & nothing on the Subject appears either pro or con, except in his own Paper. He is generally despised....

1. RC, Belknap Papers, MHi. Printed: *Belknap Correspondence*, III, 54. Hazard dated the letter "Sunday Evg. July 27. 1788."

2. See "The New York City Federal Procession," 23 July (RCS:N.Y., 1584-1666).

3. In June 1788, Andrew Brown, formerly the printer of the Philadelphia *Federal Gazette*, sued Eleazer Oswald, printer of the Philadelphia *Independent Gazettee*, for libel. While the suit was pending, Oswald published an article about it, and, as a result, he was fined and imprisoned a month for contempt of court. In June 1788 Oswald acted as a courier between New York and Virginia Antifederalists. See "New York Convention Antifederalist Committee of Correspondence to George Mason," 21 June (RCS:N.Y., 1796–1801).

#### Seth Johnson to Andrew Craigie New York, 27 July 1788 (excerpts)<sup>1</sup>

Yours of the 21 July came to hand last evening. B is competent & attentive to the business of making the purchases. I cannot say how much money I can expect from Mr. S. I will endeavour to answer this by next post. Indents are now selling from 3/ to 3/3 specie. I am of opinion they will rise & continue to be more valuable than the principal.—expectations are formed of the new government's making provision for the Indents, which the present inability of the country will not permit them to do for the principal; and indeed it is thought probable that the principal will rise with the expectations which our new constitution causes: but as soon as the government is in motion, & people find that they were too sanguine in their hopes of provision

being made for the principal many will be induced to sell who now hold large sums; & which will cause them to fall. but what effect the present prospects of our country may have upon strangers so as to induce them to speculate in our funds I cannot determine....

News came to town last night of this state's adopting the constitution by a majority of 5. I believe much praise is due M Smith, he found the improbability of having amendments made by the states previous to its becoming a government, & gave up his opinion to what he thought necessary for the tranquillity & advantage of the state. I do not think that he is any more convinced than when he left town. his conduct has been displeasing to many of the anti's—his moderation & the abilities he has shown in convention has in some degree compensated with the federalists for his opposition.

I will finish—lest you might say, as I have frequently heard you "spare me."

Adieu

1. RC, Craigie Papers, MWA.

### Abigail Adams Smith to John Adams Jamaica, Long Island, 27 July 1788 (excerpt)<sup>1</sup>

... This State has adopted the Constitution by a majority of three only. It has given great joy to many, that at any events they are admitted to the Union. There have been great exertions made by the opposers of it, to prejudice the minds of the populace against its adoption, by such arguments as would have most weight with them—the addition of taxes, the rise of provisions, and some of the most improbable, though affecting to the lower class of people, that could be invented. The motives of some persons in power in the State, in opposing it, have been attributed to selfish views; whether just or unjust, I know not.

It is now a great question in debate, whether Congress shall remove from New-York, and great exertions are making by some of the southern members, to get them to return to Philadelphia.<sup>2</sup> Upon this question, I presume that selfish views actuate all who are *violent* upon either side, for I do not see that any material advantage can arise to the country from the local situation of Congress, except such as contribute to the convenience of their residence.

Believe me your affectionate daughter,

1. Printed: Caroline Amelia Smith de Windt, ed., Journal and Correspondence of Miss Adams, Daughter of John Adams . . . (2 vols., New York, 1841-1842), II, 92. 2. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

# Hugh Williamson and John Swann to Governor Samuel Johnston of North Carolina, New York, 27 July 1788<sup>1</sup>

By Express last Night from Pokepsie we learn that on Friday 25th a Motion was made for adopting the new Constitution as recommended by the general Convention on Septr. last, this Motion was carryed by a majority of Five. A previous Question had been taken for adopting the Constitution for a limited Time &c [this?] was lost by a majority of four.<sup>2</sup> The Papers [we?] shall forward may contain more particulars. The Inhabitants of this City since the arrival of the above Intelligence have hardly been moderate in their Expressions of Joy. The State of New York had so many Arguments of private Interest that seemed to tempt her to adhere to the old form of Government that we confess the Act mentioned was rather unexpected at so early a Period. This Event is of such Importance that we conceive ourselves bound to give you Notice of the same by the first Conveyance. Captn. Chr. Clarke who was to sail early on this morning is charged with this Intelligence which probably will be forwarded from Edenton by Express but as Water Passages are more uncertain we shall forward this by Post and request of some Gentleman in Petersburg to give it furtherance.

Congress are extremely desirous to fix the Time and Place where and when Proceedings shall commence under the new Government; Hitherto they have been restrained, partly as we conceive, from a Regard to the feelings of our State; we flatter ourselves however that no Time will be lost in letting us know the Result after our Convention shall have taken its Resolution.

1. RC, Peter Force Collection, The Papers of North Carolina, Convention 1788, Letters and Resolutions, DLC. The letter, in Williamson's handwriting, is signed by him and Swann.

2. Probably a reference to a 24 July motion made by John Lansing, Jr., for New York to recede from the Union after a period of years if amendments were not considered by a general convention. The motion was defeated the next day by a vote of 31 to 28. See RCS:N.Y., 2290, 2301.

# Leonard Gansevoort to Peter Gansevoort Albany, 28 July 1788 (excerpt)<sup>1</sup>

#### Dr Brother

... Permit me now to congratulate you on the adoption of the Constitution by the Convention of our State by a majority of 3. vizt. 31. to 28—the News is important but are not indebted for it to any of the Northern Members they have remained obstinate to the last not one Delegate from Albany Montgomery or Washington having voted for it....

1. RC, Gansevoort-Lansing Papers, NN.

# Elbridge Gerry to Ann Gerry Newport, 28 July 1788 (excerpt)<sup>1</sup>

... We have this day received information that N York has ratified the constitution, & I am very glad to hear it, because it is the wisest policy under all circumstances & will enable her to co-operate with the other States to make amendments....

1. RC, Gerry Papers, MHi. Elbridge Gerry (1744–1814), a merchant, represented Massachusetts in Congress, 1776–80, 1783–85, and signed the Declaration of Independence and the Articles of Confederation. As a delegate to the Constitutional Convention, Gerry refused to sign the Constitution. His objections to the Constitution were widely reprinted (CC:227). He was a member of the U.S. House of Representatives, 1789–93, and Vice President of the U.S., 1813–14. Ann Gerry (1763–1849), the daughter of New York merchant James Thompson, married Gerry in January 1786.

# William Irvine to William Alexander New York, 28 July 1788 (excerpt)<sup>1</sup>

... There is nothing new here, except that N york has at last adopted the new Government, by a Majority of five only, so great was the majority against it, til the last moment, that it is evident—no other consideration but a fear of being left out of the Union induced them to accede—they were not convinced, of the propriety, but the necessity....

1. RC, Dreer Collection, Miscellaneous, PHi. Printed: Smith, *Letters*, XXV, 258. Irvine (1741–1804), born in Ulster, Ireland, was in the British Navy during the French and Indian War, and settled in Carlisle, Pa., in 1764. As a colonel in the Continental Army, Irvine was captured in Canada in 1776 and exchanged in 1778. He left the army as a brigadier general in 1783. Irvine was a Pennsylvania delegate to Congress, 1787–88. Defeated for election to the U.S. Senate and U.S. House of Representatives in 1788, he served as a U.S. Representative, 1793–95. Alexander, who served as a lieutenant and captain under the command of Irvine, had just been appointed a surveyor of military bounty lands in the Northwest Territory.

# Henry Knox to George Washington New York, 28 July 1788 (excerpts)<sup>1</sup>

It is with the most sincere satisfaction that I congratulate you on the uncondition[al] adoption of the constitution by the Convention of this state. The particulars of this important event are contained in this days paper herein enclosed.

Messrs Jay Hamilton and the rest of the federalists have derived great honor from their temperate and wise conduct during the tedious debates on this subject—Nor ought those Gentlemen who were opposed to the constitution in the first instance, but afterwards voted for the constitution its adoption be deprived of their due share of praise for their candor and wisdom in assuming different conduct when it became apparent that a perseverance in opposition would most probably terminate in Civil War for such and nothing short of it were the prospects—

We have now thank Heaven eleven states which have adopted the system—Conduct and wisdom almost superior to the lot of humanity will be required in the first outset of the New Constitution—

Congress will soon publish an ordinance for the necessary elections and organization—The times of election and period of organization will not be difficult to be determind But the *place* where they shall assemble will be warmly contested The two places generally thought on are Philadelphia and New York—at present it is difficult to say in favor of which it will be determined—a few days will more explain the matter<sup>2</sup>—

... I have hitherto refrained from acknowledg the receipt of yr kind favor of the 17th of June,<sup>3</sup> as the affairs in this Convention were so gloomily circumstanced but it is now dissipated—Governor Clinton has most perseveringly opposed the constitution, and from being in the majority during Almost the whole time he has found himself so much deserted as to be in the minority A precise history of his conduct is difficult to be written and must be left to time to explain....

I am my dear Sir Your sincere friend & humble Servant

1. RC, Washington Papers, DLC. Printed: Abbot, Washington, VI, 405-6.

2. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

3. See RCS:Va., 1632-34.

# Zephaniah Platt to William Smith Poughkeepsie, 28 July 1788<sup>1</sup>

I Receivd. your favour of the 11th of June pr. your Son which I have read with attention And think with you Yet Sr. you perhaps will be Surprised at first blush to hear that after Six weeks Delibration the Constitution is addopted and that I voted for its addoption—this is

true but not from a conviction that the Constitution was a good one or that the Liberties of men were well Secured no-I voted for it as a Choice of evils in our present Situation-this was the Result of our Delibrations after Virginia's adoption by a desided Majority of the Antes in Convention but in private Council Under Certain Modifications & restrictions Much time has been Since Spent in Debate as to the Mode we reasoned thus that it Must and would now go into operation the only Chance remaining was to get [a new?] Convention as Soon as possible to take up our Amendments & those of other States while the Spirit of Liberty is yet alive—how far this Reasoning may meet your Ideas I no [i.e., know] not however I beg you not to deside to[o] hastily be assured that we have Endeavourd. to consider all Sides of the question & their probable consequences—on the whole [we] desided on what we Suposed was for the Intrest and peace of our State under present Curcumstances for further particulars I Refer you to the Gentln. of your County who were in Convention-

I Remain with respects your old freind And be assured I will pursue to my lifes End to bring About Amendments to the new Constitution

1. RC and Typescript, Manor of St. George Museum, Center Moriches, N.Y.

#### Lansingburgh Federal Herald, 28 July 1788

#### LET OUR CITIZENS REJOICE!

New-York hath adopted the Constitution—The final question was put and carried on Friday last [25 July], by a majority of FIVE. On this happy event we sincerely congratulate our readers—and assure them, that, although we are unable to give this intelligence to the public dress'd in an official garb, the various and respectable channels through which it came to hand render its authenticity beyond a doubt.

### Aaron Burr to Richard Oliver New York, 29 July 1788 (excerpt)<sup>1</sup>

... I congratulate you on the Adoption of the New Constitution; I think it a fortunate event and the only one which could have preserved peace; after the Adoption by ten States, I think it became both politic and necessary that we should also adopt it—It is highly probable that New York will be for some time the seat of the federal Government....

1. RC, Manuscripts and Special Collections, N. Printed: Kline, *Burr*, I, 33–34. Burr (1756–1836), born in Newark, N.J., was the son of the second president of the College of New Jersey (Princeton) and the grandson of famed Congregational clergyman Jonathan Edwards. Graduated from the College of New Jersey (1772), he studied theology

and law before enlisting in the Continental Army, where he rose to the rank of lieutenant colonel before resigning in 1779. Admitted to the bar in 1782, Burr practiced in New York City. He was state attorney general, 1789–91, U.S. Senator, 1791–97, and Vice President of the U.S., 1801–1805. Oliver (1752–1806) was a merchant in Hurley, Ulster County. As a lieutenant he had served under Burr during the Revolution. Burr was Oliver's attorney.

# Morgan Lewis to Tench Coxe New York, 29 July 1788 (excerpt)<sup>1</sup>

... You are doubtless much surprised to find that this State has adopted the Constitution contrary to all Expectation. I believe it has no where been controverted with more Heat, and, on the Part of its Opponents, more illiberality. At the Commencement of the Session the Difference was 46 to 19 and Yet, after a variety of palliatives and Expedients suggested by the Ingenuity of a few leading characters, to embarrass the Business, they have given a full unequivocal & unconditional Ratification—Great Merit is certainly due to the Gentn. who advocated it in Convention; And they are, I believe, much indebted for their Success, to Virginia, and an Apprehension of a separation of the southern part of the State—

I am Your sincere Friend & Servt.

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi.

# Pieter Johann van Berckel to the States General New York, 30 July 1788<sup>1</sup>

Dear Sirs, Just after mailing off my preceeding letter of the 26th of this month, on the same day late in the evening, the message came that the Convention of New York in session in Poughkeepsie has also adopted the new Constitution, so that there are now eleven States to have done so. The two remaining States, North Carolina and Rhode Island, are expected to follow suit. In the meantime Congress has immediately resumed deliberations on the organisation of the new Constitution, which has already been pending for three weeks, because it seems impossible to agree on the location where the new Congress is going to meet. While a great many people are inclined towards Philadelphia, which city does its utmost, others prefer New York, so that the voting on this point remained deadlocked in yesterday's meeting, and after having decided to postpone the vote till today, again no decision could be reached. This led to the proposal to leave this point undecided for the moment, but this proposal was rejected. It is not doubted, however, that a decision will be reached this week.<sup>2</sup>

1. RC (Tr), Staten-Generaal, Liassen No. 7130, America, 1782–1788, Algemeen Rijksarchief, The Hague, The Netherlands. Endorsed as received on 15 September. Van Berckel (1725–1800) had been minister plenipotentiary of the United Netherlands to the United States since January 1783. Replaced by his son, Van Berckel submitted his recall to Congress on 25 August 1788.

2. See Abigail Adams Smith to John Adams, 27 July, note 2 (above).

# Boston Newspapers Report New York's Ratification of the Constitution, 31 July-4 August 1788

The original reports of the news of New York's ratification of the Constitution on 26 July found in four of Boston's newspapers (printed in July and August) are unmatched in the newspapers outside New York. These reports appeared in the *Independent Chronicle*, 31 July, the *Massachusetts Gazette*, 1 August, the *Massachusetts Centinel*, 2 August, and the *Boston Gazette*, 4 August. The *Independent Chronicle*, 7 August, *Massachusetts Gazette*, 8 August, and the *Boston Gazette*, 11 August, also reprinted the lengthy description from the *Country Journal*, 29 July, of the last day of the New York Convention that was entitled "Occurrences in the Convention the same day [26 July], before the Constitution was ratified." (For "Occurrences," see Convention Debates and Proceedings, 26 July, RCS:N.Y., 2321–23, 2324, 2325n, 2326n, and Mfm:N.Y.)

The *Massachusetts Centinel's* account also included an updated version of the well-known and often-copied illustration that the *Centinel* had first printed on 16 January 1788. On that day a cartoon showed five erected and named pillars for the five states that had ratified the Constitution. A sixth pillar labeled "MASS." was in the process of being raised. On 2 August the *Centinel's* illustration (below) contained eleven erected and named pillars. A twelfth pillar, named "N. CARO.," was about to be raised, while a battered pillar representing Rhode Island was described as capable of being saved since its foundation was good.

These Boston newspapers also published some important documents of the New York Convention. The *Massachusetts Centinel*, 6 August, *Massachusetts Gazette*, 8 August, and the *Boston Gazette*, 11 August, reprinted the document that consisted of the declaration of rights and the Form of Ratification and the explanatory amendments. The *Centinel* remarked that "No New York papers were brought in the last mail, we were however fortunate in receiving" the Poughkeepsie *County Journal* of 29 July, the first newspaper to print this document. On 18 August the *Boston Gazette* reprinted a second document—the Convention's recommendatory amendments. Between 14 and 18 August, all four Boston newspapers reprinted the Convention's Circular Letter. (For these documents, see Convention Debates and Proceedings, 26 July, RCS:N.Y., 2326–35, 2335–37.)



Boston Independent Chronicle, 31 July 1788<sup>1</sup>

We have the pleasing satisfaction of announcing to the public, the erection of the ELEVENTH PILLAR of the GRAND FEDERAL EDI-FICE, by the Convention of the State of New-York. This important intelligence was received by a gentleman of undoubted veracity, who arrived in this town yesterday, from Providence. He informs, that the New-York Packet arrived there on Tuesday morning, with the pleasing account of the ratification of the Constitution, *unconditionally*, by a majority of FIVE; in consequence of which the town of Providence discovered every demonstration of joy.

# Extract of a letter from a gentleman in Providence, to his friend in this town, dated July 29, received last evening.

"It is with infinite pleasure I inform you, that the State of New-York makes the ELEVENTH PILLAR of the Union, as you will see by the following extract of a letter, just received from my correspondents there. *NEW-YORK, July* 27, 1788.

#### DEAR SIR,

"Knowing you to be a true Federalist, permit us to communicate to you with consummate satisfaction, the pleasing advice of the ADOP-TION of the New CONSTITUTION in our CONVENTION, by a Majority of FIVE—this event happened the 25th instant, at 2 o'clock, P. M. and what makes our sensations more exquisitely alive with joy, is, that it passed *unconditionally*."

Massachusetts Gazette, 1 August 1788<sup>2</sup>

### ELEVENTH PILLAR reared. APOSTROPHE.

Whose heart beats not with the keenest and most lively pleasure whose bosom burns not with flaming patriotism, at the prospects—the bright—the enlivening prospects of INFANT AMERICA!—To see the STARS of the Western World—the PILLARS of the glorious Fabrick, rising from the Anarchial gulph to the zenith of political glory and fame—how bless'd our hopes! how great our joys!

O Gratitude! Gratitude! Ne'er cease to *cling*, to *fix*, to *fasten* on our hearts!—Americans! the God of your fathers has fought your battles, discomfited your enemies, established your freedom, given you a government, firm and coercive—and SOON will he work a greater work he will make you REALLY independent! O Columbians, *be GRATEFUL!* NARRATION.

Wednesday [30 July] information was received of the adoption of the Constitution by the Convention of New York, and yesterday, in consequence of this pleasing intelligence, the bells in the town were set a ringing, and a discharge of thirteen cannon from Castle William was given.

The following Extract was brought by the gentleman who arrived with an account of the accession of Newyork to the new confederacy.—

Extract of a letter from a gentleman in Providence to his friend in this town, dated on Tuesday last.

It is with infinite pleasure I inform you, that the State of New-York makes the Eleventh Pillar of the Union, as you will see by the following extract of a letter just received from my correspondents there.

"Dear Sir, NEW-YORK, July 27, 1788.

"Knowing you to be a true federalist, permit us to communicate to you with consummate satisfaction, the pleasing advice of the ADOP-TION of the New CONSTITUTION in our CONVENTION, by a Majority of FIVE—this event happened the 25th instant, at 2 o'clock, P. M. and what makes our sensations more exquisitely alive with joy, is, that it passed *unconditionally*."

The arrival of the Mail last evening from Newyork has fully confirmed the above interesting intelligence. We regret our not receiving any papers later than Friday last. The Newyork Morning Post, of Monday [28 July],<sup>3</sup> it is said, was brought on as far as Worcester, where it was left. This paper contained an account of the ratification in form; but, unfortunately for us, our wishes to gratify the publick with the perusal of it, to day, could not be obtained. However, several letters were received, from one of which we have been favoured with the following Extract, dated,

New-York, July 28, 1788.

"Dear Sir,

"I have the pleasure to announce to you the accession of Newyork— 30 to 25—after a very tedious investigation of the federal system.— The time and place for the new government to operate, will to-morrow be agitated (*in Congress.*)—Newyork is very anxious to keep this the seat of government, until a federal town is established.—I think the prospect fair."<sup>4</sup>

# Transcript of another letter to a gentleman in this town, received last evening, dated,

"SIR,

"New York, 27th July, 1788.

"On Friday the 25th inst. the Convention of this State ratified the new Constitution, in the affirmative 30, in the negative 25—The most leading characters in the affirmative, were, the 9 federal members from this city and county, and Mr. Smith, Mr. Jones, and Mr. Platt; those in the negative, were, his Excellency the Governour, Mr. Lansing, and Mr. Yates—Last evening at 9 o'clock, this pleasing intelligence reached this city; on which commenced firing of cannon, ringing of bells, huzzaing, serenading at the doors of all the Federal Members in Convention, &c. &c. which continued the whole night, until day-light this morning.<sup>5</sup>

"On Wednesday last [23 July] we had (as we suppose) the grandest procession ever known: For my part I think it by far the grandest prospect I ever beheld.

"We have in this city an anti-federal Printer, of the name of Greenleaf, originally a Bostonian, who, on the morning of the day of procession, printed and circulated a number of hand-bills which were rather derogatory to the intended amusements of the day, and the two days succeeding, his newspapers teemed with scurrility and abuse: in consequence of which, a mob of about 500 men waited on him last night, or rather this morning, between the hours of 2 and 3, and broke all his windows, destroyed his types, &c. The Printer made his escape at the back door. The same mob moved past the door of the Governour and General Lamb, who is collector of the customs: they played the rogues march, but offered no violence. The better part of the citizens, I find, rather rejoice at the effect, notwithstanding they condemn the measures.<sup>6</sup> I am, Sir, your Humble Servant.["]

Massachusetts Centinel, 2 August 17887



*The FEDERAL EDIFICE.* ELEVEN STARS, in quick succession rise— ELEVEN COLUMNS strike our wond'ring eyes, Soon o'er the *whole*, shall swell the beauteous DOME, COLUMBIA's boast—and FREEDOM's hallow'd home.

Here shall the ARTS in glorious splendour shine! And AGRICULTURE give her stores divine! COMMERCE refin'd, dispense us more than gold, And this new world, teach WISDOM to the old— RELIGION here shall fix her blest abode, Array'd in *mildness*, like its parent GOD! JUSTICE and LAW, shall endless PEACE maintain, And the "SATURNIAN AGE," return again.

Since our last paper the pleasing intelligence has been received in this town, of the Ratification of the Federal Constitution by the Convention of New-York—An event so little expected, and so highly interesting, could not fail of giving the greatest satisfaction to the citizens of this TRULY FEDERAL METROPOLIS—this they demonstrated by ringing the bells, and by those cordial congratulations to each other, which nothing but the sincerity of the pleasure they felt could produce.<sup>8</sup>

The particulars of this intelligence follow:

(Extract of a letter, from a correspondent at New-York, to the Printer hereof, dated July 27, 1788.

"With the most heartfelt pleasure and satisfaction I embrace this early opportunity to inform you, that the Hon. Convention of this State have at length adopted the new Constitution—by a majority of five yeas 30-nays 25.-Several members of the opposition were absent. The motion for previous Amendments was lost the day before-the Convention reflecting, that a recommendation of such, as expressed by Virginia, and some other States, would secure to them all the liberties and previleges, which they should wish. The intelligence was received last evening, and caused the most enraptured joy in every breast; which demonstrated itself in loud huzzas, &c.-in ringing of all the bells-in discharge of cannon from the battery, and from on board the Federal Ship Hamilton-firing of rockets, &c. &c. and a serenade composed of several hundred persons perambulated round the city, all night, saluting the houses of the federal delegates, &c.9 During their walk they visited poor Greenleaf the antifed. Printer-to demand satisfaction for several *ridiculous* paragraphs inserted in his paper of Thursday [24 July], reflecting on the Grand Procession.-But the house being closed, they stove in his shop and chamber windows, &c. and at length forced his

door, entered his office, and destroyed what they took to be the types which composed the antifederal sarcasms.—Greenleaf, on hearing the noise, at first, opened his window, and demanded who was there—but seeing that they were determined to enter the house, he loaded a case of pistols, and shewing them to the *Procession*, told them he should defend his house at the risk of his life—the threat had no effect—on which he fired, and shot one of the party through the hand, and presenting the pistol, at the leader of the party, Mr. —, snaped it—but it missed fire.—He then made his escape—and has not since been heard of. It is probable the matter will end here.<sup>10</sup>

"Inclosed, I send you the papers.—The form of ratification, will be published to-morrow. I have not seen it, but am told the annexed is a copy of it—It is either this or the one I sent you by the last mail, introduced by Mr. *Smith*, leaving out the *conditional* part.<sup>11</sup>—It matters not which of them it is—It is enough, that it is an UNCONDITIONAL RATIFICATION, as you will see by the information published yesterday, from Poughkepsie. Many amendments are recommended and are generally so similar to those proposed by other States, that it is needless to transcribe them.

"The paragraphs in *Greenleaf's* paper,<sup>12</sup> which gave such general umbrage, were the following—

["] 'Yesterday the Grand Procession, "*in honour of the Constitution*," paraded to and fro, and walked up and down, in this city, to the novel entertainment of all classes of people.

["] 'What added greatly to the beauty of the PROCESSION was the ship Hamilton, the emblematical flags, and the stages—The ship made a fine appearance, sailing with flowing sheets, and full sails, down Broadway, the canvass waves dashing against her sides, the wheels of the carriage concealed. Some of the flags were well executed, and others (it is supposed through haste) as badly; and the designs were in general ingenious. The stages were of various sizes, and mostly very slight, insomuch that the *poor Potters* were separated from their *clay*, and no longer *had power over it*; the stage fell! and, alas! the *clay* became exposed to the *power* of every passer-by.

["] 'It was really laughable to see the variety of phizzes on the occasion. The poor *antis* generally minded their own business at home; others, who were spectators at an *awful* distance, looked as sour as the Devil. As for the *feds*, they rejoiced in different degrees—there was the ha, ha, ha, and the he, he, he!' Thus far Mr. Greenleaf.

"The *Potters* resented the above sarcasm—and were the principal agents in pulling Greenleaf's types to pieces.— 'Though said they, we have not *power* over *our own clay*, we have *power over yours*.'<sup>13</sup>

"The Constitution was ratified, the 25th inst. at 2 o'clock, P. M. among the yeas, were the 9 city members—Judge Lefferts, Judge Ryerss, Gen. Van Cortlandt, Mr. P. Livingston, Mr. M. Smith, Mr. Jones, Mr. Platt, &c.— The Governour, Messrs. Yates, Lansing, G. Livingston,<sup>14</sup> &c. were among the Nays.

"Several marks of disapprobation have been shewn to our antis of distinction.—Last night, I am told, the party which routed the Printer, played before the *Governour*'s and *Lamb*'s houses, the *Rogue*'s march, &c.

"By the next mail you will probably receive the resolution of Congress appointing the time when, and the *place* where, the first Congress, under the new government shall assemble.—*December* is the time talked of—at least, it is wished by the publick creditors—The earlier the better, is the general cry.")<sup>15</sup>

#### Proposed FORM of RATIFICATION.

WE, the DELEGATES of the PEOPLE of the STATE of NEW-YORK.  $^{16}\!\ldots$ 

Boston Gazette, 4 August 178817

#### Eleventh Pillar Reared.

By a Gentleman from Providence, last Wednesday Morning, we received an Account of the Adoption of the Constitution by the State of New-York, by their Convention, at Poughkeepsie, on Friday the 25th ult. at Half past Two o'Clock, P. M.—which was confirm'd by the Southern Mails the succeeding Day, and was *unconditional.*—Since which we have received the following

> Extract of a letter from a gentleman at New York, to his friend in this town.

"DEAR SIR,

"I have the pleasure to announce to you the accession of New York— 30 to 25—after a very tedious investigation of the federal system.— The time and place for the new government to operate, will to-morrow be agitated (IN CONGRESS)—New York is very anxious to keep this the seat of government, until a federal town is established.—I think the prospect fair."

Transcript of another letter to a gentleman in this town,

received last Thursday evening dated, July 27 1788.

"SIR,

["]On Friday the 25th inst. the Convention of this State ratified the New Constitution, in the affirmative 30, in the negative 25—The most leading characters in the affirmative, were, the 9 federal members from this city and county, and Mr. Smith, Mr. Jones, and Mr. Platt; those in the negative, were, his Excellency the Governour, Mr. Lansing, and Mr. Yates—Last evening at 9 o'clock, this pleasing intelligence reached this city; on which commenced firing of cannon, ringing of bells, huzzaing, serenading at the doors of all the Federal Members in Convention, &c. &c. which continued the whole night, until day-light this morning.

"On Wednesday last [23 July] we had (as we suppose) the grandest procession ever known; For my part I think it by far the grandest prospect I ever beheld.["]

1. This entire item was reprinted in the Northampton, Mass., *Hampshire Gazette*, 6 August, without the illustration. The first paragraph, minus the last clause about the town of Providence, was reprinted in the Portland, Maine, *Cumberland Gazette*, 7 August. The letter of 27 July was reprinted with variations in the *Newport Herald*, 31 July, and *Providence Gazette*, 2 August; each newspaper added a paragraph encouraging Rhode Island to ratify the Constitution.

2. This entire item was reprinted in the *New Hampshire Spy*, 2 August, under the heading "Eleventh Pillar raised." Brief excerpts from the item were reprinted in the Newburyport, Mass., *Essex Journal*, 6 August; Portland, Maine, *Cumberland Gazette* and *Massachusetts Spy*, 7 August; *New Hampshire Recorder*, 12 August; and *Vermont Journal*, 18 August.

3. This copy of the New York Morning Post has not been located.

4. For New York's interest in the federal capital, see "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July– 13 September (RCS:N.Y., 1250–53).

5. For more on New York City's celebration of the ratification of the Constitution, see RCS:N.Y., 2402–14.

6. See footnote 12 (below).

7. Redeunt Saturnia Regna. Latin. The reign of Saturn returns. Taken from Virgil, *Eclogues*, Book IV, line 6.

8. This paragraph was reprinted in the Salem Mercury, 5 August.

9. See note 5 (above).

10. See note 12 (below).

11. The annexed form of ratification referred to is Alexander Hamilton's proposal (excluding the recommendatory amendments) moved by Federalist James Duane on 17 July (RCS:N.Y., 2005–7). In making his motion, Duane requested that the form of ratification proposed by Antifederalist Melancton Smith on the same day be postponed in order to consider Hamilton's propositions. For Smith's proposal, see RCS:N.Y., 2200–2203.

12. The three paragraphs that follow are excerpts from an account printed in Thomas Greenleaf's *New York Journal* on 24 July. For this account and the controversy that it provoked, see RCS:N.Y., 1614–19. Greenleaf agreed that his article partly precipitated the violence against his press and house, but he believed that his publication of articles opposing the Constitution was the principal reason for the violence. (See Thomas Greenleaf, *New York Journal*, 7 August, RCS:N.Y., 2407–10.)

13. For a similar account of this statement by the potters, see "A Mechanic," *Daily Advertiser*, 26 July (RCS:N.Y., 1619, note 1).

14. Gilbert Livingston voted "yes."

15. The text in angle brackets was reprinted in part in the Salem Mercury and New Hampshire Spy, 5 August, and Exeter, N.H., Freeman's Oracle, 9 August. The resolution

organizing the government under the Constitution was not adopted until 13 September. See RCS:N.Y., 1250–53.

16. See note 11 (above).

17. The letters printed below were probably reprinted from the Massachusetts Gazette, 1 August (above).

# William Livingston to Joshua Lathrop Elizabethtown, N.J., 2 August 1788<sup>1</sup>

I thank you for your congratulations on the adoption of the new constitution by ten States. It was indeed real joy to me, who have long been anxious to see a more efficient rational [i.e., national] government than that of the confederation. You will have heard, before this comes to your hands, that New-York has made the eleventh. Some of their anti-federalists died hard; but since a pack of lazy fellows, mentioned in the gospel, who would not come to their work till the *eleventh* hour, received the same wages with those who came earlier,<sup>2</sup> I believe we must forgive them....

1. Printed: Theodore Sedgwick, Jr., ed., A Memoir of the Life of William Livingston ... (New York, 1833), 420–21. The ellipses are in the original. Dr. Joshua Lathrop (1723–1807) of Norwich, Conn., was an apothecary. He had graduated from Yale in 1743 two years after Livingston. Although the two men had not seen each other since then, Lathrop wrote Livingston on 10 July 1788 asking that he watch out for his only daughter who anticipated moving to Elizabethtown. Lathrop responded to Livingston on 18 September: "I am very glad, that the State of New York finally adopted the New Constitution though sorry that it seemed to be with so much reluctance when it seemed so necessary that there should be some more efficient Goverment than that of the late Confederation. hope the other states, who as yet see fit to reject the Constitution, will see their Error & finally comply therewith, & that there may be a universal harmony throughout the united states" (Livingston Papers, MHi).

2. Matthew 20:6–16.

#### Abraham G. Lansing to Abraham Yates, Jr. Albany, 3 August 1788<sup>1</sup>

I received your Letter of the 30th Ulto. by last evening's Stage—the News of the Adoption had been in Town some days past, and our Friends are much better pleased with it than we had reason to expect— The Bill of Rights which is interwoven with the Adoption is considered by the Majority of those to whom I have shewn it as a security against the Encroachment of the Genl. Government—I do not suppose the Idea altogether futile but the adoption is notwithstanding unconditional in every acceptation of the Words—upon the whole I believe or *endeavour* to believe that it is best so both in a political and private light for had the Constitution been so adopted as that Congress would not accept it—yourself and our Friends would have incurred blame & Censure if any serious commotions had ensued.—as we stand our Friends in this quarter are firmly united—and I trust we shall be able to send such Members as will assist in bringing about the reformation we wish— Hints have been given that you will be proposed for a Senator<sup>2</sup>—I wish you to favor me with your Confidential Sentiments & wishes on this Subject that I may Conduct myself accordingly—

The Federalists have published an Invitation to all the Inhabitants (one of which I enclose)<sup>3</sup>—They are preparing to rejoice on Friday next—and every Exertion is made by them to draw as many of our Friends into the Measure as they can—but I believe they will not bring many into the field.—Numbers of our Friends have applied to me and others on the Subject—they say they were given to understand that we were all to rejoice together and that all animosity would then subside such as have applied to me I have reffered to the publication—and asked whether they could suppose that we would wish to insult our Friends in the Country by joining in a Rejoicing—proposed by a Body of Men who Stile themselves the Federal Committee—while we have a Committee and Chairman of our own<sup>4</sup>—this observation convinced them of the propriety of our determination.—

My Brother<sup>5</sup> arrived here Yesterday afternoon and we have had a meeting last night—when it was determined that we should remain quiet at Home on the rejoicing day, and if no insult is offered to either of us not to molest them in the least—this Line of Conduct was judged most prudent—circumstanced as we are, the Aid we should require to oppose the Federalists would be our Friends from the Country—and if they should be introduced the Consequences would no doubt be very serious to us all<sup>6</sup>

For some time past we have began arrangments to procure another Printer in this City<sup>7</sup> and we have fallen upon a plan to engage young [Robert] Barber for the purpose—he has formerly been an Apprentice to [Charles R.] Webster and of late has been at Journey Work with Mr. Greenleaf.—I wish you to inform yourself from Mr. Greenleaf whether he judges him addequate to the Undertaking—I enclose you proposals for the paper—which we wish you to shew our Friends cause as many subscribers to be procured as possible<sup>8</sup>—

I shall to Morrow apply to Witbeek—Van Bueren has never been near me since he executed the note—shall I prosecute him after I write him?

Money is exceeding Scarce here & I know not whether it will be practicable to procure any from your <del>Creditors</del> Debtors—I shall apply to Mr. Van Ingen for payment of his BalanceThe Family are all well and join me in respectful Compliments to you-

I am Yours Effectionately

[P.S.] Forgot to inform you what preparations are made for the procession—A Batteaux is to be fixed on a Carriage properly decorated & to contain an Indian, a Trader, with Furs & Merchandize—the different Branches of Mechanics are to have colours properly representing each Craft—Genl. Schuyler is to Carry the Constitution and his Son the Lord of the Manor<sup>9</sup> is to drive the Plough—an ox is to be Roasted whole and several Scores of Blls. of Beer are to be prepared for the Occasion and no other Liquors are to be used—A Bower is already prepared on the Hill—for shelter from the Sun—&ca.

1. RC, Yates Papers, NN. The letter is postmarked Albany.

2. Yates was not seriously considered for election as a U.S. senator.

3. For the Federal Committee's "Invitation" of 28 July, see RCS:N.Y., 2382.

4. A reference to the Albany Anti-Federal Committee, chaired by Jeremiah Van Rensselaer. See RCS:N.Y., 1370–73, 1379–85, 1387–1401, 1405–12.

5. John Lansing, Jr.

6. Lansing probably remembered the violence that occurred in the "fracas" between Albany's Federalists and Antifederalists on the Fourth of July at which time Federalists routed the Antifederalists, taking four Antifederalist leaders as prisoners—including Lansing—and conducting them to jail. See RCS:N.Y., 1264–75.

7. See "The Albany Anti-Federal Committee Attempts to Establish an Antifederalist Printer in Albany," 1–23 March (RCS:N.Y., 834–36).

8. In October 1788 Antifederalists established the *Albany Register* with Robert Barber (c. 1770–1812), a native of Ireland, as the printer. In 1789 Barber "constant[ly]" sent copies of his newspaper to Thomas Greenleaf of the Antifederalist *New York Journal*. (See Yates to Melancton Smith, 18 March 1789 [DHFFE, III, 442].) Barber remained as printer until 1791 when illness forced him to turn over the newspaper to his brother John. For more on Robert Barber, see Abraham G. Lansing to William Barber, 31 August (below).

9. Schuyler's son-in-law, Stephen Van Rensselaer.

### Daniel St. Clair to Arthur St. Clair Norristown, Pa., 3 August 1788 (excerpts)<sup>1</sup>

Honored Sir—

... New York has at last ratified the fœderal Constitution by a majority of five—Tho' in fact with a majority of fifteen as ten of the Men that were for it absented themselves—because their constituents instructed them to vote against the measure<sup>2</sup>—and Congress upon the strength of it have (notwithstanding a Committee reporting in favour of Pennsylvania) resolved to remain in New York....

Adieu—and believe me to remain with the highest sentiment of respect your dutiful and Affectionate Son....

1. RC, St. Clair Papers, Ohio State Library. Arthur St. Clair (1737–1818) was born in Scotland and served as an ensign and lieutenant in the British Army in Canada during

the French and Indian War. After the war, he bought land in western Pennsylvania. St. Clair, a major general during the Revolution, served in Congress, 1786–87 (as president in 1787). Congress appointed him governor of the Northwest Territory, a position he held from 1787 to 1802. His son, Daniel (1762–1833), who served as a lieutenant during the Revolution, was studying law.

2. This is the only known statement indicating that ten Antifederalist delegates had "absented themselves" because their constituents had instructed them to vote against the Constitution.

### George Washington to John Jay Mount Vernon, 3 August 1788<sup>1</sup>

The letters which you did me the favor of writing to me on the 17th. & 23d. of last Month from Poughkeepsie, came duly to hand, & claim my particular acknowledgments.<sup>2</sup>—

With peculiar pleasure I now congratulate you on the success of your labours to obtain an unconditional ratification of the proposed Constitution in the Convention of your State; the acct. of which, was brought to us by the Mail of yesterday.—

Although I could hardly conceive it possible, after ten States had adopted the Constitution, that New York, seperated as it is from the remaining three—and so peculiarly devided in sentiments as it is would withdraw herself from the Union;—yet, considering the great Majority which appeared to cling together in the Convention, and the decided temper of the leaders in the opposition I did not, I confess, see the means by which it was to be avoided

The exertion of those who were able to effect this great work, must have been equally arduous and meritorious.—It is to be hoped that the State of North Carolina will not spend much time in deciding on this question and as to Rhode Island, its conduct hitherto has so far baffled all calculation that few are disposed to hazard a conjecture thereon.

With sentiments of the sincerest esteem & regard I am Dear Sir Yr. Most Obed. & Affecte Servt

1. RC, Jay Papers, NNC-RB.

2. See Jay to Washington, 18 July (RCS:N.Y., 2227–28), and Jay to Washington, 23 July (RCS:N.Y., 2286). Jay had misdated his earlier letter as 17 July.

#### A Federal Song, Albany Journal, 4 August 1788<sup>1</sup>

A FEDERAL SONG; To the tune of "Rule Britannia." I. Behold Columbia's empire rise, On freedom's solid base to stand; Supported by propitious skies, And seal'd by her deliverer's<sup>2</sup> hand. Chorus. Raise, Columbia, raise thy voice, Union is thy noble choice. II. Her heroes' blood, her glorious pains, Her toils are all rewarded now:

Montgom'ry's shade<sup>3</sup> no more complains,

Warren's<sup>4</sup> and Green's<sup>5</sup> consenting bow,

Chorus—Raise, &c.

# III.

A Fed'ral System scarce appear'd, When baneful discord droop'd her head, Licentiousness no more was fear'd, The demon lost her native dread.

Chorus—Raise, &c.

IV.

The hero, statesman and the sage, Matur'd this noblest work of man; And HAMILTON's instructive page Illumes his fellow-patriots' plan.<sup>6</sup>

Chorus—Raise, &c.

V.

Proud Europe hence may learn, and see, A Constitution self-controul'd; By wisdom balanc'd, firm and free,

The dread and model of the world.

Chorus—Raise, &c.

VI.

Columbia's grateful sons rejoice!

The Fed'ral pillars firmly stand;

By your approving people's voice,

The only charter of the land.

#### Chorus.

Raise, Columbia, raise thy voice, Union is thy noble choice.

1. Reprinted in the *New York Morning Post*, 11 August, *Daily Advertiser*, 15 August, and in seven newspapers outside New York by 10 September: Mass. (1), Pa. (2), Md. (2), Va. (2).

2. At this point, the *Daily Advertiser*, 15 August, added this footnote: "Alluding to General WASHINGTON'S subscribing the Constitution, as President of the Convention." Every reprint except the one in the Massachusetts Gazette included this footnote.

3. A reference to General Richard Montgomery of New York who was killed on 31 December 1775 leading the American assault on Quebec.

4. A reference to General Joseph Warren of Massachusetts who was killed at the Battle of Bunker Hill on 17 June 1775.

5. A reference to either Colonel Christopher Greene of Rhode Island who was killed at Croton River, Westchester County, N.Y., on 14 May 1781, or his distant kinsman General Nathanael Greene who died in 1786.

6. Probably a reference to *The Federalist*, which some people believed was completely written by Alexander Hamilton.

#### Lansingburgh Federal Herald, 4 August 1788

The adoption of the new form of government, by eleven states, has inspired the most lively joy in every patriotic and rational mind; and must serve to convince its mistaken and deluded enemies and opponents, that their conjectures were altogether groundless and visionary in the commencement, as well as events. Nothing (continues our correspondent) is now wanting, but an active cultivation of political harmony, unison and concord, to fulfil the designs of heaven, which were calculated to make us a great and happy people.

# Robert Livingston, Jr., to James Duane Manor Livingston, Columbia County, 8 August 1788 (excerpt)<sup>1</sup>

... I must also Congratulate you, and all lovers of our State on the adoption of the federal Constitution, in which you had so great a Share of trouble I feal happy on the Occasion, and Could now wish that all opposers would be Quiet & Settle their Minds & be composed, and heartly joyn the federals, & promote the happiness of the States in General, the great object, of the whole which praise God grant....

Dear Son your Aff Father

1. RC, Duane Papers, NHi. Livingston (1708–1790), the third lord of the Livingston (Upper) Manor, was Duane's father-in-law.

### Abraham Yates, Jr.: Cautionary Certificate New York, 8 August 1788<sup>1</sup>

In early August 1788, New York was represented in Congress by four delegates—Egbert Benson, Alexander Hamilton, Ezra L'Hommedieu, and Abraham Yates, Jr. The state's fifth delegate Leonard Gansevoort was not in attendance and would probably not be able to attend soon. During the debate over the ordinance for putting the new Constitution into effect, one of the key issues was locating the meeting place of the new government. Advocates for New York City and Philadelphia strenuously lobbied for their city. Baltimore also received votes. Before the final vote on the ordinance, Benson and L'Hommedieu were scheduled to leave Congress to attend a meeting with the Six Nations (Iroquois). Thus there was a good chance that when the final vote on the ordinance came up, only Yates and Hamilton would represent New York.

In Congress, the vote was by state delegation, not by delegate. A minimum of two delegates was required to have an official delegation in Congress. If a delegation split its vote evenly, the delegation would be recorded as divided. Thus, if only Yates and Hamilton represented New York, the delegation could be split. Yates made an agreement with his three fellow delegates, all of whom supported the ordinance. He promised that he would vote for the ordinance if only he and Hamilton were in attendance, thus guaranteeing that New York's delegation favored the measure. If, however, the final vote came when more than two delegates were in attendance, Yates would enter his dissent or not vote. Yates signed this "Cautionary Certificate," which was followed by a paragraph signed by the other three delegates.

When the "final question" on the election ordinance was taken on 13 September, only Hamilton and Gansevoort represented New York in Congress. (See JCC, XXXIV, 522–23.) Yates had left Congress around 5 September.

On locating the federal capital, see "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

Being Confident that the Constitution for the general government in its present form will be distructive to the liberties of the People: And as such by every means to be avoided as one of the greatest of all evils: and that the convention of new york in adopting it without express conditional amendments have been mistaken both in their expectations and apprehensions—I intended upon the Ordinance to organize the same to preserve to myself the evidence of a dessent on the final question.

But being now called upon by my Collegues and informed, that Messrs. Lehommedieu and Benson must leave this place on Wednesday next to meet the six nations: That it is not likely that Mr Gansevoort, altho Wrote for Will then be down; That in the Mean time the vote of the state may be called for, and if so Cannot be Carried Without me; That the Convention having adopted the Constitution, my vote cannot be attended with any other inconsistency or inconveneancy than that of Acting Against my private Judgment; When the loss of the vote of the state, might be attended, With the Removal of Congress to a place less conveneant to the Citizens of this state, and less promissing to obtain the amendments Which the Convention have looked upon indispensibly Necessary for the security of the liberty and fredom of the People.

In this situation, if the question should be put, and as often as the vote of the state cannot be carried without me I shall Join in the vote to compleat the Ordinance: Being Assured that should the vote be put before Messrs. Lehommedieu and Benson go of[f] or after Mr Gansevoort is arrived they will assist me in geting my dessent entered or to avoid voteing in a Manner most desent and proper

Abm. Yates Junr

#### Done on Friday 8th Augt. 1788

We do Certify that Mr Yates has delivered to us a paper subscribed by him (of which the proceeding is a Copy) as declaretive of his principles on Which he Will vote in Congress in the affirmative on the final question on the ordinance for puting the new constitution for the united states into operation

> Ezra L Hommedieu Egbt. Benson Alexander Hamilton

1. ADS, Yates Papers, NN. Docketed: "Abm. Yates Junr.'s/Cautionary Certificate/respecting his Conduct/on the United States/constitution/8 August 1788/xd May 31." A draft of the certificate is also in the Yates Papers. L'Hommedieu, Benson, and Hamilton signed the draft. On the smooth copy, Yates wrote their names.

### Abraham B. Bancker to Evert Bancker Kingston, 9 August 1788 (excerpt)<sup>1</sup>

Hond. sir

... On Monday last I paid another Visit to Poughkeepsie having Business with the Convention Printer<sup>2</sup> and returned on Thursday Afternoon so that I am once more a freeman, but Expect soon to be called upon again in the Capacity of Clk. of Senate, as the Adoption of the New Constitution will render a fall Meeting necessary in Order to forward the Movements of the new Government, and dont doubt but the new Congress will find it necessary in Order to preserve peace and good Order in several of the States, in their first outset to Submit the several Amendments to the Consideration of another General Convention—Our Convention have called upon the Sister States for the purpose and I hope their request will meet with the wished for Success,<sup>3</sup> that Order may take place of our present Confusion and Strenght be added to our present Weekness....

Your Ever Affectionate Son ...

1. RC, Bancker Family Correspondence, NHi. Abraham B. Bancker had been one of the two secretaries of the New York Convention.

2. At this visit, Bancker furnished Nicholas Power "with the necessary Copy and directions for his compleating the Printed Journal" (Bancker to John McKesson, 22 August, below). On 19 August Power announced in his *Country Journal* that he had just printed the *Journal of the Convention* (RCS:N.Y., 2361n).

2450

3. The reference is to the New York Convention's circular letter of 26 July (RCS:N.Y.,  $2335{-}37).$ 

#### Massachusetts Centinel, 9 August 1788<sup>1</sup>

The *alterations* and *additions recommended* by the Convention of New-York, are 32 in number—but very few are original. One of them is, that Congress shall not make the federal city an *asylum* for criminals, or debtors from the other States<sup>2</sup>—and another, that the President shall not be eligible as such, a third time.<sup>3</sup>

1. Reprinted: New Hampshire Spy, 12 August; Newburyport, Mass., Essex Journal, 13 August; New Hampshire Gazette, 14 August.

2. The last clause of the lengthy amendment on the federal district stated "that no person shall be privileged within the said District from Arrest for Crimes committed, or Debts contracted out of the said District" (RCS:N.Y., 2331).

3. The recommended amendment reads: "That no Person shall be eligible to the Office of President of the United States a third time" (RCS:N.Y., 2332).

# James Madison to Thomas Jefferson New York, 10 August 1788 (excerpt)<sup>1</sup>

... My last went off just as a vote was taken in the Convention of this State which foretold the ratification of the new Government.<sup>2</sup> The latter act soon followed and is inclosed. The form of it is remarkable. I inclose also a circular address to the other States on the subject of amendments, from which mischiefs are apprehended. The great danger in the present crisis is that if another Convention should be soon assembled, it would terminate in discord, or in alterations of the federal system which would throw back *essential* powers into the State Legislatures. The delay of a few years will assuage the jealousies which have been artificially created by designing men and will at the same time point out the faults which really call for amendment. At present the public mind is neither sufficiently cool nor sufficiently informed for so delicate an operation.

The Convention of North Carolina met on the 21st. Ult: not a word has yet been heard from its deliberations. Rhode Island has not resumed the subject since it was referred to & rejected by the people in their several Towns.<sup>3</sup>

Congress have been employed for several weeks on the arrangements of times & place for bringing the new Government into agency.<sup>4</sup> The first have been agreed on though not definitively, & make it pretty certain that the first meeting will be held in the third week in March. The place has been a subject of much discussion and continues to be uncertain. Philada. as least excentric of any place capable of affording due accomodations and a respectable outset to the Government was the first proposed. The affirmative votes were N. Hampshire, Connecticut, Pena. Maryd. Virga. and N. Carolina. Delaware was present & in favor of that place, but one of its delegates wishing to have a question on Wilmington previous to a final determination, divided that State and negatived the motion. N. York came next in view, to which was opposed first Lancaster which failed, and then Baltimore which to the surprize of every body was carried by seven States, S. Carolina which had preferred N. York to the two other more Southern positions, unexpectedly concurring in this. The vote however was soon rescinded, the State of S. Carolina receding from, the Eastern States remonstrating against, and few seriously urging the eligibility of Baltimore. At present the question lies as it was originally supposed to do between N. York & Philada. and nothing can be more uncertain than the event of it. Rhode Island which alone was disposed to give the casting vote to N. York has refused to give any final vote for arranging & carrying into effect a system to which that State is opposed, and both the Delegates have returned home.

Col. Carrington tells me he has sent you the first volume of the federalist, and adds the 2d. by this conveyance.<sup>5</sup> I believe I never have yet mentioned to you that publication. It was undertaken last fall by Jay Hamilton and myself. The proposal came from the two others. The execution was thrown by the sickness of Jay mostly on the two others. Though carryed on in concert the writers are not mutually answerable for all the ideas of each other there being seldom time for even a perusal of the pieces by any but the writer before they were wanted at the press and some times, hardly by the writer himself.<sup>6</sup>...

1. RC, Madison Papers, DLC. Printed: Rutland, Madison, XI, 225-27.

2. See Madison to Jefferson, 24, 26 July (RCS:N.Y., 1338-39).

3. For a brief discussion of the Rhode Island referendum of 24 March 1788, see "The Governor of Rhode Island to the President of Congress," 5 April (CC:664).

4. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

5. Edward Carrington sent Jefferson the first volume of *The Federalist* with his letter of 14 May (RCS:Va., 796), and the second volume with his letter of 10 August (Boyd, XIII, 495).

6. The text in italics in this paragraph originally appeared in code and was decoded above the line by Jefferson.

# John Langdon to George Clinton Portsmouth, 11 August 1788<sup>1</sup>

I had the honour a few days since of receiving a letter of 26th Ult.<sup>2</sup> from the Convention of your State in which was Inclosed the ratification of the proposed Constitution for the United States, by the important State of New-York; both which shall be laid before the legislature of this State at their next Session, and I have no doubt the Amendments proposed by the Convention of your State will be taken into their Consideration and every proper Step taken that may be tho't necessary to promote that national Harmony, and good Government which is so earnestly sought after by ev[e]ry honest man. I shall not be wanting in my feeble endeavors to promote this desireable Object

1. RC, Conarroe Papers, PHi. Docketed: "11th. Augt. 1788/Letter from Govr. Langdon/of New Hampshire—/acknowledging Receipt/of Circular Letter."

2. The copy of the New York circular letter sent to the President of New Hampshire is in the Peter Force Miscellany at the Library of Congress.

# James Madison to George Washington New York, 11 August 1788<sup>1</sup>

I have been duly favored with yours of the 3d. instant.<sup>2</sup> The length of the interval since my last has proceeded from a daily expectation of being able to communicate the final arrangements for introducing the new Government.3 The place of meeting has undergone much discussion as you conjectured, and still remains to be fixed. Philada. was first named, & negatived by a voice from Delaware. N. York came forward next. Lancaster was opposed to it & failed. Baltimore was next tried and to the surprise of every one had seven votes. It was easy to see that that ground had it been free from objections was not maintainable. accordingly the next day N. York was inserted in the place of it with the aid of the vote of Rhode Island. Rhode Island however has refused to give a final vote in the business and has actually retired from Congress. The question will now be resumed between N. York and Philada. It was much to be wished that a fit place for a respectable outset to the Govt. could be found more central than either. The former is inadmissible if any regard is to be had to the Southern or Western Country. It is so with me for another reason, that it tends to stop the final & permanent seat short of the potowmac certainly, and probably in the State of N. Jersey. I know this to be one of the views of the Advocates for N. York. The only chance the potowmac has is to get things in such a train that a coalition may take place between the Southern & Eastern States on the subject and still more that the final seat may be undecided for two or three years, within which period the Western & S. Western population will enter more into the estimate. Wherever Congress may be, the choice if speedily made will not be sufficiently influenced by that consideration. In this point of view I am of opinion Baltimore would have been unfriendly to the true object. It would have retained Congress but a moment, so many States being North of it, and dissatisfied with it, and would have produced a coalition among those States a precipitate election of the permanent seat & an intermediate removal to a more northern position.

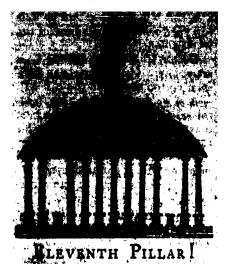
You will have seen the circular letter from the Convention of this State. It has a most pestilent tendency. If an Early General Convention cannot be parried, it is seriously to be feared that the system which has resisted so many direct attacks may be at last successfully undermined by its enemies. It is now perhaps to be wished that Rho. Island may not accede till this new crisis of danger be over. Some think it would have been better if even N. York had held out till the operation of the Government could have dissipated the fears which artifice had created and the attempts resulting from those fears & artifices. We hear nothing yet from N. Carolina more than comes by the way of Petersburg.

1. RC, Washington Papers, DLC. Madison's copy (Madison Papers, DLC) is misdated 15 August. On 11 August Madison wrote a similar letter to Virginia Governor Edmund Randolph (Rutland, *Madison*, XI, 227–29).

2. For Washington's letter of 3 August, a response to Madison's letters of 21 and 27 July, see Abbot, *Washington*, VI, 420. Madison's 27 July letter has not been located but for an excerpt from the 21 July letter, see RCS:N.Y., 1331–32.

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

### Charleston City Gazette, 11 August 1788



Yesterday arrived here the brig Philadelphia, Capt Strong, in eleven days from Philadelphia, by which conveyance we have received the following highly important and pleasing information.

### 2454

### NEW-YORK, July 28.

[The *City Gazette* reprints the paragraph beginning "On Saturday evening about 9 o'clock" from the *Independent Journal*, 28 July (Supplement Extraordinary) (RCS:N.Y., 2402) and excerpts from a "Copy of a letter from Poughkeepsie, dated Friday July 25" from the same broadside (RSC:N.Y., 2282–83, 2297–98, 2318).]

### Matthew Lyon to John Williams Fairhaven, Vermont, 14 August 1788 (excerpt)<sup>1</sup>

... it seems you lost the day in Constitution matters by the Wheeleing about of Judge Platt<sup>2</sup> had he Stuck you would have tied them at least, it seams the Strangest thing to me Immaginable that a Majority of the Influencial men on this Continent should be so eager to adopt a Constitution which they all acknoledge to be faulty & that in fundementals; they act & talk like Crazy people that are so afraid of one Rock they are determined to run on an other with but small hopes of getting of[f] from it I have not heard seen or Read any Person or writeing that ever pretended to Vindicate the Principles on which that Constitution is built however they have got it that it may do well is the Wish of your Sincere friend

1. RC, Williams Papers, N. Lyon (1749–1822), born in County Wicklow, Ireland, emigrated to Connecticut in 1765, and in 1774 he moved to Vermont, where he was a member of Ethan Allen's Green Mountain Boys. Lyon served in the Continental Army until 1778. He was a colonel in the Vermont militia, deputy secretary to the governor and council, and a representative in the Assembly. In 1783 Lyon moved to Fairhaven, where he established an ironworks, manufactured paper, harvested timber, and established a printing business. Active in the 1790s in Republican politics, he was elected to the U.S. House of Representatives in 1796. He survived an attempt to expel him from the House but was convicted under the Sedition Act of 1798. He moved to Kentucky in 1801.

2. Zephaniah Platt of Dutchess County was elected to the state Convention as an Antifederalist but voted in favor of ratification.

# Antoine de la Forest to Comte de la Luzerne New York, 16 August 1788 (excerpts)<sup>1</sup>

... The Newyork Convention, before breaking up its session, addressed a circular letter to all the legislatures to urge them to ask the next Congress for another general convention of the States. This measure entails dangerous consequences, and its failure or success is equally dreaded. In the first case, it is difficult to imagine how Congress [would be able to?] exercise the powers that a very sizable portion [of the?] people do not want it to have; to refrain from using them is tacitly to renounce them; to use them is to risk losing everything. In the second case, it is even less conceivable how they will be able to agree on the amendments in a convention where each delegation will bring forth a different list and will insist on its insertion in the general list. The adoption of this multitude of amendments would in a large part destroy the work of last year's general convention. It is nevertheless necessary to observe, My Lord, that the powers of the new Government to levy customs duties and to make general commercial regulations are not of the class of those that they want to nullify; so that if by means of amendments, it eventually becomes nearly as weak as that which preceded it, things simply will find themselves again at the point at which they could have been put many years ago by granting to Congress at that time the little that it had asked for....

While waiting for these events to unfold,<sup>2</sup> Congress is occupied drafting the ordinance by virtue of which each State that has ratified the Constitution must have elected officials to represent it.<sup>3</sup> Much time was lost in debating on the place where they would convene. Newyork, Philadelphia and Baltimore were proposed in turn, and it seems that for want of being able to agree on another place, Newyork will be the Meeting Place. The Votes of the Citizens of all the States seem [in favor?] of naming General Washington president of the United States.

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 910, New York, ff 65–66, Archives Nationales, Paris. Printed: CC:829. This dispatch, number 238, was docketed as received on 5 October.

2. The events referred to deal with the actions of North Carolina and Rhode Island on the Constitution.

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September 1788 (RCS:N.Y., 1250–53).

### George Washington to James Madison Mount Vernon, 17–18 August 1788 (excerpts)<sup>1</sup>

... That the circular letter from the Convention of New York should be handed to the public as the unanimous sense of that body is, to me, surprizing.—It will, I fear, be attended with pernicious consequences.— The decision of North Carolina—unaccountable as it is—is not, in my opinion, more to be regretted.<sup>2</sup>...

[18 August] I had written this letter, but had not sent it to the Post-Office, when your favor of the 11th.<sup>3</sup> was brought to me.—

I am clearly in sentiment with you that the longer the question respecting the permanent Seat of Congress remains unagitated,<sup>4</sup> the greater certainty there will be of its fixture in a central spot.—But not having the same means of information and judging that you have, it would have been a moot point with me, whether a *temporary* residence of that body at New York would not have been a less likely mean of keeping it *ultimately* from the center (being farther removed from it) than if it was to be at Philada., because, in proportion (as you draw it to the center, you lessen the inconveniences and of course the solicitude of the Southern & Western extremities;)<sup>5</sup>—and when to these are super-added<sup>6</sup> the acquaintances and connections which naturally will be formed—the expences which more than probably will be incurred for the accomodation of the public Offices<sup>7</sup>—with a long train of etceteras, it might be found an arduous task to approach nearer to the Axis thereafter.—These, however, are first thoughts; and may not go to the true principles of policy which governs in this case.—

1. RC, Berg Collection, NN. The letterbook copy (Washington Papers, DLC) differs in numerous ways from the recipient's copy. See notes 4–7 (below) for significant differences. Printed: Abbot, *Washington*, VI, 454–55. Madison responded to Washington on 24 August (below).

2. On 2 August the North Carolina Convention proposed amendments to the Constitution and refused to ratify the Constitution until amendments were submitted to the first federal Congress and to a "Convention of the States that shall or may be called for the Purpose of Amending the said Constitution" (CC:821).

3. See above.

4. "Remains unagitated" replaced "is delayed" in the letterbook copy. One of the definitions of "agitate" is "to discuss, debate, or push forward." In other words, the longer the issue was not discussed, etc., the more likely the capital would be moved.

5. In the letterbook the text in angle brackets reads: "as you draw to the center the inconveniences which are felt by the Southern & western extremities of the Union will be lessened, and of course their anxieties."

6. In the letterbook "safe added."

7. In the letterbook "Officers."

# Adrian Bancker to Evert Bancker Hermitage, Staten Island, 20 August 1788 (excerpt)<sup>1</sup>

Dear Brother-

... I am much Obliged to you for Conveying me the Lettr. you Received from my Son Abrm. giving an Acct. of the Ratifying the Federal Constitution by our Convention, An Event that in my Opinion Every lover of his Country hath Reason to Rejoice in; Altho the Lettr. had been on the Island from Sonday the 27 Ultimo, I did not receive it before Friday Night the 1st Instant ...

Dear Brother Yours Very Affectionately ...

1. RC, Bancker Family Papers, NHi. Evert Bancker indicated that the letter was received on Friday, 29 August, "late in the afternoon," and answered on 3 September.

# John Dawson to James Madison Fredericksburg, Va., 20 August 1788 (excerpt)<sup>1</sup>

... The rejection of the constitution by the State of N. Carolina, at this period, has been the cause of as much surprise as the decision of New York in favour of it, as we were taught to believe it woud not be adopted by the latter, without previous amendments—The plan proposd in Govr. Clintons circular Letter is much approv'd of, and not [i.e., no] doubt, will be forwarded by the legislature of this state.—We are in daily expectation of receiving the Act of congress, for setting the Goverment in motion, and are doubtful on what place they will fix for the meeting of the first Congress—A report has circulated, tho I apprehend without any foundation, that Baltimore will be the spot....

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, XI, 236–37. Dawson (1762–1814), a graduate of Harvard College (1782) and a planter-lawyer, represented Spotsylvania in the Virginia House of Delegates, 1786–90, and in the Virginia Convention, where he voted against ratification of the Constitution in June 1788.

# Abraham B. Bancker to John McKesson Kingston, 22 August 1788<sup>1</sup>

The same week as I left you at Poughkeepsie I compleated our Record of the Proceedings of the Convention and on the Monday following furnished the Printer Mr. Power with the necessary Copy and directions for his compleating the Printed Journal<sup>2</sup>—at the end of which I thought it would not be improper to annex the Ratification,<sup>3</sup> I returned again on the Thursday following, from which time till within a day or two I have been in Expectation of a Visit from you in your return from Albany—In disappointing of me you have also disappointed several of your Female friends both here and at Marbletown who would have been happy to see you

Mrs. Bancker is getting pretty hearty, but continues lame in her left Leg and foot which continue weak and much swelled, should she find herself able I propose bringing her down to see my Mother (who I find is getting very weak) in the course of September, when I shall bring with me the Record, in Order that we may Examine it and deposit it with the Duplicate of the Ratification in the Secretary's Office<sup>4</sup>—Should you find a convenient Opportunity I wish you to send me four Skins of Parchment in Order to replace those borrowed from our friend Christopher Tappen<sup>5</sup>—Mrs. Bancker Joins in our Respects to you your good Sister and Miss Eliza & Nancy Cobham I Remain with Esteem—Dear sir Your friend and Humble Servt.

1. RC, McKesson Papers, NHi.

2. On 19 August Nicholas Power announced in his *Country Journal* that he had printed the *Journal of the Convention* (RCS:N.Y., 2361n).

3. The ratification document does not appear annexed to the printed journal, and in fact it is not even a single unit in the journal. It appears in the Convention proceedings for the morning and afternoon of 25 July. See "New York Declaration of Rights, Form of Ratification, and Recommendatory Amendments to the Constitution," 26 July, note 1 (RCS:N.Y., 2335).

4. The retained engrossed copy of the ratification document is in the New York State Archives.

5. Tappen like Bancker was also a resident of Kingston.

### James Madison to George Washington New York, 24 August 1788<sup>1</sup>

I was yesterday favored with yours of the 17th. 18th.<sup>2</sup> under the same cover with the papers from Mr. Pleasants. The Circular letter from this State is certainly a matter of as much regret, as the *unanimity* with which it passed is matter of surprize. I find it is every where, and particularly in Virginia, laid hold of as the signal for united exertions in pursuit of early amendments. In Pennsylva. the antifederal leaders are I understand, soon to have a meeting at Harrisburg, in order to concert proper arrangements on the part of that State.<sup>3</sup> I begin now to accede to the opinion, which has been avowed for some time by many, that the circumstances involved in the ratification of New York will prove more injurious than a rejection would have done. The latter wd. have rather alarmed the well meaning antifederalists elsewhere, would have had no ill effect on the other party, would have excited the indignation of the neighbouring States, and would have been necessarily followed by a speedy reconsideration of the subject. I am not able to account for the concurrence of the federal part of the Convention in the circular address, on any other principle than the determination to purchase an immediate ratification in any form and at any price, rather than disappoint this City of a chance for the new Congress. This solution is sufficiently justified by the eagerness displayed on this point, and the evident disposition to risk and sacrifice every thing to it. Unfortunately the disagreeable question continues to be undecided, and is now in a state more perplexing than ever.<sup>4</sup> By the last vote taken, the whole arrangement was thrown out, and the departure of Rho. Island & the refusal of N. Carolina to participate further in the business, has left eleven States only to take it up anew. In this number there are not seven States for any place, and the disposition to relax, as usually happens, decreases with the progress of the contest. What and when the issue is to be is really more than I can foresee. It is truly mortifying that the outset of the new Government should be immediately preceded by such a display of locality, as portends the continuance of an evil which has dishonored the old, and gives countenance to some of the most popular arguments which have been inculcated by the Southern antifederalists.

New York has appeared to me extremely objectionable on the following grounds. It violates too palpably the simple and obvious principle that the seat of public business should be made as equally convenient to every part of the public, as the requisite accomodations for executing the business will permit. This consideration has the more weight, as well on account of the catholic spirit professed by the Constitution, as of the increased resort which it will require from every quarter of the Continent. It seems to be particularly essential that an eye should be had in all our public arrangements to the accomodation of the Western Country, which perhaps cannot be sufficiently gratified at any rate, but which might be furnished with new fuel to its jealousy by being summoned to the sea-shore & almost at one end of the Continent. There are reasons, but of too confidential a nature for any other than verbal communication, which make it of critical importance that neither cause, nor pretext should be given for distrusts in that quarter of the policy towards it in this. I have apprehended also that a preference so favorable to the Eastern States would be represented in the Southern as a decisive proof of the preponderance of that scale, and a justification of all the antifederal arguments drawn from that danger. Adding to all this the recollection that the first year or two will produce all the great arrangements under the new system, and which may fix its tone for a long time to come, it seems of real importance that the temporary residence of the new Congress, apart from its relation to the final residence, should not be thrown too much towards one extremity of the Union. It may perhaps be the more necessary to guard agst. suspicions of partiality in this case, as the early measures of the new Government, including a navigation act will of course be most favorable to this extremity.

But I own that I am much influenced by a view to the final residence, which I conceive more likely to be properly chosen in Philada. than in New York. The extreme eccentricity of the latter will certainly in my opinion bring on a premature, and consequently an improper choice. This policy is avowed by some of the sticklers for this place, and is known to prevail with the bulk of them. People from the interior parts of Georgia, S.C. N.C. Va. & Kentucky will never patiently repeat their trips to this remote situation, especially as the legislative sessions will be held in the winter season. Should no other consequence take place than a frequent or early agitation of this contentious subject, it would form a strong objection agst. N. York.

Were there reason to fear a repugnance to the establishment of a final seat, or a choice of a commercial City for the purpose, I should be strongly tempted to shun Philada. at all events. But my only fear on the first head is of a precipitancy in carrying that part of the fœderal Constitution into effect, and on the second the public sentiment as well as other considerations is so fixedly opposed as to banish the danger from my apprehensions. Judging from my own experience on this subject, I conclude that from motives of one sort or another ten States at least (that is 5 from each end of the Union) to say nothing of the Western States will at any proper time be ready to remove from Philada. The only difficulty that can arise will be that of agreeing on the place to be finally removed to and it is from that difficulty alone, and the delay incident to it, that I derive my hope in favor of the banks of the Potowmac. There are some other combinations on this subject into which the discussion of it has led me, but I have already troubled you with more I fear than may deserve your attention.

The Newspapers herewith inclosed contain the European intelligence brought by the last packets from England.

1. RC, Washington Papers, DLC.

2. See above for Washington's letter of 17-18 August.

3. From 3 to 6 September 1788 Antifederalist delegates representing thirteen Pennsylvania counties and the city of Philadelphia met at Harrisburg to coordinate efforts on amendments to the Constitution and to select candidates for the first federal elections. For the proceedings of the Harrisburg Convention and for the county meetings which preceded it, see DHFFE, I, 240–41, 249, 255–57, 258–64.

4. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September 1788 (RCS:N.Y., 1250–53).

## George Washington to Alexander Hamilton Mount Vernon, 28 August 1788 (excerpts)<sup>1</sup>

I have had the pleasure to receive your letter dated the 13th....

As the perusal of the political papers under the signature of Publius has afforded me great satisfaction, I shall certainly consider them as claiming a most distinguished place in my library.<sup>2</sup>—I have read every performance which has been printed on one side and the other of the great question lately agitated (so far as I have been able to obtain them) and, without an unmeaning compliment, I will say that I have seen no other so well calculated (in my judgment) to produce conviction on an unbiassed mind, as the *Production* of your *Triumvirate*—When the

transient circumstances & fugitive performances which attended this *crisis* shall have disappeared, that work will merit the notice of Posterity; because in it are candidly discussed the principles of freedom & the topics of government, which will be always interesting to mankind so long as they shall be connected in Civil Society.

The circular Letter from your Convention,<sup>3</sup> I presume, was the equivalent by wch. you obtained an acquiescence in the proposed Constitution.—Notwithstanding I am not very well satisfied with the tendency of it; yet the Fœderal affairs have proceeded, with few exceptions, in so good a train, that I hope the political Machine may be put in motion, without much effort or hazard of miscarrying . . .

1. RC, Washington Collection, NNC-RB. Printed: Abbot, Washington, VI, 480-82.

2. In his 13 August letter, Hamilton had informed Washington that "I have delivered to Mr. Madison to be forwarded to you a sett of the papers under the signature of Publius, neatly enough bound, to be honored with a place in your library. I presume you have understood that the writers of these Papers are chiefly Mr. Madison & myself with some aid from Mr. Jay" (Syrett, V, 201). Madison probably did not entrust this set of *The Federalist* to anyone and carried it to Mount Vernon in December, on his way to his Orange County home to stand for election to the U.S. House of Representatives. He arrived at Mount Vernon on 19 December and remained until the 25th (*Washington Diaries*, V, 436, 437).

3. For the circular letter, see RCS:N.Y., 2335-37.

### George Washington to Benjamin Lincoln Mount Vernon, 28 August 1788 (excerpt)<sup>1</sup>

... The Public appears to be anxiously waiting for the decision of Congress, respecting the *place* for convening the National Assembly under the new government, and the Ordinance for its organization.<sup>2</sup>— Methinks it is a great misfortune, that local interests should involve themselves with fœderal concerns, at this moment.

So far as I am able to learn, fœderal principles are gaining ground considerably.—The declaration of some of the most respectable characters in this State (I mean of those who were opposed to the government) is now explicit that they will give the Constitution (as it has been fairly discussed) a fair chance, by affording it all the support in their power. Even in Pensylvania the minority, who were more violent than in any other place, say they will only seek for amendments in the mode pointed out by the Constitution itself.<sup>3</sup>

I will, however, just mention by way of *caveat*, there are suggestions that attempts will be made to procure the election of a number of antifœderal characters to the first Congress, in order to embarrass the

Wheels of government and produce premature alterations in the Constitution-How far these hints, which have come through different channels, may be well or ill founded, I know not: but, it will be advisable, I should think, for the fœderalists to be on their guard so far as not to suffer any secret machinations to prevail, without taking measures to frustrate them.-That many amendments and explanations might and should take place, I have no difficulty in conceding; but, I will confess, that my apprehension is, that the New York circular Letter is intended to bring on a general Convention at too early a period, and in short, by referring the subject to the Legislatures, to set every thing afloat again.—I wish I may be mistaken in imagining, that there are persons, who upon finding they could not carry their point by an open attack against the Constitution, have some sinister designs to be silently effected if possible.-But I trust in that Providence which has saved us in six troubles, yea in seven, to rescue us again from any imminent, though unseen, dangers.-Nothing, however, on our part ought to be left undone.-I conceive it to be of unspeakable importance, that whatever there be of wisdom, & prudence, & patriotism on the Continent, should be concentred in the public Councils, at the first outset.-

Our habits of intimacy will render an apology unnecessary—Heaven is my witness, that an inextinguishable desire [that] the felicity of my Country may be promoted, is my only motive in making these observations

With sincere attachment & esteem I am—My dear Sir, Yr. Most Obedt. & Affecte Servt.

1. RC, Washington Papers, Houghton Library, Harvard University. Printed: Abbot, *Washington*, VI, 482-83.

2. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

3. Probably a reference to the Harrisburg Convention. (See James Madison to George Washington, 24 August, note 3, above.) For earlier instances of the Pennsylvania minority's "violent" behavior, see "The Dissent of the Minority of the Pennsylvania Convention," *Pennsylvania Packet*, 18 December 1787 (CC:353); "An Old Man" (Carlisle Riot), *Carlisle Gazette*, 2 January 1788 (CC:407); and "The Petition Campaign for Legislative Rejection of Ratification," 2 January–29 March 1788 (RCS:Pa., 709–25).

#### Newport Herald, 28 August 1788

A gentleman of a neighboring State informs his correspondent here,—that the adoption of the new Constitution by the State of Newyork has given great satisfaction to the ratifying States, and will prevent the disagreeable business of a division of that State.—He hopes that the like conduct in this State will prevent her being divided between her neighbour States. Necessity, he further observes will compel the antifederalists to a compliance; for it will be impossible for this State to subsist long without being connected with the general government.

# John Jay to the Chevalier de Bourgoing New York, 29 August 1788 (excerpt)<sup>1</sup>

... The Constitution of this Country is about to assume a new Form, and there is Reason to hope that it will gradually be made to operate in such a manner, as to give a greater degree of Stability and efficiency to our national Govt. than it has hitherto experienced. While a People continue blessed with opportunities of deliberating without Interruption, & of deciding without being pressed by external views urged by any Influence except that of Reason & argument, they may flatter themselves that their civil Institutions will become more & more perfect in Proportion as their Knowledge and Experience increases...

1. FC, Jay Papers, NNC-RB. Printed: Johnston, *Jay*, III, 355–56. Bourgoing (1745–1811) was secretary to the French legation in Madrid.

# Abraham G. Lansing to William Barber Albany, 31 August 1788 (excerpt)<sup>1</sup>

... The Diversity of sentiment on political subjects which pervades this quarter of the State—and the partiality of Mr. [Charles R.] Webster our printer has induced our Friends to make arrangements for settling another printer in this City<sup>2</sup>—for which purpose we have distributed Subscription Lists in every Direction—I have taken the Liberty to enclose two to You and I will be particularly obliged if your influence is exerted to procure Subscribers in the Vicinity of Poughkepsie.—The person we have engaged to Conduct the Business is Mr *Robert Barber* a Young Gentleman who served some part of his Time with Webster, and is I believe related to you—If so he is entitled to my Friendship in a double Capacity—To morrow he will set out for New York in order to procure the Types press &ca. and in the Course of a Month I hope he will be enabled to Commence printing<sup>3</sup>—favor me with your opinion respecting the Number of subscribers we may promise him from your Vicinity—

1. FC, Yates Papers, NN. There is no place of writing on the letter, but Lansing apparently wrote it from his Albany home. Barber (1755–1798), a native of New Jersey, served as a major in the Continental Army during the Revolution, and in 1784 he was appointed commissioner to settle the accounts between New York and the United States.

At the time he received Lansing's letter, he was living in Crum Elbow Point, Hyde Park, not far from Poughkeepsie.

2. Antifederalists had wanted for months to establish a newspaper in Albany. See "The Albany Anti-Federal Committee Attempts to Establish an Antifederalist Printer in Albany," 1–23 March (RCS:N.Y., 834–36).

3. Barber's newspaper, the weekly *Albany Register*, began publication in October 1788. See also Abraham G. Lansing to Abraham Yates, Jr., 3 August (above).

### Collin McGregor to Neil Jamieson New York, 1 September 1788 (excerpts)<sup>1</sup>

... It now falls for me to give you an Account of my proceedings up the Country, from whence I only returned here the 18th. Ulto.—

The few lines I left on the 26th. July to go  $\vartheta$  Packet, mentioned to you the objects of my journey, which were 1st. a settlement wth. Morris, 2dly. To endeavor a sale of Certificates of this State; and 3dly. to have an eye after that infamous V—n Kelly....

My second object-was to attempt a Sale of the Public Securities of this State;-My reasons for this were whether New York came immediately into the New Constitution or not, they must at last, and consequently when she became a Member of the fœderal Government, many channels now open for extinction of the State debt, would be shut, and these resources applied to the purposes of the Union.—In this doctrine I was confirmed by some particular friends, whose opinion I have since found to be just.—We held this also in view that the sooner N. York acceded to the New Government, the sooner would the state Finances be impaired, and I had not left town above a couple of hours, on 26 July, when to the astonishment of every person, the News of the Ratification by the New York Convention, arrived.-This important & unlooked for event gave universal joy here; and just as my friends & me supposed, the State debt took a Stand, and the Continental debt (such as final Settlements) immediately rose to 5/. paper **¥** 20/.—I got to Albany soon after the news of the Ratification....

... N. Carolina Convention having rejected then adjourned conditionally adopted, or as some say, rejected, the New Constitution, rather keeps paper Continental securities down, for tho' it is not of such importance *as a State*, yet whilst there are members which once Composed the Union, refractory & out of the New System, it opens a door for discord, & will clogg the deliberations of Government.—R. Island seems to be perfectly easy on the Subject, but it is thought they mean *at least* to investigate the New plan.—The present Congress are divided about the place of Convening the New Government;<sup>2</sup>—one half is for Phila. the other for this Place; and it is supposed that N York will carry it, tho' much depends on R. Island & N Carolina, one, or both of which Conceive that they have no right to Vote, as their States have not adopted the Constitution, and that therefore they ought to have no voice in any measure Concerning it.—Should the New Congress meet here, it will be much in favor of this place, and all persons interested in it's welfare, must wish them to make it their residence.—The public securities & the politics of the Country are so connected together that they make me too often intrude on your time—I had almost said on your patience; but you must excuse me, as it is entirely owing to the anxious wish I have to be full in my Communications to you....

1. FC, Collin McGregor Letterbook, 1788–1789, NN. The name of the addressee does not appear, but it was apparently Neil Jamieson, a London merchant who employed McGregor as his American business agent. (For other letters that McGregor wrote to Jamieson, see CC:538, 590, and RCS:Va., 637–38, 1575.)

2. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

# John Trumbull to Jonathan Trumbull, Jr. London, 3 September 1788 (excerpt)<sup>1</sup>

### Dear Brother

... All of us who love you, (unfortunately our number is very small in comparison of those who fear, envy or detest you) rejoice without bounds, in the triumph of Reason & Good Sense over the Spirit of Disunion & the prejudices of little interests:-you have given the World a new Lesson: & if the Example be as great in the future conduct of our Empire, as it is in its formation, it will be glorious indeed.-We are sorry that the bright page of future History which shall record this triumph of Reason must be stain'd with one trait of Folly: so atrocious & at the same time so absurd, as the Riot at Albany:<sup>2</sup>—how Men who had ever possess'd any respectability could have so far forgotten themselves, as Lansing Yates & Renselaer<sup>3</sup> is astonishing, & whoever hears that blood was spilt in consequence of their madness must regret that it was not theirs in expiation of their crime.-We have not yet learnt the event of the N York convention: but we are not without hopes that the opinions of the moderate Members may be determin'd by this flagitious mode of opposition to join heartily with the advocates for good Government.

As to Rhode Island, if she continues troublesome, the new Government should crush her, & the sooner the better...

1. RC, John Trumbull Papers, CtY. John Trumbull (1756–1843), a native of Connecticut and son of former Connecticut governor Jonathan Trumbull, was living in London,

where he painted among other subjects the American heroes and the events of the American Revolution. His brother, Jonathan, Jr. (1740–1809), variously a shopkeeper and farmer, was secretary to General George Washington, 1781–83; speaker of the Connecticut House of Representatives, 1788–89; member of the U.S. House of Representatives, 1789–94 (speaker, 1791–93); U.S. Senator, 1795–96; and Connecticut governor, 1797–1809.

2. For the Fourth of July 1788 riot in Albany, see RCS:N.Y., 1264-75.

3. A reference to Abraham G. Lansing, Peter W. Yates, and Jeremiah Van Rensselaer, three of the four Antifederalist leaders who were arrested.

#### Maryland Journal, 12 September 1788

#### Extract of a Letter from a Correspondent.

"I have, at last, seen what Mr. *Lansing*, of *New-York* government, calls his amendments to the constitution.<sup>1</sup>

"A person of slender talents and narrow capacity, is generally full of himself. Mr. *Lansing* has launched into an ocean, with which he was unacquainted, without quadrant or compass; and has adopted a latitude and variation, to the consequence of which he seems to be an entire stranger.

"It is universally allowed that the sovereign power ought to be invested with full authority to call forth the resources of the nation, when emergencies require it. How that is to be done under the restrictions proposed by that gentleman, is not easily determined.

"He allows no excise to be imposed but on ardent spirits—no capitation tax—no direct taxation on the States, if they promise to pay according to their census:—This is a measure so nearly related to that old gentleman REQUISITION, who for want of attention to the public good, starved the Continental Treasury, that I most heartily reprobate it.

"When direct taxation becomes indispensably necessary, it appears best to lay it uniformly on all the States; and if any of the States advance the amount of their proportion before the time appointed for collection—it will be laudable, and save trouble to the general government: if they do not, it will be advisable to let the laws of the General Government reach every individual in collecting.

"Money lying in the hands of any State, at six or twelve per cent, will not pay an army on the march, nor contribute to expedite a naval armament.

"He proposes that the Militia shall not be detained above six weeks out of the State, without leave.

"The General Government will find it for the interest of the States, to call forth the Militia as seldom, and for as short time as possible; but when in the field, and an enemy near, it is absolutely necessary that they stay until they are regularly relieved; or can be discharged with safety to the States.

"He desires that the Senators and Representatives in Congress, may be bound by oath not to violate the constitution or rights of the respective States.

"The Senators and Representatives in Congress are placed there, not to act for a particular State, but for the advantage of the whole body politic, to pursue the interest of the nation in such manner as will best affect the interest of the different States, and to take care that the interest of one State is not sacrificed to the interest of another, or wantonly and unjustly to the interest of several States.

"A person who cannot divest himself of local attachments, is unfit to be a MEMBER of CONGRESS.

"The gentleman is desirous of a species of *ex post facto* laws; if to them, he had added an emission of *paper-money*, and divided the impost with *New-York*, he would have finished the portrait.

"It appears, upon the whole, that Mr. *Lansing* might have improved himself by staying a month or six weeks longer in the Federal Convention, which he left so abruptly."<sup>2</sup>

1. For Lansing's amendments, see Convention Debates and Proceedings, 19 July (RCS:N.Y., 2234–2242). Lansing's amendments were not printed until the *Convention Journal* appeared on 19 August. The first newspaper identification of these amendments as being proposed by Lansing appeared in the *Country Journal* on 2 September (RCS:N.Y., 2250, note 2).

2. Lansing and Robert Yates, two of New York's three delegates, left the Constitutional Convention by 10 July 1787, and did not return.

#### New York Daily Advertiser, 16 September 1788<sup>1</sup>

### Extract of a late letter from Albany.

"On the first day of last term, his Honor Judge Yates charged the Grand Jury in this city that the new Constitution was now adopted by this state, and become a part of the laws of this state, and it became their duty, and the duty of every good citizen to support it—which is another proof that the Judge is that amiable character we have ever esteemed him."

1. Reprinted: Country Journal, 23 September; Providence Gazette, 27 September.

# Robert R. Livingston to Marquis de Lafayette Clermont, Columbia County, 17–22 September 1788 (excerpt)<sup>1</sup>

I ought Long since to have answered your obliging letter by the count De Moustier but my whole time & attention has been employed by the interesting events that have taken place here and of which I wishd to give you some information—You have lamented with the other friends of this country the inefficientcy of our government & the disunion of our council—you have seen the attempts that have been made to strengthen the one & unite the other by the convention which met at Philadelphia their plan tho' defective in many parts yet has in part introduced a new principle which time & prudence in those that administer the government govern may render the basis of an energetic government—The great defect of our former constitution as you must have observed was its operation upon *States* collectivly rather than on *individuals* so that whenever a State was averse to its measures It found the opposition too strong to be resisted & new measures where [i.e., were] to be adopted more conformable to the Wishes of the opposing state this introduced a fluctuation in our councils which was equaly inconsistent with our interest & reputation.

In many of the states the new plan has met with great opposition & more particularly in this where the governor headed the opposition with all the weight arising from his office however after six weeks laborious debate we were happy enough to bring over such a number of our opposers as to carry the question for the adoption of the new Constitution which has now been acceeded to by all the States but North Cariolina & Rhode Iland both of which are at present convulsed by the paper money epidemics of which the other states have been so lat[e]ly cured—

The plan will now be carried into effect and I can not but hope from it such consistency as will give us the weight which our situation & encreasing numbers entitle us to.

The idle tales with which the British & some of the American papers have been filled of our weakness & disstress have sunk us in the opinion of the people of Europe—It is true that the government has been weak & indigent but the people easy & happy—The best criterion (as all your writers agree) to judge of the latter is the encreasing populations—New York in 1775 including Vermont contained on a high estimation 200,000 souls New York at present exclusive of Vermont contains 265000 Vermont, 60,000

# 60,000

#### 325000

so that notwithstanding all our losses by the war & the migration of the loyalists we have gained 125000 souls which is certainly no inconsiderable evidence of the ease & happiness of the people—some of the other states may not have encreased in like proportion but all have added more or less to their numbersShould our government become what we have some ground to hope our friendship may be worth the at[ten]tion of European politicians for my own part I sincerely wish (And I am sure you join in the wish) that France may retain that share of it which her good offices entitle her to—And that those little causes of complaint which sour the minds of the people may be removed when they are of such a nature as to be injurious to both parties....

1. FC, Livingston Papers, NHi. This draft is dated 17 September. It is docketed by Livingston "Dr[aft] Letter to the/Marquiss De Lafayette/22d Sepr 1788."

#### New York Daily Advertiser, 18 September 1788<sup>1</sup>

Yesterday, being the Anniversary of the New Constitution, the American Brig Federalist, commanded by Capt. George Bright, was beautifully decorated with the Flags of Foreign nations, and at one o'clock fired a salute of eleven guns.

An entertainment suited to the occasion was given on board the brig, and the following toasts were drank under a discharge of cannon,

- 1. The Grand Federal Convention.
- 2. The New Constitution.
- 3. The States which have adopted the Constitution.
- 4. Congress.<sup>2</sup>
- 5. His Most Christian Majesty.
- 6. The Foreign Powers in amity with America.
- 7. General Washington.
- 8. Success to the Agriculture and Commerce of America.
- 9. The American Fair.
- 10. The State of New-York.

11. THE DAY—May America ever have reason to rejoice on the commemoration of this Anniversary.

1. Reprinted in the New York Packet, 19 September, New York Weekly Museum, 20 September, and seven times outside New York by 13 October: Mass. (2), R.I. (1), Pa. (2), Md. (1), S.C. (1). The reprinting in the Museum added the following last paragraph: "In the evening the brig was elegantly illuminated, and the day was closed with a grand display of rockets, from on board her." The Museum also added the word "new" before "constitution" in the third toast. The Pittsfield, Mass., Berkshire Chronicle, 2 October 1788, reprinted only the first paragraph.

2. The reprinting in the *Providence Gazette*, 27 September, set the word "Congress" in all capital letters.

# De Witt Clinton to Charles Clinton New York, 19 September 1788 (excerpt)<sup>1</sup>

... I suppose you have heard that N. Carolina has rejected the Constitution by a majority of 102—this step is imputed to letters from this

2470

state giving reason to suppose that our Convention would set the example—I imagine P[atrick] Henry's mighty influence in that state has assisted in bringing about the measure. A meeting of Delegates from every County in Pensylvania was held the 3d. instant at Harrisburgh the ostensible design is this—that the opponents to the New Constitution may concentre their endeavours in the election of Antifeds. to the New Congress<sup>2</sup>—some suppose it was intended to prevent the operation of the Govt. in that state, but the result of their proceedings evinces the contrary.

After a great struggle between the Northern & Southern Members in Congress as to the place of the meeting of the first Congress under the new Constitution, it is finally determined by an ordinance that this City shall be the place-the first Wednesday of January next the time of appointing Electors throughout the several states-the first Wednesday of February next the day of electing the President-and the first Wednesday of March the day of putting the Government in operation.<sup>3</sup> I always supposed that subsequent amendts. were never the serious design of the great friends of the new govt. and that the idea was only a political maneuvre to lead the people to its adoption. In some of the Philadelphia & Boston Newspapers, emendations to the govt. are evidently reprobated-the circular letter & proposed amendts. of our Convention styled impertinent & destructive, & an attempt to procure alterations, until the govt. is tried, called high treason against the majesty of the people.<sup>4</sup> Messieurs Saml. Adams and [Elbridge] Gerry are nominated in the Massachusetts Newspapers as Senators for that state-the first is earnest for amendments and the second was a member of the Genl. Convention & refused to subscribe to the Constitution.<sup>5</sup> By a cooperation of influence, it is supposed they may get in.

I am sir with the greatest Respect Yours Affectionately

1. RC, Washington's Headquarters Museum, Newburgh, N.Y. Charles Clinton (1734– 1791), a New Britain, Ulster County, physician and surgeon, was Governor Clinton's brother and De Witt Clinton's uncle. Dr. Clinton represented Ulster County in New York's First Provincial Congress in 1775.

2. See James Madison to George Washington, 24 August, note 3 (above).

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

4. See "Newspaper Response to New York's Act of Ratification and Circular Letter of 26 July" (DHFFE, I, 46–48).

5. For the "nomination" of Adams and Gerry reported in the *Boston Gazette*, 25 August, see DHFFE, I, 450. Neither man was elected a U.S. Senator. Adams was also defeated as a candidate for the House of Representatives for the Suffolk District, while Gerry was elected to the House from the Middlesex District. See DHFFE, I, *passim*.

# John Jay to George Washington New York, 21 September 1788<sup>1</sup>

Your Ideas relative to the Diffusion of Intelligence and useful Information by means of news Papers and the Press, appear to me exceedingly just; nor do I percieve any good objection to preferring the Stages to Post Riders for the Transportation of the Mail, on the contrary I think the Ballance of Advantages is clearly in favor of the former.

How far it was the Duty of the Post Office to recieve and forward news papers is a Question respecting which I confess I have Doubts. If I am rightly informed the Post Riders were formerly *permitted* to carry news Papers, on such Terms as might be settled between them and the Printers. The Number of Printers & of news Papers are now so great, that if the latter were admitted into the Mail the Expence to the public would be considerably enhanced; and it seems but reasonable that as the Printers (as well as the public) would derive much advantage from such a Regulation, they should contribute somewhat to it.

The Direction of the Post Office, instead of being as hitherto, consigned chiefly to a Committee, and managed without much System; should I think be regulated by Law, and put under the Superintendence, and in some Degree under the controul of the Executive. The Public are not well satisfied on this Head, as Matters now stand, and there is but little Reason to expect any important change during the Existence of the present Government. The succeeding one will have an opportunity of doing a very acceptable Service to their Constituents by regulating the Post Office in a proper Manner; and the more of such things they may have to do, the better.<sup>2</sup> as to what ought to have been the Conduct of Government on the occasion, there can be no Doubt-But my dear Sir we cannot expect it from such a Body as Congress: nay unless personal Qualities should supply the Deficiency, I am not sure that the new Government will be found to rest on Principles sufficiently stable to produce a uniform adherence to what Justice, Dignity and liberal Policy may require: for however proper such Conduct may be, none but great minds will always deem it expedient. Men in general are guided more by conveniences than by Principles-this Idea accompanies all my Reflections on the new Constitution, and induced me to remark to our late Convention at Poughkeepsie, that some of the most unpopular and strong Parts of it appeared to me to be the most unexceptionable. Government without Liberty is a Curse-but on the other Hand Liberty without Government is far from being a Blessing.

The opponents in this State to the Constitution decrease and grow temperate. many of them seem to look forward to another Convention rather as a Measure that will justify their opposition, than produce *all* the Effects they pretended to expect from it. I wish that Measure may be adopted with a good Grace, and without Delay or Hesitation. So many good Reasons can be assigned for postponing the *Session* of such a Convention for three or four Years, that I really believe the great Majority of its Advocates would be satisfied with that Delay. After which I think we should not have much Danger to apprehend from it; especially if the new Governmt. should in the mean Time recommend itself to the People by the wisdom of its Proceedings, which I flatter myself will be the Case. The Division of the Powers of Govt. into three Departments, is a great and valuable point gained; and will give the People the best opportunity of bringing the Question whether they can govern themselves, to a Decision in their Favor—

with the greatest Esteem and Regard I am Dr Sir, your affte F[rien]d & obt. Servt.

1. RC, Washington Papers, DLC. A draft of Jay's letter is in the Jay Papers in the Rare Book and Manuscript Library, Columbia University. Jay is responding to Washington's letter of 18 July. For Washington's letter and the controversy over the post office and the distribution of newspapers during the ratification process, see CC: Vol. 4, pp. 540–96

2. Jay's draft of his letter contains the following sentence at this point: "The first Speech to the new Congress will have an opportunity of bring[in]g it advantageously into view."

### John Patterson to James Duane Charlottetown, Prince Edward Island, 22 September 1788

(excerpts)<sup>1</sup>

... I ought sooner to have congratulated you on your state having addopted the new Constitution, an event which I did not flatter myself with from the complexion of your Convention, and the stuff it was composed of—I most sincerely congratulate the *victorious nineteen*<sup>2</sup> as I do all my friends on a victory which must give them so much credit, satisfaction and security—and I hope will terminate in placeing power where alone it ought to be in every state—Do me the kindness to offer these very sincere congratulations to all my friends of *your* number, and particularly to my friend Phil:<sup>3</sup> and to Coll. Hamilton—what a noble field this young man had for his excellent parts! It would almost persuade me to be in love with a Republick against my better judgement....

... and believe me my Dear Sir your faithful & aff[ectiona]te Friend

1. RC, Duane Papers, NHi. Patterson was Duane's brother-in-law, both men having married daughters of Robert Livingston, Jr., (1708–1790), the third lord of the Manor. A native of Ireland who immigrated to America in 1759, Patterson was deputy collector of customs in Philadelphia at the outbreak of the Revolution, and became a Loyalist

providing information to the British government about the extent of Loyalism in America. He spent part of the early years of the war at the Manor and in prison, but by 1779 he was in England, where he was a prominent member of the Loyalist Association.

2. The "victorious nineteen" refers to the nineteen Federalist delegates, a distinct minority of the sixty-five member New York Convention.

3. Possibly a reference to Philip Schuyler.

### Abraham Yates, Jr., to William Smith New York, 22 September 1788<sup>1</sup>

I have your favour of the 17th before me<sup>2</sup>—In Respect to the New government We exactly Agree in Opinion-The Case now is Simple All agree that Amendments are Indispensably necessary—And Where We had it in our Own power before, the Convention have transferred it to the union at Large And We now Cant get the Amendments unless <sup>3</sup>% of the States first Agree to a Convention And as Many to Agree to the Amendments—And then <sup>3</sup>/<sub>4</sub> of the Several Legislatures to Confirm them: That this Will be an uphill Affair—You may See When you Call to Mind that Congress lately had ten Weeks before they Could Agree Where the New government Was to meet<sup>3</sup>—But so it is And We must make the best of it—our only safety now is in geting the Amendments Confirmed—I mean to try for it and I believe the first thing Necessary will be to pass a Law to Inhibit the State officers (the Legislative Executive And Judicial) from takeing the Oath to support the New government untill our amendments have been Confirmed in due form-My Next Will Contain More upon this Subject I have no time (your son goes of [f] to Manor) than to Add that I Remain Your sincere frend And Humble Servt

1. RC, Manor of St. George Museum, Center Moriches, N.Y.

2. Not found.

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

### John Jay to Edward Rutledge New York, 15 October 1788 (excerpts)<sup>1</sup>

I thank you for your friendly letter....

You have seen from the public papers that the new Constitution was with difficulty adopted in this State. The opposition which was violent has daily become more moderate, and the minds of the people will gradually be reconciled to it in proportion as they see the government administered in the manner you mention.<sup>2</sup> The measure of a new convention to consider and decide on the proposed amendments will, I VII-B. General Commentaries, 30 October-13 November 1788 2475

think, be expedient to terminate all questions on the subject. If immediately carried, its friends will be satisfied, and if convened three years hence, little danger, perhaps some good, will attend it.... Your sincere and affectionate friend,

1. Printed: Johnston, *Jay*, III, 362 (lengthier excerpt). Rutledge (1749–1800), a Charleston lawyer, was a signer of the Declaration of Independence and a delegate to the South Carolina Convention, where he voted to ratify the Constitution in May 1788.

2. In his "friendly letter" of 20 June, Rutledge, who had informed Jay that South Carolina had ratified the Constitution, stated that "People become more and more satisfied with the adoption, and if well administered, and administered with moderation they will cherish and bless those who have offered them a Constitution which will secure to them all the Advantages that flow from good government" (Johnston, *Jay*, III, 339).

# New York Antifederalist Society: Proceedings of Meetings on Calling a Second Convention, New York, 30 October-13 November 1788<sup>1</sup>

The following Gentlemen, viz Marinus Willett Melancthon Smith David Gelston John Lamb Ezekiel Robins<sup>3</sup> Solomon Townsend<sup>4</sup>

Nathaniel Laurence James M Hughes Samuel Jones<sup>2</sup> & Charles Tillinghast

having met at Fraunces' Tavern on Tuesday Evening Octr. 30. 1788 after some deliberation determined to form themselves into a Society, for the purpose of procuring a general Convention, agreeable to the circular Letter<sup>5</sup> of the late Convention of this State, and thereupon, elected Colonel Willett to be their Chairman, and Charles Tillinghast Secretary.

On Motion of Mr Smith, and seconded by Genl. Lamb it was determined that a Committee of *three* be appointed to open a Correspondence with certain Persons in the several States (as well as Counties within this State) for the purpose of explaining the Reasons which induced the Adoption of the Constitution for the United States, by the late Convention of this State and requesting their assistance to procure the requisite Amendments by having a General Convention called immediately, or as soon as possible after, the organization of the new Government.<sup>6</sup>

The Committee appointed were Melancthon Smith Esqr. General Lamb & Jas. M. Hughes Esqr. who are to draught the requisite Letters and report the same as early as possible

It was then determined that a Meeting of the Society should be again held on Tuesday Evening Novr. 4. at six o'Clock and at the same place.

Chas. Tillinghast Secy.

At a Meeting of the Society, agreeable to adjournment, the following Gentlemen attended, at Fraunce's Tavern Novr. 4. viz

John Lamb Melancthon Smith James M. Hughes David Gelston Chas. Tillinghast

The Chairman of the Society being absent, General Lamb was called to the Chair for this Meeting.

The Committee who were appointed to draught Letters to the several States, and Counties within this State, produced draughts thereof, which having been read by Paragraphs, and amended, are as follows viz,

(To the Counties within the State)

New York November 4th. 1788

Gentlemen,

The Circumstances and Situation of Things both before, and some time after, our Convention had met, warranted an universal Opinion among all Federal Republicans, that it was proper to adopt the new Constitution, only on Condition that those important Alterations, which were considered Necessary to the Protection of political and civil Liberty, should be made; and this was founded not only on the defects of the Constitution, but on the Anticipation that there would have been a Majority in several of the State Conventions of the same Sentiment with our own, from whom we should have derived Support; but in pursuing our Opposition in this Form, the Sentiments and Opinions of many in our Convention were changed, not, as we have reason to believe, as to the Principles of Opposition, but as to the expediency of adopting it under an Alteration of Circumstances, so that this State should continue in the Union; at the same time giving such Constructions to some of its Articles, and relying on the Sentiments of a Majority in the United States with Respect to an Opinion of its Defects, that the Government would be restrained in the exercise of its most offensive and dangerous Powers until a new Convention should have an Opportunity of reconsidering and revising it before it should have its full operation—This Alteration of Sentiment with respect to a conditional Adoption, and the Mode of adopting it in its present Manner, it is to be presumed was caused by the Reception of it by nine States successively, by which the Government was capable to be put in Operation, and likewise the immediate and subsequent Adoption of it by Virginia, perhaps one of the most influential and important States in the Union-The Confidence of those who were of these Sentiments, was excited because many of the most important States had acknowledged it by

2476

small Majorities, and almost all in such a Way as was expressive of its Defects, and hence they considered Amendments as certain, subsequent as precedent—Thus, unsupported by any of the States in the Prospect of a conditional Adoption, and for these Reasons, it became a political Calculation with them, whether it was not most for the Interest of this State, under all Circumstances, to continue in the Union, and trust, for the Reasons aforesaid, for Amendments: Unhappily this occasioned a Diversity of Opinion among our Friends in the Convention, who were for a conditional Adoption only-however, the Question, as you well know, was at last carried in the way it now Stands. Altho' a Division took place, both within, and without the Convention, on this Point, and for these Reasons, yet we hope that a Confidence remains on the Minds of all, that each was governed by the Principles of Rectitude, and that the Efforts and Exertions of each other collectively, as well as individually, will be considered as a Duty in future, and made use of to obtain the great Objects we have all had, and still have in View, to wit, the requisite Amendments, by having a general Convention called immediately, or as soon as possible after the Organization of the New Government.

With this design we conceive it will be very necessary to advert to the ensuing Election of Members to represent this State in the Assembly of the General Government, and to endeavour to elect such Characters who are in sentiment with us on the Subject of Amendments; nor is the Mode of Election a Matter of small Importance, when it is considered that one Mode may throw the Balance in the Hands of the Advocates of an arbitrary Government, while another may be favourable to equal Liberty.

The Activity and Duplicity of the principal of those who have contended for an unequivocal Adoption, and an uncontrouled Exercise of the New Constitution, notwithstanding their Promises to assist in procuring a Convention for the Purposes already mentioned, have given us just Causes of Suspicion, that those Promises were made with a View to deceive.

To facilitate a Communication of Sentiment and free Discussion on this Subject with you and our Friends in the other Counties, and thereby further the great Objects of our Pursuit, and oppose with success the subtle Practices of the Adversaries of constitutional Liberty, have induced us to form ourselves into a Society for the purpose of procuring a general Convention. Agreeable to the circular Letter of the late Convention of this State, and we beg leave to recommend to your Consideration the propriety of your joining together, without Delay, for the like Design. We have only to add, that whatever diversity of sentiment may have taken place among the friends of equal Liberty in our late Convention, we are fully persuaded, that they will unite their utmost Exertions in the only mode that is now left, and should the present Opportunity which is now offered at the organization of the Government not be properly improved, it is highly probable such a favourable one will not be again presented, and the liberties of the People will then depend on the arbitrary Decrees of their Rulers.

In behalf of the Society &c

To Republican Committe[e] of Ulster —— County &c } (To the several States)

# New York Novr. 4. 1788

Previous to the Adoption of the new Constitution, a Committee was formed in this place, of those who disapproved of it without essential Amendments, to open a Correspondence with those of the sister States, who concurred with them in Sentiment-to invite them to open a communication with us, and concert an union of measures. From the Characters of a large Majority of those who composed our Convention, we had reason to expect they would not have adopted the Constitution without stipulating for such previous Amendments, and of this we advised our Friends; their proceedings, containing the amendments proposed, which we do ourselves the honour to inclose you, will justify this sentiment. A small majority, however, was found, who were induced, from ideas of political expediency, to assent to a qualified adoption, in such manner as would admit this State into a participation of the Government.—It is not necessary to detail the reasons at large, nor whether they were well grounded, that influenced this measure-They may be briefly comprized in the following.-

A sufficient number of States had acceded to the Government to authorize its going into Operation; this being the case, it seems it was apprehended, that the States who had adopted, could not easily be prevailed upon to concur in any other mode, to effect the requisite Alterations, but the one pointed out in the Constitution itself—That if the State remained out of the Union, they might lose the Opportunity of employing their influence in bringing them about; and from the dissatisfaction manifested by many of the States to the System, as it stands, and from the spirit of accomodation, which it was hoped would prevail among those who approved of it, they were induced to believe that a general agreement would take place to call another Convention to consider and recommend amendments to the objectionable Parts. Though these, and similar reasons, we believe, influenced a majority to accede to the system, with certain declarations and explanations, yet, even this could not be obtained, without an express declaration of their disapprobation of it, and agreeing to a circular Letter inviting the other States to unite with ours in requiring a Convention—In this, both Parties concurred unanimously.

We can with confidence assure you, that the Opposition to the Constitution, without amendments, has not decreased, but on the contrary, many of those who were zealous for its adoption, declare they will unite their Efforts in endeavouring to have it reconsidered; but we have reason, at the same time, to believe, many of its most ardent advocates will use their influence and address to prevent this.—It is therefore the more necessary that the Friends of equal republican Government should firmly unite in pursuing such measures, as will have a tendency to effect amendments.

For this purpose, a number of Gentlemen, in this City, influenced by a sincere regard for constitutional Liberty and the publick Good, have associated, under the name of a Society for the purpose of procuring a general convention, agreeable to the circular Letter of the late Convention of this State, and have opened a Correspondence with the several States, and with the different parts of this State.

Notwithstanding so large a part of the Citizens of the United States appear to be in Sentiment, that it is necessary the Constitution should be altered, in order to render the people happy, and their liberties secure under it, yet it is now too evident, these alterations will not be obtained without great exertions and pains to awaken the attention of the People to their Interests and safety. Associations of the well informed, and patriotick Gentlemen in the different parts of the Country, we apprehend will have the most salutary influence to effect so desireable an event: We therefore earnestly invite you to set this on foot, and to open a Correspondence with us.

We have only to add, that whatever diversity of sentiment may have taken place among the friends of equal Liberty, in our late Convention, we are fully persuaded that they will unite their utmost exertions to procure the amendments, in the only mode that is now left, and should the present opportunity, which is now offered at the organization of the Government, not be properly improved, it is highly probable such a favourable one will not be again presented, and the liberties of the People will then depend on the arbitrary Decrees of their Rulers.

In behalf &c

It was then determined that fair transcripts should be made, then signed by the Chairman, and transmitted to the proper Persons as early as possible.

То

The Meeting was then adjourned to Thursday Evening next Novr. 13. and then to meet at the usual Time & Place.

Fraunces Tavern Thursday Evening Novr. 13. 1788

A sufficient number for Business not having met, the Gentlemen who assembled, immediately adjourned, to meet whenever called upon by the Chairman—

1. MS, John Lamb Papers, NHi.

2. Smith, Lawrence, and Jones were members of the New York Convention. All three voted to ratify the Constitution.

3. Robins (c. 1752–1808), a New York City hatter, represented New York County in the state Assembly, 1798–99, 1800–1803.

4. Townsend (1746–1811) was a New York City iron merchant and owner of an iron works in Orange County. He represented New York County in the state constitutional convention of 1801 and in the state Assembly, 1804–5, 1808–11.

5. For the New York circular letter of 26 July, see RCS:N.Y., 2335-37.

6. For an earlier effort of New York Antifederalists to join with Antifederalists in other states to amend the Constitution, see "New York Convention Antifederalist Committee of Correspondence to George Mason," 21 June (RCS:N.Y., 1796–1801), and "The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution," 18 May–6 August (RCS:N.Y., 1097–1102).

#### Sidney

#### New York Journal, 4 December 1788<sup>1</sup>

#### To the Members of the Legislature of the STATE of NEW-YORK.

The arguments heretofore urged in favor of the new constitution have been progressive. Its advocates, at first, asserted it to be an excellent and a complete form of government, amply sufficient to secure the rights and liberties of the people; that a bill of rights was unnecessary; that the rulers ought to have the power to keep a standing army, build a navy, command the militia, and order them when and where they pleased, and to raise a revenue by direct taxes, poll taxes, and such excises as they might think proper: in a word, it was represented to be perfect, and that it was not in the power of human wisdom to devise a better.

Then again they admitted, that the constitution was imperfect, and that amendments were absolutely necessary, but strenuously advocated an adoption in its present form; trusting to subsequent amendments, because it could not be supposed that all the states would agree upon the same set of amendments.

It seems, however, to be now the general and prevailing opinion, that the amendments agreed to by the convention of this state, will be necessary and extensively beneficial.

I shall enquire no farther into the motives which induced the convention to ratify this very imperfect constitution without a previous stipulation for all the amendments, than that it is said, on the one hand, that they were seduced and deceived by fears of convulsion, anarchy, and confusion, and that Congress would remove from the state in case of its non-adoption; and, on the other, that they adopted it from an invincible reluctance to a seperation from our sister states. It is sufficient to know, that it has been adopted in full confidence that amendments should take place, and that there were gentlemen strenuously for and against the measure; which of them were right and which wrong, time and experience will determine. Should the amendments be obtained without much opposition, trouble, and difficulty, it may be said, that those who were for the present adoption of it, have done well; but if, on the contrary, the amendments are opposed, and the means of obtaining them should throw the state into convulsions, I suppose it will not only be said, that they have done ill, but that they have acted against the experience of all ages.

By this adoption, we are placed in a most dangerous situation; and unless we proceed with the utmost caution and circumspection, and use all the means in our power to obtain the proposed amendments, we may be frustrated in our hopes and expectations; and the consequence will be, that we and our posterity must submit to the constitution in its present defective form; the greatest curse that ever befel a free people, since the fall of Adam. Our continental rulers will no doubt be prudent and cautious enough for a time and not exert all the powers delegated to them—and thus afford a temporary ease and relief to the minds and purses of the people: but although it may not effect an immediate slavery, yet it will hang like a mill-stone about us, until at last it must unavoidably settle us into hewers of wood and drawers of water.<sup>2</sup> Before its adoption, it was in our power to prevent, and we could have prevented, its operation, until its radical and dangerous defects were amended; whereas it now requires two thirds of the states to call a convention, the like number to agree to the amendments, and three fourths of the legislatures to ratify them.

From this train the difficulty of effecting any material amendments may be easily observed. It lately took Congress ten weeks, before seven states could be prevailed on, to agree upon the place, where the new government was to meet.<sup>3</sup> And this is not all, for (unless prevented) it becomes the duty "of the members of the several legislatures, and all the executive and judicial officers, both of the United States and of the several states, to be bound by oath or affirmation to support this constitution." Observe the constitution in its present form!

In this dangerous situation, where our all is at stake, I beg leave to suggest the propriety of passing an act as soon as possible, to inhibit your federal officers from taking that oath, until agreeable to our amendments. "The senators, and representatives and all the executive and judicial officers of the United States, shall be bound by oath or affirmation, not to infringe or violate the constitutions or the rights of the respective states." And the state officers, until the amendments have been previously agreed to, and confirmed by three fourths of the several legislatures.

Also to convert the following instruction into an oath of office. "And your representatives do swear, that they will exert all their influence and use all reasonable means to obtain a ratification of all the amendments; and in all laws to be passed by the Congress, in the mean time, to conform to the spirit of the said amendments."

This will undoubtedly be opposed and especially out of doors; for some of the most zealous advocates for the new government do not wish or desire any amendments (unless it should be to make it still stronger) and will exert every faculty of mind and body to oppose them; as if it was not enough, that we have transferred "the power of determining whether that government shall be rendered perpetual in its present form, or altered agreeable to our wishes on a minority of the states with whom we unite."<sup>4</sup> They will wish to see the public officers embarrassed under this oath, and become even involuntary abettors in frustrating the accomplishment of the amendments; or at least secure their silence when their constituents shall be reduced to the dire necessity of calling out, stand fast in your liberty, be not again entangled with the yoke of bondage.<sup>5</sup>

Suppose Congress should interfere in your elections, attempt to violate the trial by jury, call out the militia, lay poll taxes and excises, or exercise other powers, contrary to the letter and spirit of your amendments, with what face could your legislative, executive or judicial officers (having taken that oath) oppose such proceedings? A conscientious man can have no idea of a mental evasion or a secret reservation, when under an oath; for though he sweareth to his own hurt he changeth not:<sup>6</sup> will it afford any consolation to you, or to your constituents, or give relief, when thus oppressed, that the convention adopted in full confidence of future amendments.

What arguments may be used, or what measures will be taken by those who are opposed to the amendments in this state, in order to frustrate the measure, is difficult to predict. Their coadjutors in Massachusetts, it seems, at first attempted to persuade the people that it would be best to postpone calling a convention and to let experience dictate the defects, and then the necessary amendments would be immediately adopted. When they found the bait would not  $take^{(a)}$  they came out more openly. (Boston Gazette, 21st of October 1788.) He is now called "an enemy to his country, who would attempt amendments, and told, that the propositions for that purpose in the convention, were only conciliatory, and the constitution being adopted there can be no need of them."<sup>7</sup>

Perhaps those in this state will pursue their former delusive manœuvres, and inform you, that the more confidence you place in your rulers, the more good they will do; that Americans are an enlightened people—that they will make choice of good representatives, so that there will be no danger of procuring a convention, an agreement to the amendments, and three fourths of the states to confirm them; that the rulers will not dare, nor would a people so enlightened suffer them, to abuse their powers—Or perhaps (preposterous as it may appear, considering the conduct of our legislature, of Congress, and of the general convention in Philadelphia) they may say, that you have no right or power to make such a law, and that by the adoption you are obliged to implicit acquiescence, though it should be at the risk of all the rights and privileges of your constituents.

That the advocates for this new constitution have had the advantage in starting, is no new thing. I suppose it ever was, and always will be the case, that those who are for subverting the government (their movements being preconcerted<sup>(b)</sup>) have at first the advantage of those who are for supporting it. They choose their epithets, or ketch-words—the confederation is a rope of sand—trade and credit abroad—the worse the better: of late they have covered themselves under the term federal, while they were undermining and annihilating the confederation. But that these circumstances should be adduced to prove that we are distanced, and not warranted to proceed, and that we ought cheerfully to submit, is so great a perversion of reason, and so entirely unwarranted by the real state of things, that common sense stands aghast at the idea.

You are the representatives, the guardians of the rights and liberties of the people, and invested with every power necessary for their preservation and happiness. The words of Vattel are, "A nation is under an obligation to preserve itself, and has (not only) a right to every thing necessary for its preservation, but to avoid every thing that might occasion its destruction; and, as the pact may be dissolved by common consent of the parties, if the individuals that compose the nation, unanimously consent to break the knot that binds them, they may be permitted to do it,<sup>(c)</sup> and thus to destroy the state or nation; but they doubtless cannot innocently do it, if they take this step without just and weighty reasons—and, as it is impossible that the nation should ever permit the use of such means, if on a particular occasion no other present themselves for fulfilling a general obligation, the obligation ought to cease in that particular instance as impossible, and consequently void—By an evident consequence from what has been said, a nation ought carefully to avoid, as much as possible, whatever may cause its destruction, or that of the state, which is the same thing—A nation or state has a right to every thing that can secure it from such a threatening danger, and to keep at a distance whatever is capable of causing its ruin; and that from the very reasons that establish its right to the things necessary to its preservation." Vattel, 12, 13.<sup>8</sup>

By the laws of Moses, although a man might, if he pleased, become a slave, yet no one had a right to use delusive arguments to induce him to submit to a state of bondage; and that it might evidently appear that he had not been imposed upon, he was, after having expressed his inclination, taken by his master before the judges to be interrogated, and if he persisted before the judge, if the voice of reason did not influence him, the judge directed him to be put to the shameful and painful operation of having his ear nailed to the door post; and if he still persisted was then, and not till then, deemed a complete and voluntary slave.<sup>9</sup>

That honorable body (of blessed memory) the Congress of 1776 appear to have been of the same opinion; "We hold these things (said they) 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."<sup>10</sup> But supposing an individual had, in a fit of delusion, submitted to become a voluntary slave, would he not have a right, when his mind acquired its wonted tone, to extricate himself? He certainly would.

Is it not notorious that even some members of the convention at Poughkeepsie were intimidated and deluded by threats and promises? Was it not asserted in the convention, that they had no right to amend, that they could only approve or reject? Were they not threatened, that unless they adopted the constitution in its present form, the southern part of the state would secede from the northern and join with the adopting states to subdue it? That it would throw the state into convulsions, and a scene of blood and devastation would ensue? and besides, that Congress would remove from the state and, were they not induced to believe, that if they did adopt it in its present form, Congress would remain in the city of New York? Is it not notorious that these threats and promises influenced some of the members to agree to the adoption, who would otherwise have spurned at it? to use their own words, "several articles in it appear so exceptionable to a majority of us, that nothing but the fullest confidence of obtaining a revision of them by a general convention and an invincible reluctance to seperating from our sister states, would have prevailed upon a sufficient number to ratify it without stipulating for previous amendments."<sup>11</sup>

Every man in his private capacity in such a case, might, in a court of justice, avail himself of the plea of duress, and avoid [i.e., void] the contract. Would it be just or expedient, that the legislative, executive, and judicial officers should be bound and fettered by an oath to support a constitution thus adopted, and which your convention declares to be so very exceptionable; and which, if not amended, will produce the most direful effects.

I apprehend the time is not far distant, when the propriety of these observations will be more fully evinced: even now there are but few who do not consider the bill and declaration of rights as incorporated with and making part of the adoption, although they are not so expressed: it seems state policy has not yet rendered it expedient.

Be that as it may, the present legislature are under no restraint, and therefore have only to consider whether the law proposed will have the effect intended, viz. to secure the amendments, and consequently the rights and liberties of the people.

November 29, 1788.

(a) "It was compared to the loaning a man's money untold and without proper security for the payment thereof, in order to ascertain his honor; or to neglect to repair a breach in the walls of a city, liable to be besieged, in order to discover whether the assailants would avail themselves of the advantage offered them; the loss of property, however, in the one case, and a lodgement gained behind the breach in the other, would render after precaution unavailable." (See New-York Journal of the 25 of Sept. 1788.)<sup>12</sup>

(b) "The dark councils of the Cabal, though from the first they gave anxiety to all men of reflection; were not thoroughly known but by the event," 7 Hume, 471.<sup>13</sup> Absalom, under the cloak of serving the Lord, attempted to dethrone his father David.<sup>14</sup>

(c) The notions of mankind are sometimes very unaccountable, and their desires equally absurd and importunate, "Nay, but we will have a King over us," was the cry in the days of Samuel;<sup>15</sup> and John the divine foretels, that all the world will worship the beast—saying, "who is like unto the beast! who is able to make war with him."<sup>16</sup> 1. This essay was written by Abraham Yates, Jr., who frequently wrote under the pseudonym "Sidney" or "Sydney." A draft, with many differences from the printed version, is in the Yates Papers at the New York Public Library (Mfm:N.Y.).

2. Joshua 9:21, 23, 27.

3. See "Confederation Congress Makes Provision to Put the New Government Under the Constitution into Operation," 2 July–13 September (RCS:N.Y., 1250–53).

4. See the second from the last paragraph of the New York circular letter (RCS:N.Y., 2336).

5. Galatians 5:1.

6. Psalms 15:4. Yates himself refused to take the oath to support the new Constitution when voting in elections.

7. A reference to "Alfred" II, *Massachusetts Spy*, 16 October 1788, which was reprinted in the *Massachusetts Gazette*, 21 October (Mfm:Mass. 945).

8. Emmerich de Vattel, The Law of Nations; or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns (Dublin, 1787), Book I, chapter II, sections 16, 18–20, pp. 20–22. The Law of Nations was first published in 1758 in London in a two-volume French edition. These volumes were translated into English and published in London in 1759 and again in 1759–60.

9. Deuteronomy 15:17.

10. See the Declaration of Independence, 4 July 1776 (CDR, 73).

11. See the first paragraph of the New York circular letter (RCS:N.Y., 2335).

12. "Sidney" refers to a long item first printed in the Boston *Independent Chronicle* on 11 September 1788 (Mfm:Mass. 933) that was reprinted in the *New York Journal* on 25 September. The article supported amending the Constitution before it was ratified.

13. David Hume, *The History of England* . . . (8 vols., London, 1767), VII, 471. Hume was referring to the ministers under Charles II known as the "Cabal"—Clifford, Ashley, Buckingham, Arlington, and Lauderdale—"a word which the initial letters of their names happened to compose" (*ibid.*).

14. Absalom's relationship to his father, King David, is found in 2 Samuel 13-20.

15. 1 Samuel 8:19.

16. Revelation 13:4.

### Benjamin Palmer to the New York Printers 10 December 1788<sup>1</sup>

There are four Classes or sorts of Men in these 13 States of America—one sort is a Wise and knowing people, who are doing all the good that lays in their power for the welfare and prosperity of the Inhabitants of these States at large and the good of their posterity yet to come until time shall be no more—Likewise there is another sort which I shall Term the second Class—Those are as Wise and knowing as the first—Who seemingly are very much against this New proposed Federalist Government and—take all Steps Advantages and arguments that lays in their power to put a final Stop to the uniting of these States if possible—My opinion of this set is that they have some private Views to make their own and their Associates private Fortunes, and wholly sacrifice the Union and prosperity of all the States for their own private power and Salaries or profitsThe third Class as I may suppose are a set of Men which are as wise and knowing as the other above mentioned, but their Friends or Relations as they suppose have been used ill this War between Great Britain and the States, by the people of the States, therefore have a Spirit of Envy and Revenge and doing all they can to put a Stop if possible to the uniting of those States in a friendly Government in hopes thereby to see a final destruction to fall on them—

The fourth and last Class are a numerous people who mind their own Business and know but little of State Affairs; but are chiefly led by the opinion and Arguments of the three other Classes. Therefore I hope the Gentlemen of the first Class will exert themselves to the utmost of their power and Influence to join the Uniting those States into a Federal Government as is proposed by the Convention-For if that Constitution dont take place I shall look upon those States to be a ruined people.—A Striking and Convincing instance known to all the people of a America—the Indian Tribes when the White people made War against them a single Tribe would go alone to War and so become an easy conquest, but had they gained all those Tribes together how much stronger and Powerful would they have been; perhaps so Strong that the White people could never have drove them out of their Lands-As also suppose a Ship lays at an anchor and her Cable being but one single strand when the Storm of Wind and Rain beats, the great Swelling Waves against her; the single Strand without a doubt will soon Break asunder and she will be drove off in an unknown Ocean or Drove against some Sands or Rocks and so be broken to pieces and entirely lost-But suppose there were twelve or thirteen such Strands or small Cords and they by a good Ropemaker were well lade and twisted together it would make it so much stronger that it would hold Secure the Vessel agst. all Tempests and Storms so that they would be in no danger altho the Winds Blow and the Rain Beating on her ever so Violently.—Just so is in Comparison those thirteen States if they remain single they will be of little Strength and may perhaps be maid an easy Conquest of from Abroad. But when joined together they will be strong and powerfull so as to defend themselves against their different Enemies and keep peace and Order at home. As for the Articles or proposals Fixed and Ordered by the Convention I have looked over them and deliberately considered them and according to my Judgment I think they are exceedingly well done-But in case of some alteration is needfull the president of the Congress, the Senate and the Legislatures have it in their power to make such Alterations as they in their Wisdom shall think fit—I suppose that General Washington will be chosen President

the first four years-And Whereas he conducted the War between England and those States with great Wisdom & Success-and being Ruled by the same Spirit of Wisdom and truth without a doubt by the Assistance of the other worthy Gentlemen will do his duty as president if Chosen in the line of Justice, Wisdom, and truth which will be a good Patern and Example for those that may Succeed him.-Now I have taken upon me to Write concerning this new Mode of Government I hope it wont be taken amiss as it concerns every Individual person in those States-To give my opinion in one single Article which is concerning the Chusing or Ellecting the president; that is after the four years are Expired—the time the first president time is expired then in Consequence comes a Choice of another president—Now the very way I would propose is for the other States to cast Lotts which of them the President should be chosen out of and to serve for one Year-And so casting Lotts every Year for the Remaining States, and with the New States which may yet be made that perhaps a president wont be chosen twice in one state in less time than twenty \_\_\_\_\_ years-So that will always Secure the peoples rights in their own Power, and still the president will have full power to Act Also.-

1. MS, Palmer Papers, NHi. This manuscript is undated. Palmer wrote a note, dated "December 10th 1788," at the end of the manuscript: "This Letter of Instructions was sent to several Printers in New York but they refused to give it a place in their Papers." Palmer purchased Minneford's Island in 1761 and devised a project to turn the island into the major port for the Long Island Sound region, thereby challenging the commercial supremacy of New York City. Palmer (and his fellow investors) obtained a patent for additional waterfront rights from the Crown, renamed the island City Island (part of present-day Bronx), and laid out an entire port town. The Revolution severely hampered the island's development as it was controlled by the British who drove Palmer, a supporter of American independence, and his family off the island. Palmer settled in New York City. His postwar efforts to revive the project failed. Perhaps encouraged by the new Constitution, in 1789 and 1789 Palmer unsuccessfully petitioned Governor George Clinton and President George Washington, respectively, seeking redress for his wartime losses. He also petitioned authorities requesting compensation for his construction of a free bridge over the Harlem River in 1759.

### Francis Childs and the Printed Convention Debates 16 December 1788–23 February 1789

Shorthand reporter Francis Childs (1763–1830), the printer of the Federalist *Daily Advertiser*, first advertised the sale of *The Debates and Proceedings of the Convention of the State of New-York*... (Evans 21310) on 16 December 1788, more than four months after the Convention adjourned. On 7 December Childs had written to Benjamin Franklin, who had helped to establish him as publisher of the *Advertiser* in 1785, that he had been working on the *Debates* "for the last three months" (Mfm:N.Y.). Childs did not advertise or announce in the *Advertiser*  that he was preparing the *Debates* for publication and apparently did not obtain subscribers to help defray the cost of publication. The volume cost three shillings for subscribers to the *Advertiser* and five shillings for non-subscribers. On 17 December Isaac Beers, a prominent New Haven bookseller, announced in the *Connecticut Journal* that "the masterly speeches of a *Jay*—a *Livingston*—a *Hamilton*" and others were available for three shillings and six pence at his bookstore. On 23 December Nicholas Power, the printer of the *Country Journal*, informed his readers that he had the *Debates* for sale at five shillings a copy (Mfm:N.Y.). The sale of the *Debates* in New York City appears to have gone well because on 19 March 1789 Childs noted in the *Advertiser* that he had "A few copies" left (Mfm:N.Y.). (Childs had advertised the *Debates* daily in the *Advertiser* through 2 March 1789.)

In a prefatory "Advertisement" in the *Debates* (below), Childs wrote that he undertook the project with the hope "that the different Speakers could be prevailed upon to revise their several Speeches, as taken down by him." However, after he did not receive all of the revisions, Childs finally went to press because he could "defer no longer the gratification of the Public curiosity." The large amount of time that it was taking to prepare the debates for publication and "The approach of the Session of the Legislature [11 December] also reminded him of the duty he owed the Public, and which could not be dispensed with." He offered these reasons as an explanation of why the debates after 2 July were only "a short sketch of the Proceedings." (Fortunately, other sources have allowed the editors to fill in much of what Childs omitted in his "sketch" of the final, crucial days of the Convention.)

Antifederalist John Lansing, Jr., was among the New York Convention delegates who revised their speeches for publication by Childs. In a letter to Abraham Yates, Jr., and Melancton Smith on 3 October (below), Lansing voiced his displeasure with Childs's rendition of Alexander Hamilton's remarks during their altercation on 28 and 30 June. Lansing claimed that he had asked Childs if he would subject "the Revisions of both parties to the perusal of the other," but Childs never answered, and Lansing did not repeat his request.

Lansing did not label Childs as a Federalist partisan but De Witt Clinton, who was observing the Convention debates, charged that although Childs "professes impartiality . . . he is too great a partyman." Clinton also described the Federalists as Childs's party (Clinton Journal, 19 July, RCS:N.Y., 2253). After Childs's *Debates* appeared, "A Real Federalist" complained to the printers of the recently established Antifederalist *Albany Register* in a supplement of 5 January 1789 about Childs's reporting of the Convention debates, especially when it came to doing "common justice" to "the advocates for Amendments." Consequently, "A Real Federalist" requested that the printers publish "a Speech, which was actually prepared and intended to have been made by an Honorable Member in the Convention." (For "A Real Federalist" and the accompanying speech, see Appendix III, below.)

During the legislative session, debate arose over who would be named to the lucrative position of state printer—Antifederalist Thomas Greenleaf of the *New York Journal* or Francis Childs. Federalists reiterated charges that Greenleaf had printed false information in order to deceive his readers, while Antifederalists criticized Childs as biased in publishing the debates of the New York Convention and the state legislature. (See below for the Assembly debates from the *Daily Advertiser*, taken by Childs himself, that both criticized and defended Childs.)

### John Lansing, Jr., to Abraham Yates, Jr., and Melancton Smith 3 October 1788<sup>1</sup>

### Gentlemen

I take the Liberty to transmit you enclosed the State of Mr. Hamilton's & my observations respecting his Sentiments delivered in the general Convention & Judge Yates's Information on that Subject.

I have confined myself to the Revisal of my own Observations, leaving Mr. Hamilton & Mr. Jay to do the like with theirs—Some of the Observations of the former are not accurately stated & some omitted, but I suppose he will correct them.

In the paper enclosed wherever it is divided into Columns the first Column contains the Sentiments of Judge Yates or myself as revised the second is a Copy of Mr. Child's verbatim—in the other parts my Sentiments are of my own stating—those of the others of Mr. Childs without the least Alteration.<sup>2</sup>

It would have been my Wish that this Business might have been represented by Child's after subjecting the Revisions of both parties to the perusal of the other—but tho' I intimated this to Mr. Childs he never signified any assent & I would not repeat it.—Mr. Hamilton may therefore give such an Account of it as he thinks proper—I shall only reserve the Right if I suppose it not accurate to contradict it.

Mr. Childs has not sent me the Remainder of the papers he promised to submit to my Revision.—when he does they will be immediately attended to & returned as early as possible.

I have to acknowledge the Favor of Mr. Smith's Letter and am sincerely convinced that a Correspondence on the plan he suggested will tend to unite the Efforts and give Success to the Advocates for Amendments to the new Constitution if any Thing can.

New York Daily Advertiser, 16 December 1788<sup>3</sup>

# JUST PUBLISHED,

And to be sold by the Printer hereof, and Thomas Allen, No. 16, corner of Queen-street and Fly-Market, THE DEBATES AND PROCEEDINGS OF THE CONVENTION Of the State of New-York, ASSEMBLED AT POUGHKEEPSIE, On the 17th June, 1788, To deliberate and decide on the Form of FEDERAL GOVERNMENT recommended by the GENERAL CONVENTION at *Philadelphia*, on the 17th September, 1787.

#### TAKEN IN SHORT HAND.

Price three Shillings to the Subscribers of the Daily Advertiser to Non-Subscribers five Shillings.

Connecticut Journal, 17 December 1788

JUST PUBLISHED,

And to be sold by ISAAC BEERS,

(Price Three Shillings & Six-Pence)

The Debates of the Convention of the State of New-York, on the Merits of the New Constitution.

Taken down in short Hand.

If these Debates required any recommendation beyond the importance of the subject—the masterly speeches of a *Jay*—a *Livingston*—a *Hamilton*, and other important characters in that State, must make them not only interesting, but entertaining to all descriptions of Readers.

Francis Childs: Prefatory Advertisement to the Debates

#### ADVERTISEMENT.

When the EDITOR formed the design of Publishing the DEBATES of the CONVENTION, he entertained hopes, that the different Speakers could be prevailed upon to revise their several Speeches, as taken down by him. But as the engagements of some of the Gentlemen prevented them from undertaking the task, and as it might have appeared unfair to submit them to a partial revision, he resolved, after waiting a considerable time, to defer no longer the gratification of the Public curiosity, but, without their assistance, to enter upon the business, extensive and arduous as it was. As he proceeded, he discovered that a much greater portion of time and labor was necessary, than he at first apprehended. The approach of the Session of the Legislature also reminded him of the duty he owed the Public, and which could not be dispensed with. These circumstances, together with the pressure of his other employments, while they furnish an apology for the long delay with which this publication has been attended, he hopes will be a sufficient excuse for confining himself, towards the close of the work, to a short sketch of the Proceedings.

Though the EDITOR has taken great pains to render the publication as perfect and satisfactory as possible, and believes, that the substance of what was said in Convention has been justly stated, yet he thinks an apology due to the Gentlemen concerned, for the imperfect dress in which their arguments are given to the Public. Not long accustomed to the business, he cannot pretend to as much accuracy as might be expected from a more experienced hand;—and it will easily be comprehended how difficult it must be to follow a copious and rapid Speaker, in the train of his reasoning, much more in the turn of his expression.

New-York, Dec. 1, 1788.

#### Newspaper Report of Assembly Debates, Thursday, 8 January 1789<sup>4</sup>

MATTHEW ADGATE. . . . I think, sir, that by some late publications that have been made, the public is as liable to be misled as from any thing that has appeared in the newspapers; what I mean is, that the speeches that are made in public bodies ought to be published with great precision; and as newspapers have been produced, I shall beg leave to read a short extract from one I have in my hand. (*He then read some illiberal and unjustifiable remarks that were published in an Albany paper, against the Editor of the Debates in Convention, accusing him of partiality to the federal ists.*)<sup>5</sup> Having read the paper, for the truth of the observation, he said, he must refer to the determination of every gentleman who had heard the arguments, and had since read the publication. (Impliedly acknowledging that he did not know whether the accusation was well founded; how could he? he had not yet read the Debates!)

WILLIAM HARPER thought it was improper to introduce newspapers into the house as proofs. With respect to the Debates, he thought they were not impartially stated.

PHILIP LIVINGSTON.<sup>6</sup> I have read the publication, and I agree that the speeches are not exactly stated as they were delivered; nor do I believe it is possible for a Short Hand writer to take down every word that is said. But, with respect to partiality in that pamphlet, I think the speeches of those who were opposed to the constitution are done more justice to than what they deserved, particularly those of Melancton Smith. Sir, I do not think there has been any partiality shewn to the federalists—there is no facts on which such an assertion can be founded. We are rather, therefore, to consider the remark as ill-natured—than just....

BROCKHOLST LIVINGSTON.... I trust, sir, that the gentlemen who have brought forward Mr. Childs, did it on full conviction of their being able, when called upon, to satisfy the house of the propriety of their conduct: but if, contrary to their expectations, any serious allegations should be supported against him, they will be as ready to abandon, as they have hitherto been anxious to forward his pretensions.

What, sir, has been alledged against Mr. Childs? The honorable gentleman from Queens [Samuel Jones], has told us, that all printers will deviate from the truth; and that their papers are replete with falshoods.<sup>7</sup>—Whether this be the case or not, I cannot see how the charge applies more to Mr. Childs than to Mr. Greenleaf, or any other printer. Suppose it did, is not this itch for the fabulous, (which the gentleman admits to be a common failing) a much more venial offence than the one which Mr. Greenleaf stands charged. Is there no difference, sir, between a printer's publishing in *all* of his papers information that may be taken from other papers, or which may be commonly reported as true, although he himself may entertain doubts of its authenticity, and is *clandestinely* inserting, (if I may use the expression) in a *few* of his papers, a paragraph he knows to be false, and evidently calculated to answer the most infamous purposes? In the one case no mischief can be apprehended; the papers are in every one's hands; and the falshood, if any, may easily be detected. In the other, the person whose private views are to be answered, is put in possession of the few papers that are published for him, and he will take care to shew them only to those who are to be the dupes of his artifice. By this means a false credit will be given to him, and many innocent men may be deeply involved before they discover the snare that has been laid for them. Sir, nothing can be a stronger proof of the enormity of Mr. Greenleaf's offence, than the general indignation which it excited in the city of New-York<sup>8</sup>—Not a man attempted to justify his conduct.-It was said that many of his customers withdrew their subscriptions on that account, and I never heard that his defence induced a single person to think more favorable of him.

Another honorable gentleman, I mean the member from Columbia [Matthew Adgate], by way of justifying Mr. Greenleaf, or to speak more properly, in order to cast an odium on Mr. Childs, has brought forward a charge of a more serious nature—It is that of partiality in printing the debates of the late convention at Poughkeepsie. Was this accusation supported, I should not hesitate to pronounce any man who could be guilty of such an imposition on the public, to be an improper person to be entrusted with the state business. But by what documents or evidence is the charge supported?—Not by the gentleman's own knowledge of the subject—for he declares he has never read the debates alluded to—nor by the confession of the party, as in the case of Greenleaf—but by an anonimous publication contained in a newspaper, and evidently calculated to answer some party designs. Sir, I have too good an opinion of the understanding of the gentleman who raised this objection, to believe that this kind of proof has made any impression on

him, or that he wishes it to have an influence on this house. Sir, it was improper to read it without informing us who was the author of itbut after all, what does the charge amount to?—Allow it all the weight that can be wished for, and it will amount to no more than a charge of not publishing the debates perfect and exactly as they were spoken. If sir, this be a crime, we should never be indulged with the debates of any public body. I believe it next to impossible to attain to such perfection in the art of short hand, as to take down the speech of any man exactly as it is delivered. If the substance of the speeches and the general train of the arguments be preserved, it is all we can expect. In this light the pamphlet published by Mr. Childs deserves much commendation, instead of those illiberal invectives contained in the publication just read. With respect to its partiality to the Federalists in the convention, I can only observe, that I have heard one of the gentlemen of that description (whose speeches form a considerable part of the work) declare that he was refused the permission of revising the notes taken by Mr. Childs, altho' that indulgence had been shewn to a gentleman who argued against the adoption of the new constitution; and certain it is, that the arguments of the gentleman last alluded to appear in a dress that reflect no discredit on him. Indeed I know no better proof that could be required of Mr. Childs's impartiality in this compilation, than the censures which it has met with from individuals of both parties. I do not mean that there is just room for these censures. We are too apt to think that justice has not been done to what we have said, and in the fulness of our pride to blame the printer for not making us speak much better than we did....

#### Cinna

### New York Journal, 22 January 1789

MR. GREENLEAF, The debates of the convention being now published, they become the subject of criticism. I travelled through the field of political argument, observed a good and profitable soil, but very few flowers to amuse and regale the jaded spirits of the weary traveller. Our orators speak with all the keanness of syllogism to the reason and understanding of a mixed assembly; and there are few successful addresses to the weaknesses, feelings, passions, and prejudices. The art of amusing and interesting the attention and admiration, by bold and apt metaphor, seems not to have been studied.<sup>(a)</sup> An apt metaphor, taken from rural life, would rouse and engage the attention of the legislative farmers, who would not<sup>9</sup> in the midst of a fine spun system of irritable syllogism. The metaphor that must be used in an American legislature,

must be original.<sup>(b)</sup> The figures of the ancient orators, of Greece and Rome, and the modern ones of England, would be misapplied, where the audience have not a taste proportional to the talents of those great orators. When Demosthenes figured, the herb women were critics;<sup>10</sup> and the gallery of the house of commons is rather superior to those of Poughkeepsie and Albany.

If men of taste would pursue this line, and only decorate the argument, that the common sense of every man feels on most given questions, but which they cannot express, and study the modulations of voise, and the graces of persons, they would acquire an authority which logical blockheads would call magic.

I observed, in the debates of the convention, strength, but no dexterity.—Hercules has a strong weapon in his hand, but was *mal a droit* in the use of it.

(a) The metaphor of the balanced board<sup>11</sup> was insulting and puerile, and was I not acquainted with the age of this great orator—I should have imagined he had lately quitted the amusement.

(b) The metaphor of, the liquid wall of gold and adament,<sup>12</sup> has only the merit of being perfectly original.

### Newspaper Report of Assembly Debates, Monday, 23 February 1789<sup>13</sup>

... I [Francis Childs] had said, it seems, that in the debates of the convention, in a speech of Mr. M. Smith's, where "a beast, dreadful and terrible to behold,"<sup>14</sup> was spoken of—that the allusion had probably been occasioned by this *fair faced* gentleman [William Harper] sitting, while he was speaking, directly opposite to him, and that he must have had him in his eye.

1. RC, Lamb Papers, NHi. The enclosure has not been located.

2. Lansing is referring to his altercation with Alexander Hamilton that took place in the New York Convention on Saturday and Monday, 28 and 30 June. John Jay and Robert Yates, among other Convention delegates, were drawn into the dispute that concerned Hamilton's position in the Constitutional Convention on the role of the state governments under the Constitution. See RCS:N.Y., 2000–2005, 2009–14, 2016–17.

3. This advertisement was run daily through 2 March 1789.

4. New York *Daily Advertiser*, 23 January 1789. The excerpts printed here concern the partisan debates in the Assembly over the choice of a state printer. Three of the four speakers—Matthew Adgate, William Harper, and Philip Livingston—had been members of the New York Convention. Adgate and Harper had voted against ratification, while Livingston voted for it. Brockholst Livingston was a Federalist.

5. Probably a reference to "A Real Federalist," *Albany Register*, 5 January 1789 (Appendix III, below).

6. Philip Livingston (1740–1810), a nephew of the signer of the Declaration of Independence of the same name, was a graduate of Columbia College (1760) and a wealthy Westchester County landowner. He was a member of the state Assembly, 1788–89, and the state Senate, 1789–93, 1796–98. Livingston voted to ratify the Constitution in the New York Convention.

7. Samuel Jones had argued earlier in the day that "there are falsities in every newspaper in the state, we are imposed upon every day, some way or other."

8. Between March and May 1788 Thomas Greenleaf was accused of printing at least two false items, and in the case of the second one he became embroiled in a bitter exchange with Francis Childs. According to Childs at the time of the exchange, Greenleaf's behavior "excited general indignation." See RCS:N.Y., Vol. 1, lix; and CC:Vol. 4, p. 593, note 9.

9. In the copy of the *New York Journal* in the New-York Historical Society the word "not" is crossed out and the word "sleep" is written in the margin.

10. The origin of this allusion is not certain but it probably became somewhat popular with the appearance of *Letters Written by the Late Honorable Philip Dormer Stanhope, Earl of Chesterfield to His Son Philip Stanhope, Esq.* . . . (4 vols., Dublin, 1774–1775), III, 37. The passage on Demosthenes reads: "Remember of what importance Demosthenes, and one of the Gracchi, thought *enunciation*; read what stress Cicero, and Quintilian lay upon it; even the herb-women at Athens were correct judges of it."

11. Robert R. Livingston used this metaphor. See Convention Debates, 1 July 1788 (RCS:N.Y., 2050).

12. Gilbert Livingston used this metaphor. See Convention Debates, 24 June 1788, at note 1 (RCS:N.Y., 1837). On the same day, Robert R. Livingston ridiculed the metaphor (RCS:N.Y., 1845).

13. New York Daily Advertiser, 5 March 1789. This excerpt represents the concluding sentence of an editorial comment (in brackets) made by Francis Childs near the end of his report of the events of 23 February 1789 in the state Assembly. On that day Antifederalist assemblyman William Harper, who had voted against ratification of the Constitution in the state Convention, made a motion to censure Childs for "grossly" misrepresenting the Assembly's proceedings of 22 January and for having "endeavoured to cast an odium on some of the members of this house, thereby to destroy the confidence their constituents place in them." Harper's motion was debated, but it was postponed on a motion made by Samuel Jones, which was carried "by an almost unanimous vote." Harper had made a similar motion on 22 January, but that motion was defeated by a vote of 47 to 5. In his editorial comment, Childs accused Harper of acting, not to preserve the freedom of the press as he asserted, "but to gratify his private pique and resentment." By misusing his position as a legislator, declared Childs, Harper had shown himself to be "unworthy of public trust, unimportant with his own party, worthless in his political opinions, tyrannical in his desires and designs-and despicably weak in his understanding." In this excerpt, Childs is explaining why he believes Harper held a "private pique and resentment" against him.

14. See Convention Debates, 20 June 1788, at note 15 (RCS:N.Y., 1714). Melancton Smith cited a passage from Daniel 7:7. See also Robert R. Livingston, Convention Debates, 2 July, at note 13, for his comment upon the metaphor (RCS:N.Y., 2068).

### Melancton Smith to Gilbert Livingston New York, 1 January 1789<sup>1</sup>

All we hear of you is from the papers—We receive no more Letters than if there was not in the City one person who did not beleive the

new Constitution was of divine Original. Yet you may rest assured that a number of us retain the same sentiments respecting it we ever did, and that we are not a little interested in the issue of the business before you especially that which respects the choice of Senators-You know my sentiments on the Constitution has been, that it too strongly inclines to an Aristocracy, do the best with it you can without amendments. The scheme now on foot to give the [state] Senate a negative, will add amazing force to this tendency—A few Men combining in the Senate may forever put their veto upon any choice, until it falls upon such men as would serve their purposes—This they would soon do, and by this means either embarrass the government beyond measure, or harrass the Assembly to comply with their wishes—I trust the Assembly will never yield the point, be the consequences what they may-Better have no Senators for a Century to come than establish a principle, which when once granted never can be reclaimed. For if you once pass a Law or Resolution to grant the Senate the right, it will never be surrendered<sup>2</sup>—It is unnecessary to urge reasons to support the sentiment—I concur substantially with those offered by the federal Republican in Greenleafs paper<sup>3</sup>—They might be much illustrated and enlarged. How stand our old Friends towards you.4 Is former confidence revived, and old grudges forgotten—For the sake of the cause I wish they may—Union among ourselves is the corner Stone upon which our hopes of success in obtaining amendments ought must be built-The fair promises and pretensions of most of the leading men who were in favour of the new System are mere illusions-They intend to urge the execution of the plan in its present form-No reliance can be placed in any of them-We ought therefore to strive to maintain our union firm and immoveable as the mountains, to pursue the object of amendments with unremitting ardour and diligence-Men may differ and will, but if they unite in the main point, they should agree to differ. Politics has consumed so much of my time and thoughts that I should be glad to lay them aside, but the establishing a good government for a great Country is an object of such moment I cannot give it up—It is a matter of too much magnitude. I view it as affecting the whole system of things to ages far remote. It may have a vast effect not only on the comfort and happiness of Men here, but may carry its influence upon the state & condition of that Kingdom which can never be moved. May we stand in our Lot in that Kingdom. Blessed be the King of it, all things are under his controul, and however great the ambition of frail mortals may be, he will conduct every event to produce the best end. For even the wrath of Man shall praise him, and the remainder will he restrain<sup>5</sup>-Make my best respects to DeWitt in particular, to Smith Havens<sup>6</sup> and all friends as though named & beleive me to be in truth & sincerity Your Friend & servt. [P.S.] Tell all our friends to stand fast—

1. RC, MSC 955, N. Addressed as "Favd. by Col. Hay." Livingston was a delegate to the New York Assembly sitting in Albany.

2. A reference to the stalemate between the New York Assembly and Senate over the manner in which to elect U.S. Senators. The Assembly (the more numerous body, controlled by Antifederalists) wanted to use the old system of electing delegates to the Confederation Congress, which called for separate nominations by each house. A person nominated by both houses was elected. But if the two houses disagreed in their nominations, the senator (or senators) would be elected by joint ballot from all of the candidates nominated by each house. (See Article XXX of the New York constitution of 1777.) The less numerous, Federalist-controlled state Senate wanted to have each house nominate U.S. Senators. If the nominees were not agreed upon, the Assembly would choose one of the two nominees from the Senate's list, and the Senate would choose one of the two Assembly nominees. (See DHFFE, III, 221–23.)

3. See "A Federal Republican" Nos. 1–3, *New York Journal*, 27 November, 11 December 1788, and 1 January 1789 (DHFFE, III, 212–13, 214–15, 261–64).

4. A reference to the hostility that Antifederalists statewide felt toward the Antifederalist delegates who had voted to ratify the Constitution in the state Convention on 26 July 1788. Melancton Smith and Gilbert Livingston were two such Antifederalists who voted to ratify.

5. Psalms 76:10. "Surely the wrath of man shall praise thee: the remainder of wrath shalt thou restrain."

6. John De Witt, John Smith, and Jonathan N. Havens were in Albany as delegates to the state Assembly. Although Antifederalists, they had voted to ratify the Constitution in the state Convention on 26 July 1788.

### VII–C. The Payment of New York Convention Delegates

Just before the New York Convention adjourned on 26 July 1788, it requested its President, George Clinton, to "ascertain the incidental expences of the Convention, and to lay the account thereof before the Legislature at their next meeting" (RCS:N.Y., 2325). The legislature convened on 8 December, a month earlier than usual, but it did not pass an act paying the Convention delegates until 28 February 1789, three days before it adjourned. The busy session had grown increasingly bitter as they debated how to provide for the elections of representatives and senators to the new Congress and whether to call a second general convention to consider amendments to the Constitution. Excerpts from the pay act are printed below, along with documents by delegates requesting or acknowledging payment. Excerpts are also printed from the daybook of delegate James Duane who had kept a record of his expenses.

### James Duane Daybook, 14 June-28 July 1788, 3 March 1789<sup>1</sup>

This day [14 June] I set out for Poghcapesie to attend the Convention appointed to consider the Constitution formed for the Government of the United States—

The Constitution being ratified on the 26th Instant I returnd home on the 28th.

Expences		
Paid for board & Liquor at Baker's & passage home	}	£16.10.10
Expences at pody's		2.15.0
Shaving and dressing to Barber		2.0.0
[] []		2.0.0
Washing		1.0.0
Passage up		0.10.0
		$\pm 24.5.10$
[3 March 1789] (Rec'd from Treasurer Bancker for my Services in the Senate 90 days including 11 days travelling at 12/	}	£54.0.0
Attending Convention 46 days including 6 days travelling at 12/	}	27.12.0
		$\pounds 81.12.0\rangle^2$

1. MS, George W. Featherstonhaugh Papers, McKinney Library, Albany Institute of History and Art.

2. The text in angle brackets is also in the James Duane Journals, 1765–1789, at the New-York Historical Society, under an "Albany March 3d 1789" date.

# An Act for the Payment of the Salaries of the Officers of Government, and Other Contingent Charges, 28 February 1789 (excerpts)<sup>1</sup>

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the Treasurer of the State shall pay out of any unappropriated monies in the Treasury, the sums of money herein after directed, viz....

To each of the members of the late Convention of Delegates, held at Poughkeepsie, in the county of Dutchess, on the third Tuesday of June last, in pursuance of a resolution of the Legislature of this State, at their last session, for each and every day the said Delegates shall have attended the said Convention, and for each and every day they were travelling from and to their respective places of abode, to the place of the meeting of the same Convention, the sum of twelve shillings per day; such travelling charges to be computed at and after the rate of thirty miles per day, agreeable to such accounts thereof, as they shall respectively produce, certified by the President of the said Convention.

To John M'Kesson, and Abraham B. Ban[c]ker, Secretaries to the said Convention, each the sum of thirty shillings per day, for their respective services during the session of the said Convention; and also the amount of such accounts for monies by them advanced respectively, for the use of the same Convention, as they shall respectively produce, signed and certified by the President of the said Convention.

To David Barclay, door-keeper, and to James Pritchard, messenger to the said Convention, at and after the rate of twelve shillings per day each, agreeable to such certificate thereof, as they shall respectively produce, certified by the President of the said Convention.

To Nicholas Powers, the sum of ninety-eight pounds for his services as Printer to the said Convention....

1. Printed: Laws of the State of New-York ... (New York, 1789), Chap. XLII, pp. 67, 69 (Evans 22013).

## Peter Vrooman to Gerard Bancker 18 February 1789<sup>1</sup>

Sir/Please to pay to the Bearer hereof John N. Bleecker Esqr. my wages as a member of Convention for the State of new york, for Tending at Poughkeepsie Last Summer, agreeable to the Sertificate given in my favour by the person appointed by Law for that purpose, his Receipt will be your Sufficient Discharge as Witness my hand February the 18th. 1789.

Peter Vroman

To Gerard Bancker Esqr. Treasurer of the State of new york or any other person appointed to pay the Same

1. ADS, Vrooman Papers, NHi.

### Payment for Attendance and Travel to Convention Delegate Henry Wisner, 15 April 1789<sup>1</sup>

THE STATE OF NEW-YORK 1780. To Henry Wiener FOR Attendance as a Delegate in Convention at Poughkeeplie, as Member from Brange - County, between the feventeenth Day of June 1788, and the twenty-fixth Day of July following, including L.22 our - travelling Days is thirty seven Days, at 124 per Day. I CERTIFY the above Account at the Sum of Jure un lind. 759 of Gerard Bancker, Efg. Treafurer Received MM of this State, the above Sum of Sweety two founds for in full of this Account.

1. DS, GLC02471.45, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History. Not to be reproduced without written permission. Similar documents have been located for three other Convention delegates: Lewis Morris, Isaac Roosevelt, and Israel Thompson. The Morris voucher, dated 3 March, is in the Henry A. Willard Collection at the Library of Congress. Roosevelt's voucher, also dated 3 March, is in the Roosevelt Family Papers at the Franklin D. Roosevelt Presidential Library, Hyde Park. That for Thompson, dated 18 May, is at the New York State Library, Accession no. 4027. Facsimiles of these three vouchers are in Mfm:N.Y.

# VII-D. New York Recommends the Calling of a Second Constitutional Convention

#### Background

In the summer of 1788 the idea of calling a second general convention to obtain amendments to the Constitution was not new. In the waning days of the Constitutional Convention of 1787, the notion was advocated by Elbridge Gerry of Massachusetts and George Mason and Edmund Randolph of Virginia—the three delegates who refused to sign the Constitution, in large part, because it lacked a bill of rights (CC:75). On 27 September 1787, Richard Henry Lee, a delegate to the Confederation Congress, proposed amendments during the debate on how to transmit the Constitution to the states for their ratification. Congress refused to debate the substance of the amendments and rejected Lee's proposal. Lee's amendments were not even entered on the journal (CC:95). On 16 October Lee wrote Randolph advocating the calling of another general convention to propose amendments. Lee's letter was printed in the Petersburg *Virginia Gazette* on 6 December and was reprinted widely in newspapers, a pamphlet anthology, and the Philadelphia *American Museum*, attracting considerable public and private commentary (CC:325). In New York, it appeared in two newspapers—in the *New York Journal*, 22, 24 December, and in part in the *Albany Gazette*, 10 January 1788.

On 10 October 1787 Governor Edmund Randolph wrote a letter to the Virginia legislature explaining why he had not signed the Constitution and why, in the Constitutional Convention, he had supported another general convention. He declared in his letter that no alternative was "less exceptionable" than such a convention as a way to obtain amendments. Randolph's letter first appeared as a pamphlet late in December 1787, and on 2 January 1788 it was reprinted in the Virginia Independent Chronicle. It was widely reprinted in newspapers, a pamphlet anthology, and the Philadelphia American Museum, and it received both criticism and praise (CC:385). In New York, it was reprinted in five newspapers—Daily Advertiser, 8 January; New York Journal, 9, 11 January; Albany Gazette, 17 January; Hudson Weekly Gazette, 24, 31 January; and Country Journal, 29 January, 5, 12, 19 February.

In December 1787 the Virginia House of Delegates debated a bill to pay state Convention delegates, which included a provision to pay delegates to a second general convention if the state Convention proposed amendments and appointed delegates to a second convention to consider the amendments. This explicit provision was stricken before the bill passed and was replaced by a general provision to pay any expenses needed to communicate with the other states or their conventions. (See RCS:Va., 183–93.) On 19 February 1788 Antifederalist Arthur Lee wrote Richard Henry Lee that George Mason believed that the Virginia Convention, scheduled to meet in June, "will recommend another general Convention" (RCS:Va., 620).

Little attention was paid in New York to the idea of a second general convention until the publication of Governor Edmund Randolph's letter to the Virginia legislature. "Americanus" VII (Federalist John Stevens, Jr.) did not think another convention was needed, and, if called, it would be ineffective. A harmonious convention was thought to be unlikely because the objections to the Constitution were so "multifarious and contradictory." The convention would be no more able to avoid "ambiguities" than the Constitutional Convention had been (*Daily Advertiser*, 21 January 1788 [RCS:N.Y., 630, 633]). "A Countryman" VI (Antifederalist Hugh Hughes) questioned the authenticity of a widely published extract of a letter from George Washington who declared that a second convention would be "fruitless" and would not be harmonious (*New York Journal*, 14 February [RCS:N.Y., 779–80]. For the extract of Washington's letter which was reprinted in eight New York newspapers, see *Maryland Journal*, 1 January [CC:386–A].).

As the elections for New York Convention delegates on 29 April approached, the issue of a second general convention became more prominent. On 10 April the Albany Anti-federal Committee published a broadside circular outlining a long list of objections to the Constitution. A paragraph near the end of the circular stated "The 5th article of the *Constitution* points out a mode to obtain amendments, *after it is adopted*, which is to call a Convention for the purpose—and we conceive that a Convention may be called to amend the Constitution, *before* it is adopted with so many material and radical defects" (RCS:N.Y., 1384). About a week and a half later the Albany Federal Committee published an address which pointed out that the Constitution provided for amendments after ratification. It dismissed the idea of a second convention before ratification and rejected the notion of previous amendments (RCS:N.Y., 1398). In the last number of *The Federalist*, Alexander Hamilton advanced a similar argument (CC:766).

In a pamphlet published on 15 April, "A Citizen of New-York" (John Jay) vigorously argued against a rejection of the Constitution in the hope that a second convention could adopt a better one. The compromising and accommodating spirit of the Constitutional Convention of 1787 could not be replicated by another convention. America had become "divided into parties" and "pernicious heats and animosities have been kindled." Both parties would choose as delegates the "most staunch and active partizans" who will not be willing to compromise and conciliate. "To expect that discord and animosity should produce the fruits of confidence and agreement, is to expect 'grapes from thorns, and figs from thistles' " (RCS:N.Y., 936-37). The Federalist called Jay's arguments "unanswerable" (CC:776). Almost immediately, "A Plebeian" (Melancton Smith?) answered "A Citizen of New-York," stating that accommodation was still possible. The Constitution had been fully discussed so that solutions were available. There would be no surprises in a second convention as there were in the first, which had created a

national government in secret. "A Plebeian" believed that both sides in a convention called before the implementation of the Constitution would agree to amendments to "quiet the fears of the opposers, and effect a great degree of union on the subject" (RCS:N.Y., 950–51).

### The New York Convention

On 24 June 1788 the New York Convention received news that New Hampshire had become the ninth state to ratify the Constitution. The Constitution could now go into effect in the ratifying states. On 2 July news arrived that Virginia had ratified unconditionally and had recommended forty amendments. In time, some Antifederalist leaders became convinced that a conditional ratification-one demanding amendments before ratification and another insisting on the right to withdraw after a certain number of years-would be rejected by the Confederation Congress, thereby placing New York outside the Union. Consequently, they agreed to an unconditional ratification, coupled with a call for a second convention to consider amendments. Despite the risks that a second convention would entail, Federalists, who were a distinct minority and had the support of some Antifederalists in order to obtain ratification, agreed to Antifederalist demands for a recommendation that a second convention be called to consider amendments after the Convention ratified the Constitution. The final form of ratification stated that the Convention was ratifying "In full Confidence nevertheless that until a Convention shall be called and convened for proposing Amendments to the said Constitution," several powers of Congress related to the militia, the regulation of elections, and excises and direct taxes would be restricted. A circular letter, adopted unanimously by the Convention, was even more explicit in recommending to the states the need to call a general convention to propose amendments.

## The Circular Letter

The circular letter presented the case for a second general convention. Written primarily by John Jay, with the assistance of John Lansing, Jr., and Alexander Hamilton, the circular letter, addressed to the executives of the states, noted that the New York Convention and those of some other states had "anxiously desired" that the Constitution be amended. The government created by the Constitution was "very imperfect." Amendments were necessary to allay the fears and discontents of many Americans. The letter recommended that a general convention be called to amend the Constitution "to meet at a period not far remote." State legislatures were exhorted and requested to apply to the

2504

new Congress under the Constitution to call such a convention to consider the amendments proposed by the various state ratifying conventions (RCS:N.Y., 2335–37).

The Convention asked its president (George Clinton) to sign the circular letter and send it to the executives of all the states. Clinton was also asked to transmit the Convention's proceedings to the New York legislature at its next session and to request the legislature "to co-operate with our sister States in measures for obtaining a general Convention to consider the amendments and alterations proposed by them and us, as proper to be made in the Constitution of the United States" (RCS:N.Y., 2324–25).

#### Commentaries on the Circular Letter

New York Antifederalists were divided on the circular letter. Zephaniah Platt, who had voted to ratify the Constitution, hoped that a general convention would be called as soon as possible, while "the Spirit of Liberty is yet alive," to consider New York's amendments and those of the other states (to William Smith, 28 July [VII–B, above]). Abraham B. Bancker, one of the New York Convention's secretaries, expected the new government would find it necessary "to Submit the several Amendments to the Consideration of another General Convention." The New York Convention, he noted, had "called upon the Sister States" for that purpose, and he hoped its request would "meet with the wished for Success" (to Evert Bancker, 9 August [VII–B, above]).

Melancton Smith, who had a large part in fashioning the compromise on ratification, wrote on 1 January 1789 that Federalists' "fair promises and pretensions . . . are mere illusions—They intend to urge the execution of the plan in its present form" (to Gilbert Livingston [VII-B, above]). Congressman Abraham Yates, Jr., a fierce opponent of the Constitution and a supporter of conditional ratification, was also dubious about getting amendments from a general convention. It will be "an uphill Affair" (to William Smith, 22 September [VII-B, above]). Yates elaborated upon his ideas in an article he published under the pseudonym "Sidney" in the *New York Journal*, 4 December (VII-B, above).

James Madison and George Washington were much disturbed by the appearance of the circular letter. Madison wrote to Washington that the letter "has a most pestilent tendency." An early convention had to "be parried," or the new system of government "may be at last successfully undermined by its enemies" (11 August [VII–B, above]). Washington also believed that the circular letter would "be attended with pernicious consequences" (to Madison, 17–18 August [VII–B, above].

See also Washington's letters to Alexander Hamilton and Benjamin Lincoln on 28 August [both VII–B, above].). Like Washington, Madison was also surprised that the letter was adopted unanimously, and he concluded that the manner of New York's ratification "will prove more injurious than a rejection would have done" (to Washington, 24 August [VII–B, above]). Madison expressed his concern to Thomas Jefferson that another general convention "would terminate in discord, or in alterations of the federal system which would throw back *essential* powers into the State Legislatures. The delay of a few years will assuage the jealousies" and reveal the faults in the system that called for amendments (10 August [VII–B, above]. See also Madison to Jefferson, 23 August, and Madison to Edmund Randolph, 22 August [Rutland, *Madison*, XI, 237, 238–39].).

Some out-of-state newspapers severely criticized the circular letter and New York's amendments. On 6 and 13 August widely circulated items in the Pennsylvania Gazette charged that the New York amendments "would annihilate the Constitution," bring back anarchy to America, and "introduce poverty, misery, bloodshed, and slavery into every state in the Union." The authors of the amendments were compared to "the lawless Indians" who did not "understand a system of government fit for a civilized nation." The circular letter was described as "impertinent" and it merited "the severest treatment from all the friends of good government." The Pennsylvania Gazette asked that the Constitution be given a fair trial and, if found faulty, it could be amended (DHFFE, I, 46). "X," addressing the governors of the states, chided New York for dictating to the other states in the Union (Connecticut Gazette, 15 August [DHFFE, I, 46-47]). (For a commentary by a New York Antifederalist on such attacks, see De Witt Clinton to Charles Clinton, 19 September [VII–B, above].)

Beginning in September Federalist fears about a general convention began to subside. John Jay, the principal author of the New York circular letter, believed that if a general convention were obtained "immediately . . . its friends will be satisfied, and if convened three years hence, little danger, perhaps some good, will attend it" (to Edward Rutledge, 15 October [VII–B, above]). Jay believed that a majority of Antifederalists would be satisfied with a delay. If a delay were obtained, a general convention was not to be feared, especially if people were impressed by the operation of the new government (to George Washington, 21 September [VII–B, above]). By the end of September, George Washington was less fearful about the calling of a general convention since "all honest men, who are friends to the new Constitution" wanted to give it a chance and those who were "slily" trying to subvert the Constitution had been found out (to Henry Lee, 22 September [DHFFE, IV, 66–67]. For a less sanguine view, see Henry Lee to Washington, 13 September [*ibid.*, 64–65].). Nor was Alexander Hamilton concerned about the calling of a general convention. On 9 November Hamilton answered a letter he had received from Theodore Sedgwick in which Sedgwick reported that some Federalists in the Massachusetts General Court supported the circular letter. Hamilton stated that "The rage for amendments is in my *opinion* rather to be parried by address than encountered with open force.... The *mode* in which amendments may best be made and twenty other matters may serve as pretexts for avoiding the evil and securing the good" (Syrett, V, 230–31). And in late November, the once fearful James Madison noted that it was "already decided" that the attempt to have another general convention was "a hopeless pursuit" (to Henry Lee, 30 November [Rutland, *Madison*, XI, 372]).

### The Response to the Circular Letter by the States

Federalists' initial fears were understandable. Even though eleven states had ratified the Constitution, the opposition to it in some states had been formidable and tenacious. Antifederalists managed, despite Federalist dominance of the newspapers, to disseminate their arguments in favor of amending the Constitution, especially on the need for a bill of rights. The writings of such Antifederalists as "Centinel," "Cato," "Brutus," and "Federal Farmer" were widely circulated in newspapers, broadsides, and pamphlets. Antifederalists also expressed their views in town and county meetings, in legislatures, and in petitions. Occasionally feelings ran so high that violence broke out, especially during celebrations and the elections of Convention delegates. There were significant instances of violence in Delaware, New York, North Carolina, and particularly Pennsylvania. After Pennsylvania ratified the Constitution, Antifederalists in the western part of the state even launched a petition campaign in an effort to overturn the state's ratification. More than 6,000 western Pennsylvanians signed these petitions.

Strong opposition to the Constitution also manifested itself in the conventions of seven of the eleven ratifying states. As part of their ratifications, Massachusetts, South Carolina, New Hampshire, Virginia, and New York recommended amendments. The Pennsylvania and Maryland conventions refused to recommend amendments, but the minorities of both conventions published their amendments. In August 1788 the North Carolina Convention (Hillsborough) refused to ratify the Constitution until amendments were submitted to Congress and to a general convention. The Convention itself recommended over forty

amendments. (See CC:353, 508, 716, 753, 785, 790, 821; and RCS:N.Y., 2326-35.)

The concerns of Federalists about New York's circular letter proved to be unfounded. Only in Virginia, some of whose leaders had been interested in convening another general convention, did the legislature react favorably to the circular letter. On 20 November 1788, the Virginia legislature, led by the House of Delegates that was dominated by Patrick Henry, adopted a resolution requesting that the new Congress under the Constitution call a general convention to propose amendments to the Constitution. On 2 December Governor Beverley Randolph transmitted this resolution and letters from the legislature to New York Governor George Clinton and the executives of the other states, asking that they unite with Virginia in the calling of a general convention. (For a discussion of Virginia's action, see RCS:Va., 1761– 68.) The New York legislature, finally acting on 7 February 1789, passed a similar resolution. (See below for a full discussion of the action of the New York legislature.)

The other states spent little time considering the circular letter.

• Pennsylvania. In early October 1788 the Federalist-dominated General Assembly, by a vote of 38 to 24, defeated an Antifederalist motion to recommend the circular letter to the next General Assembly.

• Connecticut. In October 1788, Governor Samuel Huntington laid the circular letter before the House of Representatives, but no one in the House, not even Antifederalist leader James Wadsworth, asked that the letter be considered. Nor did anyone comment on its contents.

• Massachusetts. On 31 October 1788 Governor John Hancock submitted the circular letter and New York's proposed amendments to the state legislature along with the amendments proposed by Virginia and North Carolina, and the next day they were referred to a committee of both houses. No further action was taken in this session. At the next session Hancock submitted the Virginia legislature's call for a general convention and reminded the Massachusetts legislature that he had submitted the New York circular letter at the last session. In response, on 17 February 1789 the legislature resolved that Hancock inform the governors of New York and Virginia that a general convention would be expensive and dangerous.

• Rhode Island. Reacting to the circular letter, the General Assembly, dominated by Antifederalists, overwhelmingly adopted on 1 November 1788 a resolution calling upon the state's thirty towns to consider if delegates should be appointed to a general convention and to instruct their representatives to the legislature on what to do if such delegates were appointed. Such advisory referenda were common in Rhode Island. Nine towns voted for a convention, while five were opposed.

• North Carolina. The state legislature—in its November-December 1788 session that convened about three months after the state Convention had failed to ratify the Constitution—adopted a resolution providing for the appointment of five delegates to a general convention. The legislature then appointed five Antifederalists to be delegates.

• Maryland. In December 1788 the House of Delegates, acting on both the circular letter and Virginia's call for a convention, drafted a resolution recommending that the new Congress under the Constitution adopt a way of procuring amendments to the Constitution according to Article V of the Constitution. The resolution was considered but no final vote was taken on it before the legislature adjourned.

• Delaware. In February 1789 the House of Assembly, also acting upon both the circular letter and Virginia's call for a convention that it had received in January, read and accepted a report stating that those documents "contain matters by no means proper for the present consideration of the Legislature" and "that the same should be postponed."

• New Hampshire. In February 1789 Antifederalist Joshua Atherton reported to John Lamb that the only action taken on the circular letter by the Assembly was to appoint a committee to consider it.

• South Carolina. In January 1790 the state legislature, which had just ratified the amendments proposed by the first federal Congress, resolved that it would be "inexpedient" to hold a second constitutional convention as requested by the New York Convention in July 1788.

### The New York Application to Congress to Call a General Convention

On 13 October 1788 Governor George Clinton issued a proclamation instructing the legislature to meet in Albany on 8 December, a month earlier than usual (DHFFE, III, 206). This session would, among other things, consider the proposal for a second general convention and make provisions for the election of U.S. Representatives, Senators, and Presidential Electors under the new Constitution. The Assembly was controlled by Antifederalists and the Senate by Federalists.

In preparation for the meeting of the state legislature, a small group of Antifederalist leaders met in New York City between 30 October and 13 November "to form themselves into a Society, for the purpose of procuring a general Convention, agreeable to the circular Letter." On 30 October a committee of three—consisting of Melancton Smith, John Lamb, and James M. Hughes—was appointed to draft letters to Antifederalists in New York's several counties and to Antifederalists in other states. (Only Smith had been a New York Convention delegate.) The committee reported drafts on 4 November which insisted on the need for amendments to the Constitution to protect political and civil liberties against a government with excessive and dangerous powers. A general convention, stated the committee, had been promised by Federalists and without such a promise the Constitution would not have been ratified unconditionally. Since the committee believed that Federalists could not be trusted to keep their promises, it was imperative that Antifederalists cooperate and unite in obtaining amendments through a general convention, "the only mode that is now left." On 13 November the Society again met but could not obtain a quorum and adjourned. (For the Society's proceedings, see VII–B, above.)

Soon after the Society adjourned, a few essays appeared in New York City newspapers supporting the call of a general convention and the election of congressmen who would support amendments. "A Federalist who is for Amendments" reminded his readers that New York Convention delegates had been unanimous in their belief that some amendments were proper and that they favored the calling of another general convention to obtain them. Many Americans supported amendments, including some Federalists. "I hope," the writer concluded, "none of those who made such professions will be guilty of such duplicity of conduct as to oppose the calling a convention to propose amendments" (*Daily Advertiser*, 22 November [Mfm:N.Y.]).

On 27 November "A Federal Republican" published the first of two essays in the Antifederalist New York Journal in which he described the Constitution as "imperfect, capable of great improvements" and called for the election of congressmen who would support amendments. He promised, in future writings, to "point out the duplicity of conduct and disregard to the public good of some, who now oppose any alterations in it, though previous to its adoption they declared themselves in favor of amendments" (DHFFE, III, 212-13). A week later "Sidney" (Antifederalist Abraham Yates, Jr.) recommended that the state legislature "inhibit" New York's elected federal officials from taking an oath to support the new government until amendments were adopted (New York Journal, 4 December. [VII–B, above]). On 11 December "A Federal Republican" was distressed because Federalists had dropped their support of a general convention in favor of giving the new government a trial before making alterations. He called upon his readers to elect congressmen who advocated amendments and who would "firmly pursue the plan recommended by the convention of this state" (DHFFE, III, 214–15).

On 11 December Governor George Clinton laid before the New York legislature the proceedings of the New York Convention (including the circular letter) and the 13 September ordinance of the Confederation Congress for putting the Constitution into operation. He called "particular attention to the amendments" that the Convention had proposed, and he noted that the Constitution had been ratified on the belief that "a General Convention" would revise the Constitution. The circular letter, declared Clinton, recommended "a speedy revisal" of the Constitution in order to obtain "the approbation and support of a numerous body of our Constituents, and to allay the apprehensions and discontents which the exceptionable articles of it had occasioned." Clinton then quoted the circular letter "that no Government, however constructed, can operate well, unless it possesses the confidence and good will of the great body of the people" (DHFFE, III, 217–18).

The Antifederalist-controlled Assembly immediately appointed a committee of three to prepare an answer to the governor. On 18 December Samuel Jones, the committee's chairman, reported a draft that the committee of the whole considered. On 22 December the unamended draft was accepted and ordered to be engrossed. Later that day, the committee of the whole agreed to a resolution that a committee be appointed to draft an application to Congress, "requesting them as early as possible, to call a Convention for proposing amendments to the Constitution of the United States." Thereupon, the Assembly resolved that a committee of five, consisting of Samuel Jones (chairman), Richard Harison, Brockholst Livingston, Jonathan N. Havens, and John Bay, prepare a draft of the application (DHFFE, III, 242). Federalist Harison and Antifederalists Jones and Havens had voted to ratify the Constitution, while Antifederalist Bay had voted against. Livingston had not been a member of the New York Convention.

On 23 December the engrossed address to the governor was read in the Assembly, and it was ordered that "the whole House" present the address to the governor, which was done on the 24th. In the address, the Assembly agreed with the governor and circular letter's sentiment (which it paraphrased) "that no government can operate well unless it possesses the confidence and good will of the People," and it was impressed with "the unanimous sense of the Convention, expressed in their circular letter." Therefore, the Assembly would do what it could to obtain "a speedy revision" of the Constitution "by a new Convention. And we are convinced, that such a revision only, can allay the apprehensions excited by those parts of that system which are considered as exceptionable" (DHFFE, III, 243). The Federalist-controlled Senate considered the governor's message separately from the Assembly. On 11 December, it committed the governor's speech and the accompanying papers to a committee of the whole. On 24 December, Abraham Yates, Jr., from the committee of the whole reported a draft of an answer to the governor. The two paragraphs relating to the proceedings of the New York Convention read:

"We receive with pleasure your Excellency's communications, of the proceedings of the State Convention, and consider their ratification of the Fœderal Constitution, as a happy means of cementing the Union, and of relieving the United States from the many evils they experienced, from the weakness and defects of their former confederation.

"Convinced Sir, of the truth of the observation, 'That no government, however, constructed, can operate well, unless it possesses the confidence and good will of the great body of the People,' we cannot but contemplate the adoption of the present system, by so large a majority of the States, with the utmost satisfaction, as it affords a happy presage, that it will experience that 'Confidence and good will' but since it is susceptible of salutary improvement, and as it is our inclination as well as duty, to pursue every constitutional measure, to ensure to the government, the greatest possible degree of such 'confidence and good will' and as respect for the late Convention, is an additional motive, we shall without hesitation, recommend a submission of the system, to a general Convention" (DHFFE, III, 245).

Yates then moved to expunge the report and replace it with a new version. His substitute expressed "perfect concurrence" with the "sentiments" of the circular letter and Clinton's speech respecting amendments. The defects of the Constitution, stated Yates, had to be corrected and apprehensions "so justly and generally occasioned" by the "exceptionable parts" of the Constitution had to be allayed. Yates also wanted to bring about "an early revision of the system" as recommended by the New York Convention and as "anxiously desired by our constituents." Lastly, he deleted any reference to "the weakness and defects" of the Confederation government. The Senate rejected Yates's substitute (DHFFE, III, 245–46).

Thomas Tredwell, who had voted against ratification of the Constitution in the state Convention, moved to expunge the above two paragraphs and substitute new language. Tredwell's substitute emphasized that the ratification of the Constitution by the New York Convention "was not unconditional and without reserve." The Senate hoped that the circular letter would bring about the proposed amendments. Amendments, declared Tredwell, would relieve "the minds of a great part of the community from the anxious apprehensions of evils from the undefined powers of the new Government." Such powers which were "much greater than they have ever experienced, or can be apprehended from the weaknesses and defects" of the Confederation. Tredwell's substitute assured the governor "that we shall use our utmost endeavors to bring about an early revision of the system" so that people could have confidence in their government. The Senate also defeated Tredwell's substitute (DHFFE, III, 246–47).

After these substitutes failed, the draft response to the governor as originally presented was agreed to 11-8 and ordered engrossed. On 26 December the governor received the address. Although the Senate admitted that the governor was justified in convening the legislature at an earlier date, it wished that he had called it even earlier so that it could consider the appointment of Electors for the President and Vice President of the United States. Clinton replied that it was "impracticable" to have called the legislature earlier. He was persuaded that the legislature would "perceive the propriety of pursuing your principle, as far as circumstances will permit, and of adopting such mode of appointment, as shall appear most nearly to approach an election by the People." Nor would Clinton comment on "how far the ideas contained in your answer will tend to facilitate the attainment of the objects so earnestly recommended by our Convention." He had done his duty by transmitting "the sentiments and wishes of the Convention" to the legislature (DHFFE, III, 248-51. For Alexander Hamilton's criticism of Clinton's response and his continued opposition to the Constitution, see "H.G.," Letter XII, Daily Advertiser, 7 April 1789 [DHFFE, III, 431-341.).

On 26 December Governor Clinton transmitted to the Senate the 2 December letter of Virginia Governor Beverley Randolph along with its enclosures concerning Virginia's call for a general convention. The Senate committed the papers to a committee of the whole. The next day the Senate transmitted Clinton's message and the accompanying papers to the Assembly which read them, entered them on its journal, and committed them to the committee that had been appointed on 22 December. In Clinton's letter of transmittal, he said he was communicating the papers "with the greater pleasure, from the persuasion, that it will give you satisfaction to find a State, so respectable for wisdom and patriotism, perfectly concurring in sentiment with our Convention respecting the necessity of amendments to the new system of General Government, and the means of obtaining them" (DHFFE, III, 251n). The Assembly, however, did not renew its consideration of the calling of a general convention until late January 1789. It spent much of its time trying to adopt legislation to elect U.S. senators and presidential electors.

On 29 January 1789 the committee of five—appointed by the Assembly on 22 December 1788 and chaired by Samuel Jones—reported a resolution providing for an application to Congress requesting the call of a general convention. The resolution stated that the New York Convention had ratified the Constitution "in the fullest confidence" that a general convention would be called to propose amendments. The Convention had been unanimous in its belief that the Constitution needed revision. A majority of the people wanted revision and their apprehensions and discontents had to be allayed. The resolution asked that Congress call a general convention "immediately" to report amendments "as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity, the great and unalienable rights of mankind" (DHFFE, III, 368).

The Assembly in a committee of the whole considered the resolution on 2 February, and on 4 February it debated the measure vigorously. Federalist Brockholst Livingston-the only member of the committee of five who had not been a New York Convention delegate-opposed the resolution, stating that Congress itself should have the discretion of deciding on the best mode for proposing amendments as provided by the Constitution: either to propose amendments itself or to call a convention to propose amendments. However, Livingston preferred that Congress itself propose amendments. He believed that Congress would be less divided by party spirit than a convention. At this point Livingston introduced a substitute resolution which requested that Congress take the New York amendments and those of the other states into their "early and mature consideration" and propose them to the state legislatures or call a convention "at a period not far remote" in accordance with Article V of the Constitution "as the one or the other mode of ratification may to them appear best calculated to promote the peace and welfare of the Union." Livingston declared that in his resolution he was following the New York Form of Ratification which he claimed did not mention a convention and which called for the ratification of amendments "in the manner prescribed in the constitution." The circular letter, Livingston admitted, did recommend the calling of a convention but it only represented advice that could be taken or ignored.

Samuel Jones, a former New York Convention delegate, countered that Congress would also be filled with party men. The circular letter was the unanimous sentiment of the Convention delegates, and their wishes should be followed. Ratification of the Constitution would not

have been possible without the promise of a general convention. In fact, it was a condition of ratification. There would not be peace until a convention was called. John Lansing, Jr., another former New York Convention delegate and the speaker of the Assembly, also emphasized that a general convention was the wish of the Convention delegates. He said that a majority of the New York legislature and the people also supported a general convention. Livingston responded that the unanimity of the circular letter had been coerced, and he was not convinced a majority of the people wanted an immediate convention. The circular letter had called for a convention at "a period not far remote," while the original resolution wanted it summoned "immediately." Both Jones and Lansing denied that coercion had been involved in the circular letter. Federalist Richard Harison, who had voted to ratify the Constitution in the Convention, declared that he had signed the circular letter to allay the apprehensions of people. The Constitution could be improved and a convention would not act rashly. Therefore, he would vote against Livingston's substitute resolution. Livingston's resolution was defeated by a vote of 43 to 9. (See below for the 4 February debates, and for the roll-call vote, see DHFFE, III, 389-90.)

Following the vote, the Assembly adopted John Lansing's motion amending the original resolution. The motion provided that to the end of the sentence beginning "The People of the State of New-York" the following words be added: "And in confidence, that certain powers in and by the said Constitution granted, would not be exercised until such revision should have taken place." The Assembly ordered the committee of the whole to sit again to continue considering the resolution (DHFFE, III, 390–91).

The next day, 5 February, Brockholst Livingston moved that in the passage beginning "We, the Legislature" the word "immediately" be replaced by the words "at a period not far remote" after the word "called." His motion was defeated 33 to 18. Federalist Alexander Macomb moved that the word "immediately" be replaced by the words "as early as possible." His motion passed 28 to 21. To prevent wholesale changes in the Constitution, Livingston moved that a general convention take into consideration only "the amendments proposed by this or other States" rather than the Constitution as a whole. The motion lost by a vote of 37 to 10. At this point, the Assembly adopted the resolution as originally reported by Jones on 29 January, as amended, by a vote of 43 to 8 (DHFFE, III, 404–8). The Senate concurred with the Assembly resolution on 7 February, with only two senators voting against it (DHFFE, III, 410).

On 27 February Samuel Jones moved a resolution that the governor be requested to transmit to Congress the application calling for a convention and that he also transmit the application to the state executives so that they could communicate it to their respective legislatures. Brockholst Livingston moved that the passage about the other states be deleted, but his motion was defeated 28 to 15. The Assembly then adopted Jones's resolution, and the Senate concurred on 3 March. Two days later, Governor Clinton transmitted the application to Congress and the state executives.

On 4 May on a motion of Federalist James Madison, a Virginia member of the U.S. House of Representatives, the House "Ordered that the 4th Monday in May be assigned for the consideration of the exercise of the powers vested in Congress by the 5th article of the constitution, relative to amendments" (DHFFC, X, 409). The next day, Theodorick Bland, a Virginia congressman who had voted against ratifying the Constitution in the state Convention, presented the Virginia application for a general convention to the House. The application was read, and it was ordered that it "be entered on the journal, and carefully preserved by the clerk of this House, among the files in his office." On 6 May, Federalist John Lawrence, a New York member of the U.S. House of Representatives, presented the New York application to the House, and the House took the same action that it had taken on the Virginia application (DHFFC, III, 47-48, 49-50). On 25 May, on a motion by Madison, consideration of amendments was postponed until 8 June. On that day, Madison presented his amendments, thereby ending any real chance that a second general convention would be summoned.

# New York Assembly Debates, Wednesday, 4 February 1789<sup>1</sup>

The house then went again into committee on the draft of an application to Congress to call a convention to revise and propose amendments to the new constitution.

Mr. [Alexander] Webster in the chair.

The following draft of an application to Congress was read.

*Resolved* (if the honorable the senate concur herein) that an application be made to the Congress of the United States of America in the name and behalf of the legislature of this state, in the words following, to wit

The people of the state of New-York having ratified the constitution agreed on the 17th September, 1787, by the convention then assembled at Philadelphia, as explained by the said ratification, in the fullest confidence of obtaining a revision of the several articles of the said constitution by a general convention. In compliance, therefore, with the

unanimous sense of the convention of this state, who all united in opinion, that such a revision was necessary to recommend the said constitution to the approbation and support of a numerous body of their constituents, and a majority of whom conceived the constitution so exceptionable that nothing but such confidence, and an invincible reluctance to separate from our sister states could have prevailed upon a sufficient number to assent to it without stipulating for previous amendments, and from a conviction that the apprehensions or discontents which those articles occasion, cannot be removed or allayed, unless an act to revise the said constitution be among the first that shall be passed by the new Congress: WE, the legislature of the state of New-York, DO, in behalf of our constituents, in the most earnest and solemn manner, make this application to the Congress, that a convention of deputies from the several states be immediately called, with full power to take the said constitution into their consideration, and to report such amendments thereto as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

BROCKHOLST LIVINGSTON. I do not rise, Mr. Chairman, to oppose an application to Congress for a revision of the new Constitution, but to state my objections to its being made in the form of the resolution now under consideration. I must, however, be indulged in declaring that when I give my assent to making any application to Congress upon this subject, it is not from a conviction that any amendments whatever are necessary. I consider the constitution as perfect as we could reasonably have expected it from the hands of men. But as a revision of the system will have a tendency to render it more universally acceptable, it may not be improper to take some measures on our part to obtain it in a constitutional way. It is with us to determine in what mode this revision should be had, so as to promote the salutary ends we all have in view.

Sir, the constitution of the United States provides that amendments may be obtained either by Congress proposing them to the legislatures of the different states, or by calling a new convention for the purpose. Will it not then be prudent to leave it to the discretion of Congress to determine which of these two modes will be best calculated to answer the end the resolution has in view, and not to insist on their calling a convention immediately?

Conventions are assemblies which should as seldom as possible be resorted to, where the ordinary administration is adequate to the object. Here the government are vested with powers expressly comprehending the present case. Is there any danger that these powers will not be called into exercise if the public good requires it? Of whom will Congress be composed? Are not the senators chosen by the different state legislatures, and the other branch by the people themselves? Will they not be acquainted with the sentiments and wishes of their constituents? Will they not feel every obligation, as well as inclination, to pursue such measures as will best accord with those sentiments and wishes? From an assembly thus constituted, may we not expect that the proper amendments will be proposed as soon as possible after their first meeting? To whom are these amendments to be submitted? To the legislatures of the several states, who will doubtless ratify such of them as in their estimation will be acceptable to their constituents. This mode of proceeding is attended with fewer embarrassments, and will take up much less time, than what must necessarily elapse before a convention can be assembled; the result of whose deliberations (should they ever agree) must undergo the same discussion as those which may be proposed by Congress. Should Congress believe a majority of the people wish for amendments, it is probable that the legislature of this state, at their very next meeting, may be employed in deliberating on some of their proposing—while, from the time that must unavoidably transpire in the summoning and meeting of a convention, the advocates for amendments can scarcely flatter themselves with a speedy revision of the system in that way.

But delay is not the only inconvenience attendant on a new convention. Dangers of a more serious nature are to be apprehended. It is well known that this state, as well as some others, are divided into two parties, federal and antifederal. These terms are not used with a view of casting an odium on the one or the other; but because I do not recollect any other term that is so generally applied, or is better understood. Gentlemen have been blamed for mentioning that parties exist in the state; but when the notoriety of the fact renders concealment impossible, and when pertinent arguments may be drawn from the present situation of the country, where can be the impropriety in taking notice of it. If then parties exist, what will be their conduct in the case of a convention? Will not federalists choose federalists; and those of an opposite character, send members possessing the same sentiments with themselves? Will members thus chosen feel all that independence of sentiment so essential to a cool and dispassionate consideration of the constitution they are to revise? Will a body composed of such heterogeneous materials, be likely to accord in any one amendment? Will not the same spirit of party which influenced their election, continue to actuate the different members of the convention, until they are compelled to return home, without effecting any alteration in the new system of government? Should this be the case, will all those who

desire amendments feel disposed to acquiesce in that disappointment? We might indeed have expected that this would have been the case, had not an honorable gentleman,<sup>(a)</sup> who was one of the managers in a late conference between the two houses, declared in the presence of both, that he hoped his constituents would never rest satisfied until they had obtained the amendments they desired.<sup>2</sup> This, sir, is going much farther than our convention have gone, and it is to be sincerely hoped that the gentleman may be mistaken in the sentiments he entertains of his constituents. Should these, however, be the real intentions of so respectable a part of the community, and should pains be taken to disseminate them still farther, what are we to expect in case of the convention's rising without proposing amendments, but a civil war? The gentleman who made this declaration may have familiarised himself to such an event. His nerves may be sufficient to meet it, and to carry him through without emotion; but, for my own part, I cannot, while the devastations of the late war are fresh in my memory, but tremble at the idea of a repetition of them.

Having stated some objections to the immediate calling of a convention, I shall offer a resolution by way of amendment to the one which has just been read, by which Congress are left at liberty to call a convention, or to propose amendments in the other way, as they shall think best. The resolution is as follows:

*Resolved*, (if the honourable the senate concur herein[)] that an application be made to the Congress of the United States of America, in the name and behalf of the legislature of the state, in the words following, to wit,

Whereas the convention of the good people of the state of New-York, on the 26th day of July last past, assented to and ratified the Constitution proposed on the 17th day of September, in the year of our Lord 1787, by the Convention then assembled at Philadelphia, in confidence nevertheless, "that the amendments which might be proposed to the said constitution, would receive an early and mature consideration"<sup>3</sup>

And whereas the said convention at the same time agreed to sundry amendments, and in the name and behalf of their constituents, "*enjoined it upon their representatives in Congress to exert all their influence to obtain a ratification of the same in the manner prescribed in the said constitution.*"<sup>4</sup> Therefore, we the representatives of the people of the state of New-York, in senate and assembly convened, in compliance with the sense of our convention, and anxious that the *necessary amendments* may be introduced as soon as possible, do earnestly and in the most solemn manner call upon the Congress of the United States, to take the amendments recommended by our convention, and by those of our sister states, into their "*early and mature consideration*," and to take effectual measures to obtain a ratification of such of them as may be deemed necessary to induce a general confidence in the government, either by proposing the same to the legislatures of the different states, or by calling a convention to meet at a period not far remove[d], agreeable to the manner prescribed by the fifth article of the constitution aforesaid, as the one or the other mode of ratification may to them appear best calculated to promote the peace and welfare of the union.

After reading the resolution Mr. Livingston proce[e]ded.

Sir, In framing this resolution I have followed as nearly as possible the sentiments of our convention as expressed in their instrument of ratification. In one place they express a confidence that the amendment[s] which might be proposed, would receive an early and mature consideration, but are silent as to the mode in which that consideration was to be had; in another part, they enjoin it upon their representatives in Congress, to exert all their influence to obtain a ratification of certain amendments in the manner prescribed in the constitution. Here again, nothing is said of a convention.

I am aware it will be mentioned, that by their circular letter, they have recommended the calling of a convention to all the other states.<sup>5</sup> But, Sir, notwithstanding the respect we entertain for the honorable gentlemen who composed that convention; notwithstanding the gratitude we must all feel for their having ratified a form of government which cannot fail of producing the most solid advantages to our country, yet I trust we shall not think ourselves precluded by the advice contained in this letter, further than as it corresponds with our own ideas of propriety. Far be it from me to censure those who signed that letter,6 yet to prevent its having an undue influence, I shall stand excused for reminding the committee that our convention were chosen for the sole purpose of taking into consideration the new constitution.<sup>7</sup> If we recur to the resolutions under which they acted, we shall find no other authority delegated to them; whatever, therefore, they have done beyond ratifying the constitution, and particularly this letter, must be considered in the light of advice, which we are at liberty to follow or not, as the same may appear expedient or otherwise.

Upon the whole, the amendment which is brought forward is so unexceptionable, that I cannot but hope it will meet with the approbation of the committee. [New York *Daily Advertiser*, 19 February 1789]

SAMUEL JONES. I am not a little surprized at what I have heard. The arguments appear to me to be extraordinary. We are told, in the first place, that it would be improper to call a convention immediately, because there are parties in the states, and that the persons chosen to go

to the convention will be the representatives of those parties. But, the representatives to be chosen in the several states, to represent them in Congress, are not to be men of party; they are to be divested of all those prejudices which have been created since the new constitution has been the subject of political speculation and party rage. Sir, is there not a contradiction in this reasoning? Will not these parties have as much influence in the choice of members of Congress, as in the choice of members of convention? Can this be doubted? Why then are we to look to Congress, as a body in whom party heats and prejudices will be unknown? It is said too, that it is too soon to call a convention-that bad consequences will follow from it, in case they do not come to a happy result; and yet, if we leave it to the new government to propose amendments, notwithstanding every thing will be new to them, and it will be a long time before they get organized, and can take up the subject; yet it is said we shall probably be deliberating on amendments that they shall propose, before even a convention can be called. Really, sir, these arguments have no weight in them-they are fallacious. Again, it is said that the convention of the state did not request that a convention should be called immediately. But, sir, this sentiment is expressed in the ratification; if the gentleman will recur to it, he will find the proposed application conformable thereto. Sir, we need not apprehend that a convention will be called too soon-it will take a long period of time for the new government to get organized; and tho' I have not the smallest doubt of two thirds of the states in the union making an application, yet two years at least will elapse before an act can be passed, and a Convention called. Sir, the arguments of the gentleman, as it respects the ratification of the convention, is not fair; the inference he draws from it is not just. The convention could not, in the instrument of ratification, insist upon the calling of a convention; but if they could, it would not have been prudent in them to have attempted it. But they could express their sentiments in a circular letter, and it is well known that they did this, and unanimously recommended the calling a convention; how far they had a right to do this I submit to the committee, and to the world. And I have not a doubt but their conduct is approved of. Sir, the convention of this state never would have ratified the constitution, if they had not been persuaded that their sister states in the union would have consented to call a convention, and if the circular letter had not been agreed to by both parties. Indeed this may be considered as a condition on which the constitution was ratified. Can it then be expected of us that we will submit to the general government to make the amendments? Was it ever known that the rulers themselves would say, you have trusted us with too much power, we therefore beg of you to take back a part of it? That they may want more power is highly probable; but it is not in the nature of man to suppose that too much confidence is reposed in them; they are never disposed to contemplate an abuse of power which they hold in their own hands. Shall we, therefore, trust to our own rulers to make amendments for us? The reason why there are two modes of obtaining amendments prescribed by the constitution I suppose to be this—it could not be known to the framers of the constitution, whether there was too much power given by it or too little; they therefore prescribed a mode by which Congress might procure more, if in the operation of the government it was found necessary; and they prescribed for the states a mode of restraining the powers of the government, if upon trial it should be found they had given too much. In my opinion, therefore, we ought to call for a convention as the proper line chalked out by the constitution for the people to obtain such amendments as to them appear essential to their happiness.

I am sorry that the sentiments of an individual, who he is I do not know, should be taken up as the sentiments of the people. The sentiments of the convention ought to have the preference; and we ought to pay deference to that sentiment only. The convention have declared a convention of the states to be necessary—even if no amendments are made; it will certainly quiet the apprehensions of a great number of people, and thereby give additional spirit to the new government itself. And, sir, I believe that peace will never be perfectly restored to the United States, until a convention is called, and they either declare that no amendments are necessary, or propose some.

But, sir, with respect to the existence of parties, it is natural, and is to be expected as a consequence resulting from freedom. There are parties in all free governments—at least, I have no knowledge of any in which party did not exist. One will sometimes be strongest—sometimes the other: In our country, which ever may prevail, I hope they will always pursue the great rights of mankind.

JOHN LANSING, JR. In discussing this business, I shall pay some attention to the remarks of the gentleman [Brockholst Livingston] who has brought forward the amendment; and I believe I can convince the committee that it would be improper to adopt it, unless they hold the same ideas as the gentleman himself. If agreed to, it would appear, instead of urging to Congress the necessity of calling a convention, that we did it barely in compliance with the recommendation of the late convention, and that it is repugnant to our own sentiments. The resolution as reported by the committee who were appointed to essay it, declares that the people of the state of New-York wish a convention

called to revise the new system of general government. Sir, we are to believe that the resolution reported by them is the sense of the people, in as much as it is conformable to the unanimous sentiment of the late convention, who were elected by the people for the special purpose of giving their sentiments on that subject-and further, sir, I believe it speaks the sense not only of this house, but of the legislature, and a very great majority of the people of the state. As the convention I say were called to express the sense of the people on the new constitution, we ought to respect their opinion. That convention adopted the constitution, not because they approved of it, but because the pressure of circumstances, and the ratification of it by a number of our sister states, had an influence on a majority of the members of that body. Sir, when the subject was under their consideration, men of all parties-of all descriptions—and all views, united in the opinion that a convention of the states, and the immediate revision of the system was necessary; indeed the unanimity which prevailed in the convention on the subject of the circular letter, is the strongest proof of the sentiments of the people. I am not apprehensive therefore that the sense of our constituents can be conveyed in too strong terms. This being my sentiments, it can not be supposed that I shall advocate the amendment proposed by the gentleman-for it will not in my opinion convey the sentiments of the people of the state. Is it probable that a revision will take place in the mode prescribed by the gentleman? the national government will be a long time making the necessary arrangements-for it is yet to be organized—and they will have a variety of important objects to pay immediate attention to; indeed much more than they can accomplish in two or three years. We are not to suppose that they will abandon all the national objects that will be before them to decide on the different amendments that have been proposed-After all this time expires, and Congress do propose amendments, then they are to go to the states, where another considerable period of time must elapse before three-fourths of the states agree to them. In the one instance we submit the propriety of making amendments to men who are sent, some of them for six years, from home, and who lose that knowledge of the wishes of the people by absence, which men more recently from them, in case of a convention, would naturally possess. Besides, the Congress, if they propose amendments, can only communicate their reasons to their constituents by letter, while if the amendments are made by men sent for the express purpose, when they return from the convention, they can detail more satisfactorily, and explicitly the reasons that operated in favour of such and such amendments-and the people will be able to enter into the views of the convention, and better understand the propriety of acceding to their proposition.

The hon. gentleman [Brockholst Livingston] who has brought forward the amendment is fearful that the convention will be called at too early a day; for my part, I wish it was possible to anticipate the business; for the sooner amendments are made, the better. I should have preferred calling a convention before the meeting of Congress, was it practicable.

Sir, we have heard the word party too often mentioned. I suppose there is a material difference in what is now termed party, than that which originates in particular attachments to particular men-the present division of the people, arising from constitutional causes. One part of them supposing the new constitution a good one and the other supposing it dangerous to their happiness; this is the opinion of the majority of our constituents, as is evidenced by the complexion of this house. The reason why a different sentiment prevails in the senate may be accounted for from this cause; that that branch of the legislature is composed of men not so recently elected by the people; they were most of them chosen at a time when the present political dispute was unthought of; but, sir, this house speaks the sentiments of the people; for the majority of the members have been elected under that influence which is opposed to the new government. I am pained when I make these observations; but I do it to explain the distinctions that prevail at present, and they are such as are founded on fact. But, sir, it is insinuated, that if we do not leave this power with Congress, it will be supposing them not trust worthy. Sir, this is not a fair supposition, for it is impossible for any member to entertain such opinions without knowing of what characters Congress may be composed. But, sir, it is reasonable to expect that Congress will be unwilling to relinquish any of the powers that are given. Mankind are not disposed to give up advantages that they possess; it is easier to give power than to reclaim it. The contest between the two houses clearly proves this principle.

BROCKHOLST LIVINGSTON. I shall be very short in my reply to the remarks of the two gentlemen who were last on the floor. In opposition to the proposed resolution, it is said that Congress will be too much embarrassed by a variety of important business, during their first session to attend to the subject of amendments. In answering this objection it may be asked, whether any more important object can claim their attention than the revision of the very system by which they are constituted, nor will this subject require as much time or avocation from their other concerns, as is apprehended. All the amendments which have been proposed by the different states, will lay before them. From these may be selected and recommended to the different legislatures such as may be deemed the most salutary: But should Congress be of opinion that a majority of their constituents are satisfied with the constitution in its present form, they will certainly act wisely not to recommend any innovations until experience shall have evinced the necessity of them.

Again, it is said, that a majority of the good people of the United States, and of this state in particular, are solicitous for the immediate assembling of a new convention. Was I satisfied of this being the fact, averse as I feel to this mode of obtaining amendments, I should think it my duty to give it every support. But I am yet to be convinced that this is the case: Several states, have unanimously ratified the new constitution, others have done it by very large majorities, without saying a syllable upon the subject of amendments, or a new convention; whence then is it to be inferred, that a major part of the people are anxious for this measure. It is by no means certain that a majority of our immediate constituents think it expedient.

One other remark which escaped those gentlemen ought not to pass unnoticed. They both observed that the new constitution would probably not have been adopted by our convention, unless the gentlemen who had from the first advocated this measure, had consented to sign the circular letter. If this information be true, (and it certainly is, for it comes from two gentlemen who had the honor of being members of that convention) it militates much against the attention which ought otherwise to be paid to a proceeding which had the appearance of being adopted with so much unanimity. If I say this letter was the result of compromise or compulsion, surely as much credit is not due to it, as if every member had signed it voluntarily and without any other consideration than a conviction of its being an eligible step. This was so far from being the case, that several gentlemen, whose names appear to that letter, from the information which has been given the committee, seem to have been placed in such a situation as to have no alternative but that of signing the letter or losing the constitution. They preferred the former as the least of the two evils. The respect we were all ready to pay to the unanimous recommendation of our convention, must be much weakened now we are informed by what means this unanimity was effected.

I shall make but one observation more. The proposed resolution goes much farther than the circular letter of our convention. By the latter it is recommended that a convention meet at *a period not far remote.*<sup>8</sup> By the application before us, we desire a convention may be assembled *immediately*. There is a very great and manifest difference between these terms. From this guarded expression of our convention

we may conclude, that while they wished measures might be immediately taken to *call* a convention to satisfy a part of their constituents, they did not judge it expedient that this convention should assemble until experience had pointed out the defects of the new system, and therefore fixed the time of their meeting to *a period not far remote*. [New York *Daily Advertiser*, 21 February 1789]

SAMUEL JONES. With respect to the circular letter, I have no recollection if I said they were compelled to sign it. I think that I did not say so. The fact is, they were not compelled to sign it. The friends of the constitution dictated it themselves. There are some of the members in both houses who were of that convention<sup>9</sup>—let them declare the fact.

JOHN LANSING, JR. If I conveyed an idea that there was compulsion in the framing of the circular letter, it was what I did not intend—nor do I believe I did express a sentiment of the kind. Sir, I said that the change that took place between the time of election and the time of ratification, had an influence on a majority of the convention to ratify the constitution—tho' it did not alter their sentiments in respect to the merits of it. The question then was, how were they to shew the disapprobation of the state on the subject?—and all parties agreed in the measure of writing a circular letter, inviting our sister states to join with us to effect a revision of the system;—the better to secure the liberties of the people.

WILLIAM W. GILBERT.<sup>10</sup> I think a great deal of what has been said, is foreign to the subject; the only question before the committee is, whether we shall apply to Congress to call a convention, or whether we shall leave it to them to exercise their discretion, in either calling a convention, or proposing amendments. We are to answer this question, in my opinion, by asking another—Are the proceedings of the convention binding?—if they are binding, are they so in the whole, or in part? For my part I think them binding in the whole; if so, we are bound to respect them, and we have no discretion on the present question—we must vote for calling a convention.

RICHARD HARISON. I feel myself peculiarly circumstanced upon the present occasion. I could wish to have remained silent—but it may be necessary that I give the committee my ideas. I am in sentiment opposed to the amendment offered by the gentleman from New York;— and yet I differ with the gentlemen who oppose it: I shall not however, enter into any argument on the subject, as my sense of amendments to the new constitution will appear on the journals of the convention<sup>11</sup>— and I have hitherto seen no reason to alter my opinion. I think that if the amendments which were proposed in that body were adopted, that

it would defeat the constitution by rendering it useless. But as a member of that convention, when I considered the situation of the state, and the sentiments that prevailed among a great number of the people, and the heats that had taken place, I was induced to think that every measure which could allay the apprehensions of the people, and prevent mischiefs which were then contemplated, ought to be adopted. Under these impressions I signed the circular letter. I was willing that the constitution should be submitted to a convention; not doubting but the good sense of the citizens of America would not rashly make such alterations as would impair its beauty—or enervate any of its essential parts; and that they would weigh well all that could be said for and against it. I am not unwilling, sir, to trust my countrymen; if I am mistaken in my opinion, I will submit to their's. And tho' the constitution is in my opinion as good as can be expected, yet I do not consider it so perfect as not to want improvement; if therefore a convention can point out any alterations tending to promote the happiness of the people, I shall think it my duty to acquiesce. And I must confess that I think the calling of a convention, the only means to restore peace and harmony to our country, and to destroy those parties that exist amongst us;-under this impression I shall vote against the amendment.

Sir, I can not think it right that any invidious comparisons should be drawn between the two houses. I consider both of them as the representatives of the people, with whose sentiments I suppose them equally acquainted. We do not, sir, know what may be the sense of the people, in respect to the proceedings of this legislature; but to the bar of the public the two houses will have to appeal; where, if the conduct of the one or the other is approved of, they will again be sent forward as their representatives. Sir, gentlemen in either house may maintain opposite principles; but it is cruel to suppose they do not originate in pure motives. We are to suppose that both houses act conscientiously.

JOHN LANSING, JR. I believe, sir, that the gentlemen of the committee will recollect the expressions I made; and what I said cannot be construed into an invidious distinction. I stated facts, and they cannot be contradicted. I say, that the last year, when an election was had, that throughout the state, it took a complexion from the sentiments of the people, as they respect the new constitution; and the consequence is, that in this house we have a majority for amendments. I say, too, that the senate, having been elected at an earlier period, do not entertain the same sentiments, and that this difference in the two houses, arises from the senate not having come so recently from the people. When I state these facts, I disclaim any intention of injuring the feelings of the senate. On the question to agree to the amendment proposed by Mr. B. Livingston.

[At this point the roll call was printed. Livingston's motion was defeated 43–9.]

The committee then rose and asked for leave to sit again. [New York *Daily Advertiser*, 23 February 1789]

## (a) Mr. G[ilbert] Livingston

1. The Assembly debates were printed in the New York *Daily Advertiser*, 19, 21, 23 February 1789, and reprinted in the *New York Morning Post*, 21, 23, 24, 25 February.

2. See Gilbert Livingston's speech before a joint conference of both houses on 5 January to consider the amendments to the bill for putting the new Constitution into operation (DHFFE, III, 282–86, especially p. 285). Livingston stated: "Many of the gentlemen present, were likewise members of the late convention of this state, and well know that it was solely a principle of expediency, in *that case* (and which that body had a *right* to judge of) which induced an adoption of the new system, from a conviction that it was the best means to insure the amendments thereto, which were and still are anxiously expected, by a large majority of the people of this state, and who, I trust, will never rest satisfied, till so desirable an end is accomplished."

3. For the precise text, see RCS:N.Y., 2329.

4. See RCS:N.Y., 2330.

5. See RCS:N.Y., 2335-36.

6. The copy of the circular letter appended at the end of the Convention's manuscript journal is signed by Clinton and forty-six delegates. Eighteen delegates did not sign. (See RCS:N.Y., 2337n.)

7. See the resolution authorizing the election of delegates that the New York legislature adopted on 31 January–1 February 1788 (RCS:N.Y., 705–6).

8. See RCS:N.Y., 2336.

9. Of the sixty-five assemblymen elected, thirty had been state Convention delegates, while ten of the twenty-four senators elected had sat in the Convention.

10. Gilbert (1746–1818), a silversmith, served as a New York City alderman, 1783–89, and represented New York in the Assembly, 1788–89, 1791, 1792–93, 1803, 1804–8, and the Southern District in the Senate, 1808–12. In 1803 he was inspector of the New York Prison, and in 1812–13 he sat in the Council of Appointment.

11. Harison refers to the votes he cast on amendments that can be found in the *Convention Journal* printed by Nicholas Power which appeared on 19 August 1788. (See Poughkeepsie *Country Journal*, 1 July, RCS:N.Y., 2361.)

## New York Assembly: Resolution Applying to Congress to Call a General Convention to Amend the Constitution, 5–7 February 1789<sup>1</sup>

State of New York

In Assembly February 5th. 1789. Resolved, if the Honorable the Senate concur therein that an Application be made to the Congress of the United States of America, in the Name and behalf of the Legislature of this State, in the words following, to wit.

The People of the State of New York having ratified the Constitution agreed to on the seventeenth Day of September, in the year of our Lord one thousand seven hundred and eighty seven, by the Convention then Assembled at Philadelphia in the State of Pennsylvania, as explained by the said Ratification in the fullest Confidence of obtaining a Revision of the said Constitution, by a general Convention; and in Confidence that certain powers in and by the said Constitution granted would not be exercised, until a Convention should have been called and Convened for proposing Amendments to the said Constitution. In Compliance therefore, with the Unanimous sense of the Convention of this State, who all united in Opinion, that such a Revision was necessary to recommend the said Constitution to the Approbation and support of a numerous Body of their Constituents; and a Majority of the Members of which conceived several Articles of the Constitution so exceptionable that nothing but such Confidence and an invincible Reluctance to Separate from our Sister States could have prevailed upon a sufficient number to Assent to it, without stipulating for previous Amendments: And from a Conviction that the Apprehensions and Discontents which those Articles occasion cannot be removed or allayed, unless an Act to revise the said Constitution, be among the first that shall be passed by the new Congress: We the Legislature of the State of New York, do in behalf of our Constituents in the most earnest and Solemn manner make this Application to the Congress, that a Convention of Deputies from the several States, be called as early as possible, with full powers to take the said Constitution into their Consideration, and to propose such Amendments thereto, as they shall find best calculated to promote our common Interests, and secure to ourselves and our latest Posterity, the great and unalienable Rights of Mankind.

> By order of the Assembly John Lansing Junr. Speaker

In Senate February 7th 1789 By Order of the Senate Pierre Van Cortlandt Presdt.

1. DS, Executive Communications, Virginia State Library. Docketed: "Letters from the Governors/of/Pensylvania—/New York &/Massachusetts respects/Amendments to fœderal Constitution/N.8/Octo 1789." Other manuscript copies are in the New-York Historical Society, New York Public Library (Emmet Collection), and South Carolina Department of Archives. The resolution was printed in the Journal of the Assembly of the State of New-York, At Their Twelfth Session, Begun and Holden at the City of Albany, the Eleventh Day of December, 1788 (Albany, 1789) (Evans 22008), 106. Newspaper printings and reprintings included the Daily Advertiser, 12 February, New York Packet, 13 February, New York Morning Post, 13 and 21 February, New York Daily Gazette, 13 and 20 February, New York Weekly Museum, 14 February, Lansingburgh Federal Herald, 16 February (short excerpt), New York *Journal*, 19 and 26 February, and in at least thirteen out-of-state newspapers by 11 November 1789: N.H. (1), Mass. (2), R.I. (2), Conn. (1), N.J. (1), Pa. (3), Va. (2), N.C. (1).

### George Clinton to the Governor of the State of Virginia New York, 5 May 1789<sup>1</sup>

## Sir

Pursuant to a concurrent Resolution of the Senate and Assembly I have the Honor to transmit, inclosed, to your Excellency, the Application of our Legislature in Behalf of their Constituents to the Congress on the Subject of Amendments to the Constitution of the United States, And I have to request that you will be pleased to communicate the same to your Legislature

I have the Honor to be with the highest Respect and Esteem Your Excellency's Most Obedient Servant

1. RC, Executive Communications, Virginia State Library. Docketed: "Assembly/Governor Clintons/Letter inclosg/Rēsons of New York Assembly/respectg Amendments to the/fœderal Constitution/Octo 1789." Other copies of the letter are in the North Carolina State Papers, 1788–1789, at Duke University Library, and the South Carolina Archives Department.

## Appendix I Richard Morris: Notes on the Constitution, January–July 1788

New York Chief Justice Richard Morris was the only Federalist delegate who did not vote on the final question to ratify the Constitution in the New York Convention on 26 July. Morris is recorded as speaking briefly in the Convention on seven occasions, and he voted to accept the committee of the whole report on 25 July. No extant letters from Morris have been found. Consequently, Morris's notes are the most substantial record of his opinion of the Constitution. The notes consist of twenty manuscript pages in a small notebook.

Morris's manuscript notebook is in the Morris-Popham Papers at the Library of Congress in a folder of unlabeled notebooks and journals. It is uncertain when or why Morris wrote these notes. A quotation from Constitutional Convention delegates Robert Yates and John Lansing's letter to Governor George Clinton, 21 December 1787, suggests that at least part of Morris's notes were written after 14 January 1788, the day that Yates and Lansing's letter was first printed in newspapers.

federal Legislature

Distinct from Indept of the people—Same In[teres]t as the people a part of the people. their Int. insep[ar]able—while Right of Elect[io]n continues.

Congress no power over it-Power as to time & place or a Delinquent State Defeat

Interest: connect Interest of the Governors with Governed—both Safe Objection to the powers Vested in Congress. if Limited. how prescribe their Bounds. Quantum of tax

Lyberty of press.

Raising Troops.

Consolidation of the States our only Security for Lyby prop[ert]y and Existance as a Nation

### The Supm. Law—

Power of Congress by Constitution Extends only to Matters General in their Nature: in those the Laws of Congress must be Supreme or they are Nothing

The Rights of the people Secured by their Several Constitutions what is not Taken Away by Express words Remains—

Facts—

The Union of the States Little better than Nominal at best imperfect inefficient and precarious—our National Character Contemptible our finances deranged our Resources Exhausted of Course Unable to Satisfy the National Creditorsno Uniform law & System of Justice yet Established Laws in Some of the States Directly or indirectly from the people—

its Oficers hold for a Limited time or During good Behaviour-Objectns. to New Constitution

1st. it is not a Confederation of States but a Goverment of Indivls.

2 the powers of Congress Extend to the Lives the libertys and the property of Every Citizen—

3 The Soveraignty of the differt [states] is ipso facto destroy'd in its most Essential parts-

4 what Remains will only tend to Create Violent dissentions between the State Goverments and Congress and terminate in the Ruin of one or the other—

5. Therefore the Consequence must be Either that the Union will be destroy'd by a Violent Struggle or that their Soveraignty will be swallowed up by Silent Encroachts. into a Universal Aristocracy because it is Clear if two differrent Soveraign powers have a Coequal Command over the purses of the Citizens they will Struggle for the Spoils and the weakest must Eventually yield to the Strongest

6. the Libertys of the people not Secured no Bill of Rights

7 the Soveraignty of the States is not Expressly Reserved The form not the Substance of their Goverment Guaranteed to them by Express Words

8 Tryal By Jury is Abolished in Civil Causes-

9th. the Lyberty of the press is not Secured and the powers of Congress Adequate to its Destruction—

10 Congress have the power of Keeping up a Standg Army in time of peace—

11 the Legislative and Executive are not Kept Seperate

12 the president Genll. and the Senate two Executive Branches have the negative and are intended to Supt Each other—

13 the Represent to[o] Small but 65

14 The Senate so Small it Renders its powers Dangerous—field for Bribery—

15 the president an Elective King the Military and Naval force Entirely at his Disposal.

16 Should the Senate by foreign Influence become devoted to foreign power no Security

17. Rotation in Office Excluded Great men may and will be Contd. in Office for their Lives—

18 Annual Elections Abollished

19 Congress to have the power of fixing time place & Manner of Elections. Keep them Subjected to their Influence—

21. Militia under the Immediate Command of Congress persons under concientious Scruples may be Compd to Bear Arms

22d the new Goverment will be Expensive beyond any yet Experienced—a Burthen beyond the Abilities of the people—

23. a Goverment partakeing of Monarchy and Aristocracy will be fully Established and Lyberty Abolishd

### Answers:

lst. it is more a Government of the people than the present Congress: They Chose by the difft Legislatures the proposed Representation will be Chose by the people therefore more in favour of Lyberty

2d in Every Goverment on Earth the Life Lyberty and property of a Citizen may be forfeited by a Violation of the Laws. and in Such Case only the New Goverment has the power and the tryal for Life must be by jury Except in Cases of impeacht. and in the State where Offence Comtd.

3d it is impracticable to Secure all the Rights of Independant Soveraignty to Each of the States and provide for the Interest and Safety of All by a Feoderal Goverment—Dissention—

4th on the Acct. of Soveraignty can never Happen unless Some State Oppose the Interest of the whole federated State and the Very design of the Government is to Overcome Such Opposition by a Majority thereby insure domestick tranquility provide for Common Defence promote the Genll. Wellfare and Secure the Blessings of Lyberty for these purposes Ever thought Nec[essar]y

[5.] Addll. powers Vested in Congress the principle Object the States had in View in Appointing the Convention—these powers Extend only to Matters Respecting the Common Interest of the Union and are Specially Defined. the States Retain their Soveraignty in all other Matters and those they Exercise by their Representation in the federal Gt.

6. The State Goverments are designed for all purposes whatsoever in the formation of them Reservations might be Necessary the federal Goverment is for federal purposes and its power bounded by the Const. they can derive no power by implicn. had a Bill of Rights Attend[e]d and one Right Omitted they would in that instance Exercise a power not Inten[de]d to be Granted without it Much the safest for the people.

7 the state Soveraignty not incomp[atib]le with the Very Existance of the federal Govt. is Retained and the Rep[ublica]n form of Goverment Guarranteed to Each and Every of the States.

8th. Tryal by Jury is Expressly preservd. in Criminal Cases.

9th. the Lyberty of the press in Each State can only be in Danger from the Laws of that State and it is Every where well secured—Lyberty of press Lyberty of Concience or any other Lyberty that a freeman ought not to be deprived of.

No Govt. can Controul the press.

the people too well informed-

10. no Appropriation of Money for more than 2 Years without Money Army Disband itself—No Standing Army Congress can Raise can Support Despotizm over this Country Every Citizen is a Soldier and the Bulk of them Know their own Rights and can never be strip[p]ed of them

11th. where the whole power of one Department Exercised by the Same hands which possess the whole power of another the Objectn. would be Maintainable—but [- - -] from whom the Gent[leme]n who mean to Sup[por]t this Objectn. drew it, Never meant that the Execte. Legislative and Juditial should have no agency in or Controul over Each other the B[ri]t[ish] constitution was his Guide in the Business. and we All Know they are by No Means totally Sep[ara]te & Dist[inc]t. The King Ex[ecuti]ve Branch. Legislative He makes treatys. The force of Laws. Jud[iciar]y Apptd. by him and Removeable by him on the Address of the 2 Houses. and when he pleases he can Make them his Constitutional Council—the House of Lords the great National council to the Exec[utiv]e and pos[sesse]d also of the Judiciary in Appeal & Imp[eachmen]t

 $12. A \dots^{1}$ 

13. the Congress under new Constitution more Numerous and Safer to the people than the old one 13 Votes only Less if Divided—

14 Regards no Goverment Ever Equall to Vacancies filled ag[reea]ble to the Consn—there is Nothing to fear from this objectn—

15th. Must act in Every Instance by and with the Advice and Consent of Senate Exc[ep]t in Granting Reprieves or pardons.

16. the Country too Extensive too farr Removed for European Intrigue—

17. at Stated periods all Reverts to the people.-

18. frequent Changes are Undoubtedly security. but if too frequent Injur[iou]s

19. if

## Yates & Lansing

our powers were Explicit and Confined to the sole and Express purpose of Revising the Articles of Confederation and Reporting such Alterations and provisions therein as should Render the federal Constitution Adequate to the Exigencies of Goverment and the preservation of the Union<sup>2</sup>

Necessary

1st. to Correct a Negligence in Electns.

2 as it will prevent the Dissolution of the Govermt by Designing and Refractory States—

3 as it will operate in [favor?] of the people agt designs of the federal Senate and their Constituants the state Leg[islatu]res.

4 in Case of Invasion it provides a Remedy when the state may not have it in its power to Appt place

not a well formed Govt that depds on any Distinct or Seperate Govt from itself for its Existance—if this Clause had not been Incerted the Existence of the Democratick Branch of the federal Goverment would have been perfectly in the power of the State Legislatures and Destruction of that Branch would in Effect be the Destruction of the federal Goverment and with it the Union. Unless the [Name?] from this Consideration Alone I make no Doubt Every Gent. must not only See the propriety but the Necessity of the Clause now under Consideration—

Here &c.

but an Atten[tio]n to the Rights of the people will Carry it much farther and Shew that these Rights would be Unsafe without it—the senate one of the Branches of the Legislature of the Govt to Exist under this New Govt. is to be Chose by the Senate and As[semb]ly of the Resp[ective] State and is Undoubtedly the federal Branch of this Govt. the president one other Branch is Chose by Electors Apptd for that purpose by the Legislature of Each State. So far as the interference of the Legislature goes in this Bus[ines]s this Branch may be Called fedll so far as the Electors interference Goes it may be Called national, the other Branch the Assembly is Altogether Democrattical being Elected by the people at Large—and may be Called as the Gentn please a National Consolidd. or Genll

Thus the Senate Represent the Legisl of the Several States and the Assembly the people—the preservation of this Representation to the people is Essential to the preservation of their Lybertys and Rights. for this End the Clause we are now Consdg without it I app[re]h[e]nd Danger Suppose the fedell Representation in the Genll. Govt. meet with Some Embarrasments from the Democratick Branch—one two or three State Legislatures the Constituants of the fedl Bran[c]h Embarrass the Electn. of the Reptvs of the people so as to Leave the weight of Influence in the fedll Branch

1. The ellipses are in the manuscript.

2. This paragraph is quoted from Constitutional Convention delegates Robert Yates and John Lansing, Jr., to Governor George Clinton, 21 December 1787 (RCS:N.Y., 454–59; see especially p. 457). The letter was first printed in the *Daily Advertiser* and *New York Journal* on 14 January 1788, and it was reprinted in six other New York newspapers by 31 January.

## Appendix II Robert R. Livingston on the Constitution, pre-26 July 1788

Robert R. Livingston spoke often and at length in the New York Convention. His papers at the New-York Historical Society include drafts or notes of speeches that he delivered and his notes on the speeches of other delegates. Many of these notes are printed in Part V. Other items are in Mfm:N.Y. This appendix contains two general items that are not specific to any one day. They are: (1) a possible newspaper essay in defense of the Constitution found in the New-York Historical Society, and (2) Livingston's annotations on a copy of the Constitution that is in the William Wilson Papers, Clements Library, University of Michigan.

### Draft of a Possible Newspaper Essay in Defense of the Constitution<sup>1</sup>

It was my fortune not long since at an [inn] where I put up for the evening to over hear a conversation between three two farmers & the son of a third who had just returned from Yale College & was called by the nei[gh]bourhood to keep a school while he imployed his leisure hours in the study of divinity being designed for the church—The first of them was a man of plain strong understanding [who] had gone thro' the ro[u]tine of district & county offices & during the war (being a staunch whig) had been a member of several committees & for some time of the state convention—The third our Landlord was a character very common in town & country a man who had no fixed & determinate principles in politicks but was disposed rather to catch at the weak side of an argument a cause & to acquire consequence by supporting it sometimes against his better Judgmt. retailing the arguments which men equally interested & more ingeneous suggested to him-As I have forgot his real name I will in retailing this conversation call him [--]—He kept the Inn at which we were

A. I come now neighbour agreeably to my promise to hear your objections to the new constitution & to tell you honestly what I think about them And I am very glad the master happens to be here because in doubtful points it will be very well to appeal to history & ask what other nations have done on similar occasions—And young as he is, he has had advantages which you & I neighbour Landlord have wanted & can inform us both—

L: Aye aye the young man is very well learned many a bushel of grain has cost his father to keep him at college—I wish his learning may bring him half as much back—Now for my part I chuseA: Stop neibour Landlord we have a great field before us if you are half as ingeneous in making objections as Mr. Smily or findly or Cato<sup>2</sup> & others that I have seen in the paper we shall hardly have time to consider them so the sooner you begin the better—

N: Well well I was only going to tell you how I mean to bring up my boy—but you say that is no matter now—will go on (to the business in hand.

All this I admit & acknowledge further that almost any government is to be preferred to disunion-but still I object first because as the new government proposes to swallow up all the other governments & extend itself from one end of this continent to the other now this continent is ten times bigger than any other kingdom in the world & as Mr. Wilson<sup>3</sup> says can not be fit for so lax a government as a republic[.] it must as such be governed by an arbitrary monarch & thus our Liberties be lost by our union. This objection is a serious one & deserves consideration & yet it seems to me if the facts you mention are truly stated it must apply equaly to our present form of government & may be urged agt any attempt to unite us—your reasoning if I understand it, is that extensive countrys require vigorous governments—That dispotic governments are most vigorous & therefore [that?] extensive governments must be despotic-supposing these observations to be just the more vigorous a government is, the fitter it is for an extensive country—now as the new government is much more vigorous than the present confederation it must follow that it is better adapted to an extensive country—And I foresee from your setting out that you intend to quit the beaten track)<sup>4</sup> which the Antifederalists have taken & mean to object to the new government because it is too weak to preserve the union—for I have too good an opinion thou[gh]t better too of your un[der]standing than to believe that you will in the same breath say that union is necessary to our safety-that a vigorous government is necessary to our union-that the one proposed is not sufficiently vigorous to preserve that union—And yet that it is [i.e., its] powers are too extensive—in other words that it is too vigorous—

L: Stop my friend I have not said that the United States are too large for an alliance or union between themselves while they preserve their respective governments my argument is that the new government may in time over throw the state government & that the country will then be too large to be governed as a republick—

[In the left margin opposite the second half of the above paragraph is written: "I do not see its application for it appears to me that the new government in no wise tends to destroy the state governments but admitting for a moment that it does is your reasoning only—"] N[:] I take your argument but I confess it impresses more strongly on my mind the necessity of the new government—If great powers are necessary to rule an extensive country where the laws manners & customs are uniform—where there is no distinct or interfering power—I say much greater powers are necessary to keep together 13 States whose laws Interest & manners are distinct, who each form separate communities united under separate heads & possessed of an independant wealth & power—This observation Strikes me with so much force that I wish to know of the master whether he recollects any instance of a league or alliance between distinct nations that ever has been preserved—

S:M: Having often since the new government has been spoken of turned my attention to this inquiry I confess that I have been able to fix on no example of a lasting confederacy among distinct states-Greece occupied but a small extent of territory its inhabitants were the most enlightened of the world they were confederated by a common Council they spoke the same language & they professed the same religion—yet as the powers of their general council were extreamly limitted it had not sufficient power force to prevent disentions among those confederates who were perpetually contending with each other for power imbuing their hands in each others blood and at length calling in foreigners to be parties to their disputes were compelled to submit to the yoke—The Lycean league is pointed out by Montesque as the best form for a confederated republic<sup>5</sup>—Of this we have but an imperfect account-but from what we have we may collect that it approached more nearly to a consolidation of the government than a mere confederation-The magistrates being chosen out of the different citys by a majority of voices & the same Judges presiding over the whole—Among the modern confederated republicks there is not one that does not strongly mark the weakness of confederations where the confederacy is not armed with [a?] coercive power—The Swiss Canton are united either by being in the neighbourhood of their old master whom they dread—the extreme poverty of their country which leaves them few object[s] to contend with each other about & the alliances with foreign powers which they have *separately made* to guarantee their independance—& yet under all these favourable circumstances their wars with each other are long have been violent & bloody. & their connection with each other is so weak that they owe their freedom merely to their poverty & the jealousy of other powers with [which] they are allied than to their own form of confederation-The United Netherlands were also of distinct republicks possessing however a common council a common treasury & a common military establishment & a common executive & yet we find that they have not been able to

preserve themselves from such desentions as have justified the calling in of a foreign power at whose mercy they now are—who may in favor of his brother in law<sup>6</sup> unless the other powers of Europe shd. interpose, establish a monarchical governmt upon the ruins of their republic-To these I might add the example of Germany which is also a confederacy under a common head & that too a powerful monarchical onebut as each member of that confederacy is independant they avail themselves in defiance of the principles of their union of that independancy to cut each others throats as often as their individual interests or caprice prompts them to it & it is perhaps difficult to find a country in which the people are equaly brave industrious & enlightened & yet unequaly unhappy—These examples induce me to think with you that much stronger powers are necessary to preserve the union of *confeder*ated States than to preserve tranquility in a country of the same extent where no member of the state had any claim to separate & independant interest but all were melted down into one common republic—So that my landlord must agree that a large an extensive country may safely form a large republic or he must acknowledge that a union of distinct republicks can not exist under a republican form head in an extensive country—And as a further consequence of this position he must either consent that we have no union, & leave us patiently submit to all the horrors of constant dissentions and all the miseries that await upon the ruin of the commerce among ourselves-poverty & weakness at home & contempt & embarrmts indignities from abroad & poverty weakness & all the horrors of internal disentions at home—or he must consent to a government which shd not in his opinion be less energetick than a monarchy

A[:] While you have been speaking it occured to me to ask whether the united states even supposing they were settled from one extream to the other were so extensive as our Landlord imagined but I recollect this question has been already answered & it has been shown in some publication of the papers that they were but little larger than some kingdoms in Europe & not  $\frac{1}{2}$  so extensive

M: It is certain they are half not near so extensive as the Roman empire was which extended over embraced a great part of Europe & considerable dominions in Asia & Affrica & three quarters of Europe — & contained according to my calculation above six times the extent of country claimed by the united States—the Turkish empire that of the Mogul & China are considerably larger But this is little to the purpose except to Shew how hastily my friend has taken up an erroneous opinion is taken up & how readily reasons formed

A[:] It may be worth while however to ask whether it is time that an extensive empire can not be governed by safely formed into a free republic?—for my own part tho I have seen the contrary opinion maintained repeatedly over & over again I never have heard it supported by arguments that had the least weight—The great argumt advanced by them is that individuals will become rich & by their wealth attain power subversive of the common government—If by this is meant that small republicks will shut out their members from the acquisition of wealththat the contempt in which they are held abroad [that the monarchy or friends?] of faction—at home will render the members of the community poor it may possibly be true but I believe none of us opposes the new government because it will give us wealth & ease at home, & respectability & consequence abroad—If not then we must allow that the individual may acquire as much wealth by commerce as principal source in a small republic as in a large one-Now it is obvious that wealth will give more influence in a small state than in a large one because the wealth of each individual bears a smaller proportion to the wealth of the whole community & because combinations of wealthy men will be more difficult in proportion to their number & distance from each other—A rich merchant in Rhode Island may purchase influence the votes of half the State but what would his influence be in Virginia or South Carolina—this argument then instead of proving what it is brought to support, militates in favor of an extensive republic as less exposed to danger from the influence of wealth than a small one-Every other argument which suggests itself to my weak understanding goes to the same point & convinces me that there is no government so well fitted for an extensive empire as a free republic & that the reason why republican governments have not answered the end proposed so often failed was because they were circumscribed in their limmits—

S: M: I shall be very happy to hear this position supported. For the contrary having been asserted (tho not indeed maintained) by the great Montesque<sup>7</sup> it has always been laid down as an axiom from which no politician has dared to differ—

A: Here master our Landlord & I we farmers have a great advantage over you scholars—We think for our selves & you let other people think for you—For my part I never believed any man (unless he was an appostle or a prophet) who did not shew me reason for what he said— But with the leave of the great Montesque I proceed in my proofs What I have said applies with equal force to power derived from family connections which must be less in the great mass of the people spread over an extended country than in smaller communities—Thus wealth in large republicks than in small ones-because the wealth of each individual bears a smaller proportion to the wealth of the whole community & the extream difficulty of combining the wealth of individuals scattered thro a considerable extent so as to prevent the wealth of one man from opposing that of another-I proceed to shew that nor is the influence of office & family connection to be dreaded in a large republic because tho it cannot be attended on account of this extent of the government with large personal influence & because the power of each officer being precisely marked out by the constitution he can not carry it beyond its due bounds without being checked by the barriers that it imposes & resisted by other officers whose power he usurps-In a Monarchical & more particularly in despotic governments the limmits of office are less defined & a favorite is often invested with the whole power of the Monarch & as often abuses it to the ruin of the subversion of the government—The spread of conquest is not that of a republick No officer will therefore be entrusted with the command of large armies except in case of invasion when the great bulk of the Rep. armies will be [citizens?] interested in the preservation of the republic-from what side then is danger to result to the community what is to destroy the liberties of a free republic whose extent should even exceed that of America—Faction, the momentary madness of the people goaded on by interested leaders have proved the ruin of many small democratic republicks—In a large one as already shewn a representation alone which was unknown to the antients is in some sort a remedy for this evil—but the most effectual that can be applied is to extend the limmits of the republic so that the influence of no man can pervade the whole so that the same freansy may not at once seize upon every part so that there will always be one part extream of the community may serve to check the freansy sudden madness of the other till a few days reflection as is always the case brings them to their senses-& points their resentment to its true object their perfidious leaders-What interest can a free people have in subverting a constitution which not only secures that freedom but in which they themselves compose the sovereignty-

M: There seems to be so much weight in your observations that I should almost subscribe to your sentiments if the subversion of the Roman commonwealth did not serve to refute them & shew that large republicks crumble with their own weight into anarchy & finally terminate in Tyranny—

L: I am very glad that you happen to hit upon the example of Rome for tho I have not read much, yet as the history of Rome comprized at one period that of <sup>1</sup>/<sub>2</sub> the world I have made myself acquainted with its leading <del>character</del> features & as you say that this example alone keeps

you from subscribing to my opinion I shall easily bring you over by shewing that if the example of Rome proves any thing it demonstrates the truth of my assertion to wit that small republicks are neither so secure, lasting or free as larger ones-Rome was in its origin without commerce & so circumscribed in its territory & under the government of warlike powers monarchs was equally lead by its necessities & the nature of its government to extend itself by conquests when it changed its form by the expultion of its tyrants—the people retained their manners & principles both of which together with the [passhion?] of the age & the number of enemies which their past conquests had excited lead them contrary to the true spirit of republicanizm to extend their dominion by arms-It will however be remembered that tho they extended their dominion the limmits of the republic were not extended-It was confined for a long time to the walls of Rome & never extended went beyond a few of the Cities of Italy-So that the republick of Rome was never half so extensive as the republic of Pensilvania-Nor indeed could it be larger as the democratic part of the constitution consisted in an assemblage of the whole body of the Citizens within the walls of Rome They being ignorant of the good We must then View Rome as a Small republic that by force of arms had subdued the greatest part of the acquired extensive dominions which She retained in subjection by large Standing armies-The commanders of these armies were necessarily entrusted with great power & acquired immense wealth by the oppression of the provinces—it is not then to be wondered that these armies composed for the most part of foreigners preferred the interest of their commanders who [enriched?] them to that of a republic in which they had no interest-& conspired with aided them in subverting the constitution—It will not be necessary for me to detail the means by which the Roman republic was subverted it is sufficient to have shewn that it was a very small republic the it possessed large dominions, so that it can afford no arguments to those who maintain that a republick government can not be maintained in an extensive country-But it holds out a striking proof of what has been asserted that a small republic may be more easily subverted than a large one-when we consider that the means used for the corruption of the Citizens was such as could not have been employed in an extensive common wealth Shews, public games & benefactions Largess of corn could never operate upon Citizens who possess a Country of 1300 miles in extent and upon the Idle & indigent inhabitan[t]s of a large [cntry?]—The rich could not combine their views nor could the poor under their influence combine their operation so as to counteract the steady views of good Citizens-

Master[:] I must own that your arguments have fully proved that Rome was not to be considered as a large republic—That its decline was justly to be attributed to causes which could not operate in an extended republic whose battles were fought by citizens & not Slaves or mercenaries-And indeed it would add weight to your argument to consider minutely the means used for the subversion of the Roman Commonwealth which received its death wound from Marius<sup>8</sup> who was a favorite of the people because he was of low extraction & without fortune & opposed to the Senate who[se] power he anihilated & then tyranized over the people that had raised him—enlisting slaves in their army & directing their decrees by an armed banditity under the direction command of Sulpicious<sup>9</sup> who committed more enormities than the most bloody of the succeeding Emperors but still I have one difficulty arising from the form of the government—from whence is it to acquire the energy necessary to enforce its decrees—? When factions distrust the government, can leaders whose power influence depend on their popularity be brought to quel them—or if so inclined what means have they to effect this purpose.

L: This objection applies more forcably to small republicks than large ones because as I have said factions will be more prevalent thus the factions Leaders will more easily combine their operations, So that this does not effect the question so far as it is one between large & small republicks—If you urge it to shew that monarchical governments are more vigorous than republicks, I still deny the position-The force of government consists either in military establishments or in the support that it receives from its own members—A military force sufficient to controul the wishes of the people in the hand of a monarch must shortly render the sovereign despotic-Tho unsafe it would be less dangerous in a republic where it would be composed of Citizens & more particularly if agreeably to the form of such goverments it was composed of Citizens & the commander of it was frequently changed-To this cause it was owing that the Romans maintained large armies for a series of years without endangering their freedom—No vigor would be [---] in the suppressing factions & tumoults in an extensive territory-for if a monarch would be vigilent so to apply it for the preservation of his own power-republican leaders would be equally soif the faction was such as a majority of the people disapproved—in order to maintain their own interests—If on the other hand the party opposed to the government in an *extensive* territory composed the larger part of the community it would be an undeniable evidence of some existing evil which the people were strugling against—And it certainly is to be deemed an advantage rather than a defect of the government that the fear of risking their popularity wd prevent the popular leaders from contending agt it by military force, & the influence of the popular sentiments in an army of Citizens prevented such an abuse—But the idea of governing the Citizens by an army is so repugnant to the principle [---] [---] to that of a monarchical government that it can hardly be supposed to exist except in a pure despotizm in which case this single observation—That tho fear may support a despotizm and an hereditary nobility support a upphold the throne of a limited monarch nothing but good faith & public virtue can give authority or credit to a free republican government republic—These sentiments & others highly worthy the attention of a free people are so strongly enforced in the last circular Letter of our patriotic commander in chief that I can not but recommend it to that particular notice which is justly due to his words & his actions<sup>10</sup>—

Among other national objects which the papers I have mentioned will subject to yr consideration is the making provission for the discharge of such debts as are due to those of our fellow Citizens whose sums have aided to purchase the security we enjoy I have singled these out from the many other debts for the discharge of which you are bound to provide that I ought do them the justice I am now therefore calld upon me to do the line of this State the justice to observe that from the moment they were disbanded to this hour not one among them has been accused of violating our Laws—Their wants have not urged them to the commission of crimes nor their arms rendered them forgetful that they were citizens Such Citizens claim your patronage & protection—

I am sorrey to inform you that our present situation has in some respects enlarged our commercial connection yet that the narrow policy of great Britain has precluded us from their ports in the west indies tho' their commerce & ours were built [on] reciprocal interests—They hope still to derive their former advan[ta]ges from it & by carrying it on in British Vessels only to superadd that of promoting their marine at the expence of ours<sup>11</sup>—This measure is evidently founded upon a belief of our disunion & a persuation that Congress want the means power to lay similar restraints upon their trade or the means of carrying such [customs?] into effect—It becomes your interest and your duty

[Remainder of item missing.]

1. MS, Livingston Papers, NHi.

2. A reference to John Smilie and William Findley, Pennsylvania Antifederalists who signed "The Dissent of the Minority of the Pennsylvania Convention" (CC:353), and to

the Antifederalist essays by "Cato" that the *New York Journal* began to publish on 27 September 1787 (RCS:N.Y., 58-59).

3. See James Wilson's speech in the Pennsylvania Convention on 24 November 1787 (RCS:Pa., 341-42, 352-53).

4. Livingston wrote the following text in the left margin opposite the text in angle brackets: "You have frequently lamented with me the weakness of our present government—You have acknowledged that the union could not longer exist in its present form— That there was no compulsory power over any of the states to make them comply with the terms of it so that some states have not paid a farthing to the common chest for the Six years past—but thrown the whole burthen as they did that of the late war upon others particularly on this State Massachusets Connecticut & Pensilvania You have felt the warmest resentment at the injury done to private creditors-You have acknowledged that without some controuling power over our commerce we can make no treaties for its protection & of course that trade (& husbandry which depends on it) must languish & our present desperation & distress increase—You have for-seen that without such power our mutual jealousies & suspicions must end in [actual?] wars & that at last [the?] weaker states will be tyranized over by the stronger, that foreign powers will be called in to take part in their dispute & that thus this rising empire now by our disunion be one day divided among European despots-in short You have admitted that we had not prospect of peace [Liberty?] or saf[e]ty but in our Union." There is no indication where Livingston intended to insert this text. For the payment of requisitions by the states, see RCS:N.Y., 14, note 4.

5. Montesquieu wrote "Were I to give a model of an excellent confederate republic, I should pitch upon that of Lycia" (*Spirit of Laws*, I, Book IX, Chapter III, 189).

6. A reference to Stadtholder William V, brother-in-law of Frederick William II of Prussia. See RCS:Va., 1088–89, note 8.

7. For the idea that a republic cannot exist over a large territory, see Montesquieu, *Spirit of Laws*, I, Book VIII, Chapter XVI, 177. For the idea that a confederate republic can exist over a large territory, see *ibid.*, Book IX, Chapter I, 185.

8. A reference to Gaius Marius (c. 157–86 B.C.). See, for example, Montesquieu's statement that "... Marius inlisted all sorts of people into his army, and soon after the republic was lost" (*Spirit of Laws*, I, Book XI, Chapter XVIII, 262).

9. A reference to Publius Sulpicius Rufus (c. 124-88 B.C.).

10. See George Washington to the Executives of the States, June 1783 (CC:4).

11. On 2 July 1783 an English order-in-council closed the British West Indies to American vessels, although certain enumerated goods and produce could be shipped in British vessels.

### Robert R. Livingston's Annotation of the Constitution, 17 June-26 July 1788<sup>1</sup>

[Signed at the top] Robert R. Livingston Esqr.

[Article I, section 2, clause 3]

objd to & for following reasons

1. Number at discretion Legislature

2 Inadequate—

amendmt. proposed on other side [of the page]

[On other side] That the number of representatives be fixed at the rate of one for 20000 inhabitants to be ascertained on the principles mentioned in the 2d st: of the 1st. Art: of the constitution untill they amount to 300 after which they shall be apportioned among the States in proportion to the numbers of the Inhabitants of the states respectively & that before the first enumeration be made the several states shall be entitled to chuse double the number of representatives for that purpose mentioned in the constitution

[Article I, section 3, clause 2]

proposed power to recal members & duration only 6 yrs. in 12— [Article I, section 4, clause 1]

Resolved that it is the opinion of this Committee that nothing in this constitution shall authorize &c. in spirit of the Masachusets amendmt.—

Smith proposes an additional am[endmen]t which is that every State Shall be divided into as many districts as there are members to be chosen and that each district shall chuse one Representative out of inhabitants of district—

[On blank page 4]

[I.?] Election Laws altered

Improper ones made

1 law by States.

Reps. elected under those

Conformable Interest—none to change it

- 2 Check by Senate over own [agents?]
- 3. President attentive State interest—
- II. Abuse power—

1 All power liable abuse

Reason giving none—

2 Not supposed no interest—

2 [i.e., 3] Interest not be supposed present case

1. If they wish to extend influence must not be by disgusting States—

2 Impossible suppose circumstances in which genl. or Individual interest promoted—

III Necessity secure eight people agt Legislature-

[Article I, section 6, clause 2]

Amendmt. proposed so as to extend disqualification to *all* offices held under unnited States prohibitg the appointment of any member of either house not only to new Offices but to any office [Article I, section 8, clause 1]

Am[endmen]t No taxes to be laid without refusal or neglect [by] States—no excises unless duties insufficient—no excises on our own manufacturesROBERT R. LIVINGSTON ON THE CONSTITUTION

[Article I, section 8, clause 3] Nor erect exclusive companies [Article I, section 8, clause 11] wt. <sup>3</sup>/<sub>3</sub> each house [Article I, section 8, clause 16] Am[endmen]t Mr Smith. Militia not to be marched out of the state w[i]thout consent Executive—Nor kept out longer than 6 weeks without consent Legislature powers of regulating extend only to the mode of arming & disciplining the same— [Article I, section 8, clause 18] provided-That Congress shall exercise no other powers but such as they enjoy under constitution & that all other powers shall be enjoyed by state-[Article I, section 9, clause 2] Habeas corpus not be suspended for more than six months-[Article I, section 9, clause 3] provided that shall not extend to prevent calling public defaulters to account-[Article I, section 9, clause 4] No direct tax to be laid before census taken & no capitation tax ever Laid-[Article I, section 9, clause 7] provided that the words time to time shall be construed to mean once a year within which period accounts of expenditures shall be laid before respective Legislatures-[Article I, section 9, clause 8] That no person holding any office of trust or proffit in the U States shall accept [Article II, section 1, clause 1] Am[endmen]t 7 yrs. in office then ineligable [Article II, section 2, clause 1] Not command army nor pardon treason—without consent congress [Article II, section 2, clause 2] proposed a council to assist president in appointment of officers this appointment to be made by Congress-to continue in office 4 yearsbe responsible & lyable to impeachment-Shall be natural born subjects or citizens-[Article II, section 3] com[mission]s & writts in name people tested by pres[iden]t or 1st Judge[Article III]

Objn.

1 Does not define powers-

2 Expensive—inconvenient

3 Clashing jurisdiction

4 No court [to] correct errors of supreme court

5 like Star Chamber-

privy counsellors &c. had been

appeal kept bounds-

Am[endmen]t That causes be he[a]rd in State courts wh. right appeal to supreme

Court errors constituted by occasional commission to correct errors of supreme court where they have original jurisdiction—

Resolved That appeals from courts of common Law are to be by writts of error & not otherwise—

Judge Supreme court hold no other office under US. or either of them

[On blank page 14]

Mr Smith

objs. that all questions arising between State & US. the genl Judicial is to determine—

Does not know what meant by *equity*—

Supreme court byassed in favor genl govt.

[Opposite Article V but applies to Article VI, clause 2]

Am[endmen]t That no treaty shall abrogate Law of the United States or alter the constitution of a particular State

[Article VI, clause 3]

Am[endmen]t That officers united States be bound by oath not to infringe constitution particular States

1. Annotated pamphlet (Evans 21524), William Wilson Papers, Clements Library, University of Michigan. For the publication of this pamphlet, see RCS:N.Y., 47. The even numbered pages from 2 through 16 are blank.

2548

# Appendix III A Real Federalist Albany Register, 5 January 1789 (Supplement)

After the publication of Francis Childs's *Convention Debates* on 16 December 1788, "A Real Federalist" complained that the *Debates* were biased against "the advocates for Amendments." He declared that he was taking "the liberty to publish [i.e., make known], for the information of the people ... a Speech, which was actually prepared and intended to have been made by an Honorable Member in the Convention." "A Real Federalist" suggested that Childs might publish the speech "as an appendix" to his published *Debates*. Childs probably read the "Speech" in the *Albany Register* since he was in Albany taking notes of the legislative debates for publication in his *Daily Advertiser*. Childs, however, did not print a second edition of the *Debates*, nor did he reprint the "Speech" in any other venue.

"A Real Federalist" did not identify either the New York Convention delegate who intended to deliver the speech nor the day on which it was to be delivered. In fact, the speech could have been a ploy to publish an Antifederal essay. The speech and the preface by "A Real Federalist" were reprinted in installments by the *Country Journal*, 20, 27 January 1789, and by the Philadelphia *Independent Gazetteer*, 23, 25 February and 4 March.

In the 1820s and 1830s, Jonathan Elliot, the editor of a multivolume edition of the debates of the state ratifying conventions, discovered the "Speech" and published it under 2 July 1788, the last day in which Childs published full debates. Elliot attributed the speech to Antifederalist delegate Thomas Tredwell of Suffolk County, a strong proponent of amendments in the Convention who voted against ratification of the Constitution. Elliot offered no explanation for his identification of Tredwell nor did he give any reason for placing the speech under 2 July. Perhaps, Elliot chose 2 July because the next day Antifederalists proposed a large number of amendments, two of them submitted by Tredwell. (The amendments concerned Article I, sections 8 and 9 of the Constitution, both alluded to in the speech.) Tredwell could have submitted the speech for publication in the Albany Register because he was in Albany representing the Southern District in the state Senate. Another possible author of the speech could have been John Lansing, Jr., the mayor of Albany, who drafted several plans of amendments in the New York Convention. Furthermore, Lansing had revised his speeches for Childs's Debates, and perhaps he had not gotten the speech ready in time for publication in the Debates.

For the publication of Francis Childs's *Debates* and the response to it, see "Francis Childs and the Printed Convention Debates," 16 December 1788–23 February 1789 (VII–B, above).

Messrs. Printers,<sup>1</sup> Having constantly attended the late Convention of this state during its sitting, my curiosity led me to an attentive perusal of the Debates of that Honorable body, published by Mr. Childs for the amusement of the public and the promotion of that cause, which, by a strange abuse of language, has been termed *Federal.*<sup>2</sup> As those debates,

as published, furnish several instances in which both sense and diction have been most wantonly perverted-others in which arguments are stated in a much more plausible manner than that in which they were delivered-not a few in which, from prudential motives, the whole sentiment has been suppressed—and some in which there are cogent reasons to suppose that speeches prepared for and intended to have been delivered in the Convention, but which never were, had, perhaps by the inadvertence of the authors been handed to Mr. Childs with those which had been actually made, and, in his great zeal, introduced by him in his compilation-and as the advocates for Amendments have not been on such a footing with Mr. Childs as to have common justice extended to them, I take the liberty to publish, for the information of the people of the United States, a Speech, which was actually prepared and intended to have been made by an Honorable Member in the Convention; which Mr. Childs, if he pleases, may annex as an appendix to his pamphlet.

## A REAL FEDERALIST.

Mr. CHAIRMAN, Little accustomed to speak in public, and always inclining, in such an assembly as this, rather to be a hearer than a speaker, on a less important occasion than the present I should have contented myself with a silent vote: But when I consider the nature of this dispute, that it is a contest, not so much between little states and great states (as we have been told), as between little folks and great folks; between patriotism and ambition; between freedom and power; not so much between the navigating states and the non-navigating states, as between navigating and non-navigating individuals (for not one of the amendments we contend for has the least reference to the clashing interests of states): When I consider likewise that a people jealous of their liberties, and strongly attached to freedom, have reposed so entire a confidence in this assembly, that upon our determination depends their future enjoyment of those invaluable rights and privileges, which they have so lately and so gallantly defended at every risque and expence both of life and property, it appears to me so interesting and important, that I cannot be totally silent upon the occasion, lest lisping babes may be taught for ages to come to curse my name, as a betrayer of their freedom and happiness.<sup>3</sup>

The Gentleman, who first opened this debate,<sup>4</sup> did, with an emphasis, which I believe convinced every one present of the propriety of the advice, urge[d] the necessity of proceeding in our deliberations on this important subject coolly and dispassionately. With how much candor this advice was given, appears from the subsequent parts of a long speech,

and from several subsequent speeches, almost totally addressed to our fears.

The people of New-Jersey and Connecticut are so exceedingly exasperated against us, that, totally regardless of their own preservation, they will take the two rivers of Connecticut and Delaware by their extremities, and, by dragging them over our country, will, with a sweeping deluge, wash us all into the Hudson, leaving neither house or inhabitant behind them: But if this event should not happen, doubtless the Vermonteers, with the British and Tories, our natural enemies, would, by bringing down upon us the great Lake Ontario, sweep hills and mountains, houses and inhabitants, in one large flota into the Atlantic.<sup>5</sup>

These, Sir, indeed would be terrible calamities; but, terrible as they are, they are not to be compared with the havocs and desolations of tyranny. The arbitrary courts of Philip in the Netherlands, in which life and property were daily confiscated without a jury, occasioned as much misery, and a more rapid depopulation of the provinces, before the people took up arms in their own defence, than all the armies of that haughty Monarch were able to effect afterwards:<sup>6</sup> And it is doubtful in my mind whether governments, by abusing their powers, have not occasioned as much misery and distress, and nearly as great devastations of the human species, as all the wars that have happened since Milton's battle of the Angels to the present day.<sup>7</sup>

The design of government is the safety, peace and welfare of the governed; unwise therefore, and absurd in the highest degree, would be the conduct of that people, who, in forming a government, should give to their rulers power to destroy themselves and their property, and thereby defeat the very purposes of their institution; or, in other words, who should give unlimited power to their rulers, and not retain in their own hands the means of their own preservation.

The first governments in the world were the parental, the powers of which were restricted only by the laws of nature; and doubtless the early succeeding governments were formed upon the same plan, which we may suppose answered tolerably well in the first ages of the world, while the moral sense was strong, and the laws of nature well understood, there being then no lawyers to explain them away. But in after times, when Kings became great and courts became crouded, it was discovered that to govern meant a right to tyrannize, and to rule, a power to oppress; and at the present day, when the jurisperiti<sup>8</sup> are become so skilful in their profession, and quibbling is reduced to a science, it is become extremely difficult to form a constitution which will secure liberty and happiness to the people, or laws under which property is safe; hence, in modern times, the design of a people in forming a

constitution of government, is not so much to give powers to their rulers, as to guard against their abuse of them.

Sir, I introduce these observations to combat certain principles, which have been daily and confidently advanced by the favorers of the present Constitution, and which appear to me to be totally indefensible.

The first and grand leading, or rather misleading principle in this debate, and which the advocates for this system of unrestricted powers must chiefly depend upon for its support, is, that in forming a Constitution, whatever powers are not expressly granted or given to the government are reserved to the people; or that rulers cannot exercise any powers, but those expressly given to them by the Constitution.

Let me ask the Gentlemen who advance this principle whether the commission of a Roman dictator, which was in these few words, "To take care that the state receives no harm,"<sup>9</sup> does not come up fully to their ideas of an energetic government? or, whether an invitation from a people to one or more persons, to come and rule over them would not cloath the rulers with sufficient powers? If so, the principle they advance is a false one.

Besides, the absurdity of this principle will obviously appear when we consider the great variety of objects to which the powers of Government must necessarily extend, and that an express enumeration of them all, would probably fill as many volumes, as Poole's Synopsis of the Critics,<sup>10</sup> or Van Sweeten's Commentaries on Boerhaeve:11 But we may reason with sufficient certainty upon this subject, from the sense of all the public bodies in these United States who have had occasion to form new Constitutions; they have uniformly acted upon a directly contrary principle, not only in forming the State Constitutions and the old Confederation, but also in forming this very Constitution; for do we not find in every state constitution express reservations made in favor of the people?<sup>12</sup> and in the old Confederation a clause, reserving to the several states all the powers, not therein expressly given to Congress?<sup>13</sup> And it is clear, that the late Convention at Philadelphia, whatever might have been the sentiments of some of its members, did not adopt the principle; for they have made certain reservations and restrictions, which upon that principle would have been totally useless and unnecessary: and can it be supposed that that wise body, whose only apology for the great ambiguity of many parts of that performance, and the total omission of some things, which many esteem as essential to the security of liberty, was a great desire of brevity, should so far sacrifice that great and important object, as to insert a number of provisions which they esteemed totally useless? Why is it said that the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion

or invasion the public safety may require it? What clause in the Constitution, except it be this very clause itself, gives the general Government a power to deprive us of that great privilege so sacredly secured to us by our state Constitutions? Why is it provided that no bill of attainder shall be passed, or that no title of nobility shall be granted? Are there any clauses in the Constitution extending the powers of the general Government to these objects? Some Gentlemen say, that these though not necessary, were inserted for the greater caution.—I could have wished, Sir, that as great caution had been used in securing to us the freedom of election, a sufficient and responsible representation, the freedom of the press, and the trial by jury both in civil and criminal cases; these, Sir, are the rocks on which the foundations of this Constitution should have rested, no other foundation can any man lay, which will secure the sacred temple of freedom against the power of the great, the undermining arts of ambition, and the blasts of profane scoffers, for such there will be in every age, who will tell us that all religion is vain, that is, that our political creeds, which have been handed down to us by our forefathers, as sacredly as our bibles, and for which more of them have suffered Martyrdom, than for the creed of the Apostles,<sup>14</sup> are all nonsense; who will tell us that paper constitutions are mere paper; and that parchment is but parchment; that jealousy of our rulers is a sin, &c. I could have wished also that sufficient caution had been used to have secured to us our religious liberties, and to have prevented the general government from tyrannizing over our consciences by a religious establishment, a tyranny of all others the most dreadful; and which will assuredly be exercised, whenever it shall be thought necessary for the promotion & support of their political measures. It is ardently to be wished, Sir, that these and other invaluable rights of freemen, had been as cautiously secured, as the paltry local interests of some of the individual states. But it appears to me that in forming this Constitution, we have run into the same error which the Lawyers and Pharisees were charged with of old; i.e. while we have secured the tythes of mint and anise and cumin, we have neglected the weightier matters of the law, judgment, mercy & faith.<sup>15</sup>

Have we not neglected to secure to ourselves the weighty matter of judgment or justice, by empowering the general Government to establish one supreme, and as many inferior courts as they please, whose proceedings they have a right to fix and regulate as they shall think fit: so that we are ignorant, whether they will be according to the common, the civil, the Jewish or the Turkish law?

What better provision have we made for mercy, when a man for ignorantly passing a counterfeit continental note or bill of credit, is liable to be dragged to a distant county, two or three hundred miles from home, deprived of the support and assistance of friends, to be tried by a strange jury ignorant of his character, ignorant of the character of the witnesses, unable to contradict any false testimony brought against him by their own knowledge of facts, and with whom the prisoner being unacquainted, he must be deprived totally of the benefit of his challenges;<sup>16</sup> and besides all this, he may be exposed to lose his life merely for want of property, to carry his witnesses to such a distance. And after all this solemn farce and mockery of a trial by jury, if they should acquit him, it will require more ingenuity than I am master of to shew, that he does not still hold his life at the will and pleasure of the supreme court, and consequently depend upon the tender mercies, perhaps of the wicked (for judges may be wicked) and what those tender mercies are I need not tell you, you may read them in the history of the Star Chamber Court in England, and in the Courts of Philip,<sup>17</sup> and in your Bibles.

This brings me to the third and last weighty matter mentioned in the text, to wit, faith. The word faith may be with great propriety applied to the articles of our political creed; which it is absolutely necessary should be kept pure and uncorrupted, if we mean to preserve the liberties of our country and the inestimable blessings of a free Government.

And, Sir, I cannot but be seriously alarmed on this head, when I hear, as has frequently been the case during the present discussion, gentlemen of the first rank and abilities, openly opposing some of the essential principles of freedom, and endeavoring by the most ingenious sophistry, and the still more powerful weapons of ridicule, to shake or corrupt our faith therein-have we not been told, "that if Government is but properly organized, and the powers suitably distributed among the several members, it is unnecessary to provide any other security, against the abuse of power? that power thus distributed needs no check, no restrictions?" Is this, Sir, a Whig Principle? does not every Constitution on the Continent contradict this position? Why are we told that all restrictions of powers are found to be inconvenient; that we ought to put unlimited confidence in our rulers; that it is not our duty to be jealous of men in power? Have we not had the idea of an aristocracy in a country, an idea founded on invariable experience, openly ridiculed?

What the design of the preachers on this occasion is, I will not pretend to determine; far be it from me to judge men's hearts, but thus much I can say from the best authority, that they are deceitful above all things and desperately wicked: but whatever be the design of the preachers, the tendency of the doctrines is clear: they tend to corrupt our political faith; to take us off our guard, and to lull to sleep that jealousy, which we are told by all writers, and it is proved by all experience, is essentially necessary for the preservation of freedom.

But notwithstanding the strongest assertions that there are no wolves in our country, yet, if we should see their footsteps in every path, we should be very credulous and unwise to trust our flocks abroad, or to believe that those who advised us to do it were very anxious for their preservation.

In this constitution, sir, we have departed widely from the principles and political faith of 76, when the spirit of liberty ran high, and danger put a curb on ambition. Here we find no security for the rights of individuals; no security for the existence of our state governments: here is no bill of rights, no proper restrictions of power: our lives, our property and our consciences are left wholly at the mercy of the legislature, and the powers of the judicial may be extended to any degree short of almighty.

Sir, in this Constitution we have not only neglected, we have done worse; we have openly violated our faith, that is, our public faith. The seventh article, which is in these words, "The ratification of the Conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same," is so flagrant a violation of the public faith of these states, so solemnly pledged to each other in the Confederation,<sup>18</sup> as it makes me tremble to think of; for however lightly some may esteem *paper* and *parchment* Constitutions, they are recorded, Sir, in that high Court of Appeals, the Judge of which will do right; and I am confident, that no such violation of public faith ever did, or ever will go unpunished.

The plan of the Federal Town, Sir, departs from every principle of Freedom, as distant as the two polar stars from each other: for the subjecting the inhabitants of that district to the exclusive legislation of Congress, in whose appointment they have no share, or vote, is laying a foundation on which may be erected as complete a tyranny as can be found in the eastern world, nor do I see how this evil can possibly be prevented without razing its very foundations. How dangerous this city may be, and what its operations on the general Liberties of this country, time alone must discover; but I pray God it may not prove to this western world, what the city of Rome, enjoying a similar Constitution, did to the eastern.

There is another clause, Sir, in this Constitution, which, though there is no prospect of getting it amended,<sup>19</sup> I think ought not to be passed over in silence, lest such silence may be construed into a tacit approbation: I mean the clause which restricts the general Government from putting a stop for a number of years to a commerce, which is a stain to the character of any civilized nation, and has already blackened half the plains of America with a race of wretches, made so by our cruel policy and avarice, and which appears to me to be clearly repugnant to every principle of humanity, morality, religion and good policy.

There are other objections to this Constitution, which are weighty and unanswerable; but they have been so clearly stated, and so fully debated in the course of this discussion, that it would be an unjustifiable intrusion on the patience of the Committee [of the Whole] to repeat them: I shall therefore content myself with a few observations on its general plan and tendency.

We are told that this is a federal government. I think, Sir, there is as much propriety in the name, as in that which its advocates assume, and no more. It is, in my idea, as complete a consolidation as the government of this state, in which legislative powers to a certain extent are exercised by the several towns and corporations. The sole difference between a state government under this Constitution, and a corporation under the state government, is, that a state being more extensive than a town, its powers are likewise proportionably extended; but neither of them enjoy the least share of sovereignty: For let me ask, what is a state government, what sovereignty-what power is left to it, when the control of every source of revenue, and the total command of the militia, are given to the general government? That power that can command both the property and the persons of the community is the sovereign, and the sole sovereign; the idea of two distinct sovereigns in the same country, separately possessed of sovereign or supreme power, at the same time, is as supreme an absurdity as that two distinct separate circles can be bounded by exactly the same circumference. This Sir, is demonstration, and from it I would draw one corollary, which I think clearly follows, altho' it is in favor of the Constitution, to wit, that at least that clause in which Congress guarantees to the several states a republican form of government, speaks honestly; that is, that no more is intended by it than is expressed. And I think it is clear, that whilst the mere form is secured, the substance, to wit, the whole power and sovereignty of our state governments, and with them the liberties of the country, are swallowed up by the general government; for it is well worth observing, that while our state governments are held up to us as the great and sufficient security of our rights and privileges, it is carefully provided that they shall be disarmed of all power, and made totally dependent on the bounty of Congress for their support, and consequently for their existence; so that we have scarce a single right secured to us under either. Is this, Sir, a government for freemen? Are we thus to be duped out of our liberties? I hope, Sir, that our affairs have not

yet arrived to that long wished-for pitch of confusion, that we are under the necessity of accepting such a system of government as this.

I cannot, Sir, express my feelings on a late occasion, when I considered with what indignation the spirits of a Montgomery, a Herkeimer, a Paris,<sup>20</sup> &c. must have been fired, at the insult offered to their memories on this floor, and that not by a stranger, but by a brother; when their names, which will ever be dear to freemen, were so profanely called upon, as an inducement to us to surrender up those rights and privileges, in the defence of which they so gallantly fought, and so gloriously died.<sup>21</sup> We are called upon at this time, I think it is an early day, to make an unconditional surrender of those rights which ought to be dearer to us than our lives; but I hope, Sir, that the memory of those Patriot Heroes will teach us our duty upon this occasion; if we follow their example, we are sure not to err.

We ought, Sir, to consider, and it is a solemn consideration, that we may now give away by a *vote*, what it may cost the *dying groans* of thousands to recover; that we may now surrender with a little *ink*, what it may take seas of *blood* to regain.

The dagger of ambition is now pointed at the fair bosom of Liberty; and, to deepen and complete the tragedy, we her sons are called upon to give the fatal thrust. Shall we not recoil at such a deed, and all cry out with one voice, Hands off! Hands off! what distraction hath seized us—is she not our mother? And, if the frenzy of any should persist in the parricidical attempt, should we not instantly interpose and receive the fatal point in our own bosoms? A moment's hesitation would prove us to be bastards, and not sons.

The liberties of the country are a deposit in the hands of individuals; they are an entailed estate, which the possessors have no right to dispose of; they belong to our children, and to them we are bound to transmit them; as a representative body, the trust becomes tenfold more sacred in our hands, especially as it was committed to us, with the fullest confidence in our sentiments, integrity and firmness. If we should betray that trust upon this occasion, I fear, I think there is reason to fear, that it will teach a lesson dangerous to liberty, to wit, that no confidence is to be placed in man.

But why, Sir, must we be guilty of this breach of trust? Why surrender up the dear-bought liberties of our country? Because we are told in very positive terms, that nothing short of this will satisfy, or can be accepted of by our future rulers. Is it possible, Sir, that we can be at a loss for an answer to such declarations as these? Can we not—ought we not to speak like freemen on this occasion (this perhaps may be the last time we may ever dare to do it) and declare in as positive terms, that we cannot, we will not give up our liberties—that if we cannot be admitted into the Union as freemen, we will not come in as slaves? This I fully believe to be the language of my constituents, this is the language of my conscience; and though I may not long dare to make it the language of my tongue, yet I trust it will ever be the language of my heart.

If we act with coolness, firmness and decision upon this occasion, I have the fullest confidence that that God, who hath so lately delivered us out of the paw of the lion and out of the paw of the bear,<sup>22</sup> will also deliver us from this Goliah, this uncircumcised Philistine.

We are told, Sir, that government is like a mad horse, which, notwithstanding all the curbs you can put upon him, will sometimes run away with his rider. The idea is undoubtedly a just one: Would he not therefore be justly deemed a madman, and deserve to have his neck broke, who should trust himself on this horse without any bridle at all?

This government, Sir, is founded in sin, and reared up in iniquity; the foundations are laid in a most sinful breach of public trust, and the top-stones in the most iniquitous breach of public faith; and I fear, if it goes into operation, we shall be justly punished with the total extinction of our civil liberties. We are invited in this instance to become partakers of other men's sins;<sup>23</sup> if we do, we must likewise be contented to take our share of the punishment.

We are threatened, Sir, if we do not come into this Union, with the resentment of our neighboring states. I do not apprehend we have much to fear from this quarter:<sup>24</sup> For our neighbors must have the good sense to discover, that not one of our objections is founded on motives of particular state interest; they must see likewise from the debates, that every selfish idea that has been thrown out, has come from those who very improperly call themselves the federal side of the house.

A Union with our sister states I as ardently wish as any man, and that upon the most generous principles; but a Union under such a system as this, I think, is not a desirable thing. The design of a Union is safety; but a Union upon the proposed plan is certain destruction to liberty. In one sense, indeed, it may bring us to a state of safety; for it may reduce us to such a condition, that we may be very sure nothing worse can happen to us, and consequently we shall have nothing to fear. This, Sir, is a dreadful kind of safety; but I confess it is the only safety I can see in this Union.

There are no advantages, that can possibly arise from a Union, which can compensate the loss of freedom; nor can any evils be apprehended from a disunion, which are so much to be dreaded as tyranny.

#### A Real Federalist, 5 January 1789

1. In October 1788, the *Albany Register*, an Antifederalist newspaper, was established by Robert Barber, with the assistance of Antifederalists, as a counter to Albany's Federalist newspapers. For an earlier attempt to establish an Antifederalist newspaper in Albany, see "The Albany Anti-Federal Committee Attempts to Establish an Antifederalist Printer in Albany," 1–23 March (RCS:N.Y., 834–36). For Albany's newspapers, see also RCS:N.Y., Vol. 1, lxii–lxiii.

2. On the title page of the *Debates* Childs himself referred to the form of government recommended by the "GENERAL CONVENTION" at Philadelphia on 17 September 1787 as a "FEDERAL GOVERNMENT." For the Antifederalist charge that the supporters of the Constitution misused the words "federal" and "Federalists," see "A Countryman" II (De Witt Clinton), *New York Journal*, 13 December 1787 (RCS:N.Y., 406).

3. Perhaps a variation on a comment made about George Washington by the Comte de Mirabeau in his *Reflections on the Observations on the Importance of the American Revolution* ... By Richard Price (Philadelphia, 1786) (Evans 19804). On page 3 of this translation of his work, Mirabeau stated: "Begin with the infant in the cradle: Let the first word he lisps be WASHINGTON!" This became a popular phrase. (See CC:251.)

4. Robert R. Livingston opened the debates on the Constitution on 19 June with a long speech (RCS:N.Y., 1682–99).

5. A response to Robert R. Livingston's speech of 19 June (RCS:N.Y., 1684–85).

6. The reference is to King Philip II of Spain (1527–98) and the Council of Troubles or the Council of Blood. Established in 1567 by the Duke of Alba, one of Philip's councilors, this council in The Netherlands condemned more than 12,000 persons for rebellion and heresy without due process. Some of the condemned were executed or banished, while most of them paid heavy fines or forfeited their property. In 1568 the Dutch began a revolt against Spanish rule that continued until 1609.

7. A reference primarily to Book VI of John Milton's *Paradise Lost* (1667) in which God appoints archangels Michael and Gabriel to lead the heavenly angels against the rebellious angels led by Satan. The battle of angels predates the expulsion of Adam and Eve from the Garden of Eden.

8. Latin: learned or skilled in the law.

9. In Latin *at consules darent operam ne quid detrimenti respublic caparet*—the decree the Senate of the Roman Republic used to confer dictatorial power upon a consul in times of crisis.

10. Matthew Poole (1624–1679) published in Latin *Synopsis Criticorum aliorumque Sacræ Scripturæ Interpretum* (London, 1669–1676) —a five volume synopsis of the work of biblical commentators.

11. For Gerard Van Swietan and Herman Boerhaave, see RCS:N.Y., 666, note 5.

12. For example, the New York constitution of 1777 provided in its first article "that no authority shall, on any pretence whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them" (Thorpe, V, 2628). This right was restated in "An Act Concerning the Rights of the Citizens of this State" (26 January 1787) (RCS:N.Y., 504).

13. Article II of the Articles of Confederation states: "Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled" (CDR, 86).

14. The Apostles' Creed affirms the basic beliefs of Christianity and is often recited aloud by Western Christian congregations and responded to in the affirmative during baptism.

#### 2560

15. Matthew 23:23. "Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithe of mint and anise and cummin, and have omitted the weightier matters of the law, judg-ment, mercy, and faith: these ought ye to have done, and not to leave the other undone." See also Luke 11:42.

16. Most of the American colonies and states had long allowed challenges to jurors for cause or peremptory challenges which allowed the plaintiff or defendant to dismiss potential jurors without giving cause.

17. For the English Court of Star Chamber, see Convention Debates and Proceedings, 5 July, note 6 (RCS:N.Y., 2105). For the courts of Philip II, see note 6 (above).

18. Under Article XIII of the Articles of Confederation, the Union was to be perpetual, and any alteration in the Articles had to be agreed to by Congress and confirmed by the legislatures of every state (CDR, 93).

19. A reference to Article I, section 9, clause 1, of the Constitution, which prohibits Congress from banning the African slave trade before 1808. Article V outlines the method by which the Constitution can be amended; it provided that no amendment made prior to 1808 could alter the restriction on Congress to prohibit the African slave trade.

20. Generals Richard Montgomery and Nicholas Herkimer, both of whom were New Yorkers, were killed in battle during the Revolution, the former at the siege of Quebec (1775) and the latter from wounds suffered during the Battle of Oriskany (1777) in the Mohawk Valley. "Paris" was probably Colonel Isaac Paris, a Tryon (later Montgomery) County member of the Second, Third, and Fourth Provincial congresses, 1775–77, who was killed after being taken prisoner at the Battle of Oriskany.

21. "A brother" is probably a reference to Robert R. Livingston, a brother-in-law of General Richard Montgomery, who had married Livingston's sister Janet. For the reference, see De Witt Clinton Journal, 17 July (RCS:N.Y., 2219).

22. 1 Samuel 17:27. "The Lord that delivered me [David] out of the paw of the lion, and out of the paw of the bear, he will deliver me out of the hand of this Philistine." In this case, "the paw of the lion" refers to Great Britain and "the paw of the bear" refers to the Iroquois, most of whom were allied with the British during the Revolution.

23. See note 19 (above).

24. For instance, see Robert R. Livingston's speech of 19 June (RCS:N.Y., 1684-85).

# Appendix IV New York Packet: Illustrations on New York Ratification 25 and 29 July 1788

The New York Packet printed two original illustrations in successive issues on New York's ratification of the Constitution. The first appeared on 25 July directly above the odes by William Pitt Smith (RCS:N.Y., 1612–14) and Samuel Low (RCS:N.Y., 1605–9) that "were printed at the Federal Printing Press, as it moved along in the Procession, on Wednesday last [23 July], and distributed among the multitude" watching the New York City federal procession. The illustration depicted a star among flames for each of the three non-ratifying states (New York, North Carolina, and Rhode Island), with a Latin phrase stating that they would rise from the flames and join the ten ratifying states (represented by a dome of ten stars).

News of New York's ratification reached New York City on the evening of 26 July. In its issue of 29 July, the *New York Packet* printed an illustration proclaiming the "ELEVENTH PILLAR!" that appeared above the reprinting of the news of ratification reaching the city and the celebrations that occurred on the evening of 26 July. This account (without the illustration) first appeared in the New York *Independent Journal*, 28 July, as a supplement extraordinary broadside (RCS:N.Y., 2402–3n).

### New York Packet, 25 July 1788



2561

# New York Packet, 29 July 1788



2562

## **New York Cumulative Index**

### **Explanatory Note**

This cumulative index covers Volumes XIX–XXIII of *The Documentary History of the Ratification of the Constitution*. Because these five New York volumes are paginated continuously, volume numbers do not appear in this index. Volume XIX consists of pages i–lxxxix, 1–550; Volume XX, 551–1194; Volume XXII, 1195–1666; Volume XXII, 1167–2166; and Volume XXIII, 2167–2562.

The names of residents of New York in this index are followed by the city or county of residence placed in parentheses. Nonresidents of New York are identified by either their state or country of residence. In addition to the place of residence, delegates to the New York Convention are identified as either Antifederalist (A) or Federalist (F) followed after a dash by their vote in the Convention. Those who voted in favor of ratification on 26 July are indicated by a "Y," those who voted against ratification by an "N." Delegates who did not vote on final passage are indicated by an "A" after the dash.

To aid the reader, compilations of similar items have been grouped under a common main entry. Such compilations are listed below. In addition to the grouping under Pseudonyms, pseudonymous items printed in these five volumes are indexed individually. When known, the author's name is placed in parentheses after the pseudonym. Some entries in this index are so unusual that they deserve to be highlighted. The reader should be particularly aware of these entries which are listed below.

#### COMPILATIONS

Biblical References Broadsides, Pamphlets, and Books Celebrations Classical Antiquity Governments, Ancient and Modern Literary References Newspapers Petitions Poetry Political and Legal Writers and Writings Printers and Booksellers Pseudonyms Public Opinion Ratification, Prospects for UNUSUAL ENTRIES

Economic Conditions under the Confederation **Expenses of Government** Foreign Opinion of the U.S. God Government, Debate over Nature of Great Men and the Constitution Happiness History Human Nature Industriousness **Interest Groups** Large States vs. Small States Party Spirit The People Poetry Political Conditions under the Confederation Rich vs. Poor Self-Interest Union Virtue

Abortion: possible under Constitution, 664

Accusation, Cause and Nature of: amendment provides for right to demand, 2111, 2119, 2200, 2235, 2306, 2327–28

- ADAMS, ABIGAIL (Mass.): id., 1173n
- -letter to, 1173
- -letter to, quoted, 2413n
- ADAMS, JOHN (Mass.): id., 91n; is qualified to be president, 54; principles of government of and Articles of Confederation and Constitution, 91; as an example of ability of Americans to govern themselves, 975; attitude on Constitution 1136, 1137n, 2196, 2197, 2216n; and Dutch loan to U.S., 1149n, 2008n; return from abroad is well received in America, 2363
- -letters to, 91, 2363, 2429-30
- -letters to, quoted, 68n, 306
- —Defence of the Constitutions, 91, 91n, 290, 780, 782n, 1178, 1820, 1821, 2216n; ad for sale of, 978–79; criticized, 182; and reference to the well born, 185, 186n, 236, 244n, 780, 782n, 881
- Adams, John Quincy (Mass.): id., 1137n —letter to, 1136–37
- ADAMS, SAMUEL (Mass.): id., 1094n; as an Antifederalist, 577–78, 669, 671n; as an example of ability of Americans to govern themselves, 975; and additional proposed amendments in Mass. Convention, 962n; defeated for election to U.S. House of Representatives, 2471n; hope he will not have influence in Mass. Convention, 609; and Mass. ratification, 766; nominated for U.S. Senate in Mass. newspapers, 2471, 2471n; receives copy of R.H. Lee's amendments, 463; supports amendments, 2471
- -letter to, 1093-95n
- -letter to, quoted, 658
- ADDISON, JOHN (Ulster): id., 1544n; as a Convention candidate, 1542, 1543, 1555, 1563–64; accused of being author of A Dutchess County Anti-Federalist, 1563n; address to the Electors of Ulster County, 1551–53; and controversy over An Ulster County Farmer, 1549–53; delegate to Ulster County meeting, 1542; has little support in Ulster County, 1558; opposition to Poughkeepsie list of Convention nominees, 1546; presides at Antifederalist meeting in Kingston, 1543–44; said to be a Federalist, 1542, 1543, 1546, 1548, 1559–60, 1566; serves on a Kingston committee to attend Ulster County meeting, 1543, 1544; should not be

nominated from Ulster County, 1554; and Van Gaasbeek's suspicions of, 1435, 1564– 65

- letter from, cited, 1559
- -letter to, 1559-60
- -letters to, cited, 1436n, 1565n, 1568
- ADGATE, MATTHEW (Columbia, A–N): id., 2174; attacked for harsh criticism of Francis Childs's publication of Convention *Debates*, 2493–94; defends Thomas Greenleaf's publication policies, 2493; and distribution of Antifederalist literature, 896–97; as leader of political faction, xxx; nominated for Assembly, 1424, 1425, 1426
- —in NY Convention, 1421, 1424, 1425, 1426, 1676; elected delegate and Assemblyman, 1200n, 1438; first attends, 1679; motion of calling for yeas and nays, 2278; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323; speeches of, 2173, 2190, 2292, 2293, 2294, 2492; as a supporting speaker in, 1671; votes against ratification, 2495n
- ADMIRALTY JURISDICTION: amendment that all inferior courts are to have only appellate jurisdiction, 2125; defense of Constitution's clause concerning, 266; does not always use jury trials, 488, 2245; given to central government under Constitution, 566–67, 1077; jury trial in N.J. and Conn., 2245–46, 2252n; original jurisdiction in admiralty cases to remain with U.S. judiciary, 2100; should be left to federal government, 213, 223. See also Captures; Commerce; Judici ary, U.S.; Piracy
- "AN ADMIRER OF ANTI-FEDERAL MEN," 9; text of, 14–15
- AFRICAN AMERICANS: criticism that they can be elected U.S. representatives, 662–63; took part in Smithtown celebration of NY ratification, 2420. *See also* Slavery; Slave trade; Three-fifths clause
- AGE QUALIFICATION. See House of Representatives, U.S.; Senate, U.S.
- "Agricola's Opinion": printing in NY, 1180; text of, 884–87
- AGRICULTURE: address to Albany farmers, 882–84; Albany Antifederalists described as farmers, 966; America needs foreign markets for its surplus produce, 931; Americans largely concerned with before Revolution, 38, 929–30; Constitution will encourage,

85, 89, 124, 134, 391, 736, 817, 1276, 1305, 1396, 1402, 1614; denial that it is suffering, 945; denial that Constitution will raise produce prices, 1382; Federalists promise too much for under Constitution, 955; improvement in commerce will benefit, xliv, 85, 2545n; low prices for produce after French and Indian War, 947; and New York City procession, 1610, 1662; NY's economy will be primarily, 1994; planters satirically called Nabobs, 383; prices of American produce fall, 854, 930; prosperous in U.S., 428, 1088, 1691, 1925; seasons of the year and Congressional elections, 1144; state governments will legislate, 1868, 1870, 1963, 1965; use of as diplomatic weapon, 794; U.S. will always be agricultural and importing country, 1988; will flourish, 2439

—toasted: may it flourish, 2365, 2396, 2399; in Albany procession, 2390; in Ballstown, 2395; in Hudson, 1281; in Jamaica, NY, 1281; in Kingston, 1283; in Lansingburgh, 1283; at Newburgh, 2414; at New York City procession dinner, 1658; by New York City prisoners, 1620n; in New York City, 1288, 2470; at Plymouth, Mass., 2423; at Poughkeepsie Fourth of July celebration, 1291; in Schenectady, 2418; in Smithtown, 2419

See also Commerce; Farmers

- AKINS, JONATHAN (Dutchess, A–N): described as Quaker and Antifederalist, 1445; nominated for Assembly, 1455, 1455n, 1458; elected to Assembly, 1466
- —in NY Convention, 1439, 1459, 1466, 1676; nominated as delegate to, 1439, 1441, 1455, 1455n, 1458, 1459–60; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2312, 2319, 2323; and vote of on 25 July report of Committee of the Whole (30 to 25), 2318n
- ALBANY, CITY OF: celebration of NY ratification in, 2381–95; denial that three-fourths of the city is Federal, 1411; establishment of an Antifederalist printer in, lxiii, 679, 736, 834–36, 2444, 2464; Federalist strength, 1357, 1418, 1419; Fort Frederick, 1269, 1270, 1272n, 1273, 1274; Fort Orange, 1264, 1267n, 1270n, 1271, 1273, 2389; Fourth of July fracas in, 734, 1193, 1260, 1264–75, 1296, 1298, 1306, 1307, 1315, 1315n, 1350, 2098–99, 2115, 2117, 2151, 2391n, 2445n, 2466; Hilton tavern

and fracas, 1271, 1273, 1274; Lewis tavern and Albany fracas, 1271, 1273; news of NY ratification received in, 2443; newspapers in, 732–33, 834–35; officers of in Albany procession, 2388; publication of broadsides in, 734; supervisors meet in City Hall of, 1415

- ALBANY, CITY AND COUNTY OF: address to farmers of, 882-84; celebrates Va.'s ratification, 1269n, 1272n, 1274; A Columbian Patriot will be distributed but not paid for in, 899; critical in deciding the question in the NY Convention, 1102; election of Convention delegates, 1356-1420; election returns printed, 1418-20; hard campaigning in, 1376; hostility of for New England, 247-48; Lansingburgh celebrates Fourth of July, 1283-84; Lansingburgh women celebrate NY ratification, 2400-2401; loss of fur trade due to loss of western posts, 1199; news of Va. ratification arrives in, 1264, 1265, 1266n, 1272, 1272n, 1274, 1296; riot in as example of what can happen if NY does not ratify, 2141; officers of in Albany procession, 2388; party politics high in, 602, 1108; people are confused in over public debate, 812; population of, 550, 1421; previous or subsequent amendments is all that separate parties, 2156; quiet over politics, 678-79; receives word of Mass. ratification, 750, 1395n; Scotsmen of endorse Constitution, 1357, 1499; sent copies of The Federalist, 907, 913, 1357; significance of in electing delegates to NY Convention, 1413, 1413n; state legislature meeting in, 1497-98, 1498n; supervisors canvass votes for Convention delegates, 1121, 1122n, 1414, 1415, 1416; uncertain who will win Convention election in, 1376, 1377; would be the capital of an independent NY without southern counties, 1114. See also Albany, City of; Fur trade; Newspapers, New York; Schoharie
- —Antifederalists in: burn Constitution, 1264, 1265, 1266n, 1269n, 1272–73, 1274; described as farmers, 966; and distribution of literature, 141, 206, 896–97, 898, 899, 1198, 1199; elected to Convention from, 1103n, 1120, 1357–58, 1418, 1419, 1581; hope to elect to state convention, 835; majority of support Silvester for state senator, 1433, 1436; meeting in, 1356, 1358, 1359, 1360; predicted to prevail in, 898, 965, 1102; stay unified, 1568; strength of in Schoharie, 893, 1367; things going well in for, 1385,

1413–14n; want newspaper established in, lxiii, 679, 736, 834–36, 2444, 2464; work hard at convention election, 602, 766, 1108, 1357, 1358, 1359, 1367, 1376, 1407– 8. *See also* Albany Anti-Federal Committee

- -Federalists in, 75, 75n; active in, 833, 898; burn copy of Albany Anti-Federal Committee's thirty-five objections, 1385n; campaigning hard in, 1367, 1375-76, 1376, 1380, 1432; are confident in, 1435-36; control the press, 834-35; doubtful of victory in elections, 1377, 1437, 1580; favorable situation for in Lansingburgh, 638; formidable, 843; some grandees from Albany travel to Poughkeepsie to watch the Convention, 1207; from Albany would not be able to assist NY Convention Federalists, 1239-40; gaining ground in, 602; landlords, 966; leaders were ineffective in Convention elections, 1121; meeting in, 1356; not working hard in, 766, 1359; prospects not good in Albany, 1377; respectable majority of in, 1582; strength of, 75, 638, 843, 862, 1357, 1374, 1412-13, 2252; victors in Albany riot, 2117; win only City of Albany vote, 1418, 1419. See also Albany Federal Committee
- —Federal Procession in: Antifederalists decide not to take part in, 2444; committee that prepared procession compliments people of Albany, especially mechanic trades, 2392; described and praised, 2383–91, 2394–95; description of celebrating NY ratification in, 2383–91; Federalists in have invited inhabitants to take part in a procession celebrating NY ratification, 2444; An Ode praising, written and delivered to Federal Committee during procession, 2392; outline of a plan for, 2445; praise of, 2390– 91
- ALBANY ANTI-FEDERAL COMMITTEE: ap-
- pointed to manage election to state convention, 766; calls meeting to nominate Convention candidates, 1363; election broadside quoted, 753; supports second convention to recommend amendments before adoption of Constitution, 2503; wants to hear latest word from Abraham G. Lansing, 1307, 1307n
- -letters from, 834-35, 898-99, 1387-88, 1407-8
- —letters from, quoted, 614, 834, 1357, 1477, 1573

- —circulars of, 734, 753, 1198, 1199, 1363, 1370–73n, 1374–75, 1379–85n, 1405–7, 1408–12, 2503
- See also Albany, City and County of; New York Federal Republican Society
- ALBANY FEDERAL COMMITTEE: hopes NY Convention proposes some of Mass. amendments, 752; opposes second convention before ratification, 2503; sends Dutch and German printings of Constitution to Montgomery County, 902n
- -An Impartial Address, 734, 1388-1401n
- —circulars of, 734, 1364, 1368–70n, 1374– 75, 1376–77, 1412n, 2503; response to, 1405–7, 1408–12
- —letter from, 1367–68
- See also Albany, City of; Albany, City and County of
- ALBANY INDEPENDENT ARTILLERY COMPANY: announcement calling it together for NY ratification celebration in Albany, 2382
- Alden, Roger (Conn.): id., 484n
- —letter from, 483–84
- Alexander, William (Northwest Terr.): id., 2431n
- -letter to, 2431
- ALEXANDRIA, VA.: Constitution is very popular in, 36; hostility of toward George Mason, 175, 180n; news of NH and Va. ratifications arrives in, 1211, 1214, 1215, 1350
- "ALFRED": and opposition to amendments in Mass., 2483, 2486n
- ALGERINES (Algiers). See Barbary States
- Allen, Ethan (Vt.), xxxii
- Allen, Ira (Vt.), xxxii
- ALLEN, SOLOMON (Albany): in Albany procession, 2386
- ALLEN, THOMAS (New York City): sells Federal Farmer, 976; signs New York City Scotsmen address endorsing Constitution, 1404
- —letter from, quoted, 1318n
- ALMANACS: Constitution printed in, 3, 43, 45
- ALSOP, JOHN (New York City): nominated as Convention delegate, 1482
- AMBASSADORS: Confederation has exercised sovereign power over, 363, 984, 2054. *See also* Foreign affairs
- AMBITION: should be avoided in voting for Convention delegates, 1561
- AMENDMENTS TO ARTICLES OF CONFEDERA-TION: can only originate from Congress, 350; Constitution violates provision concerning, 2109; Constitutional Convention only instructed to propose, 56, 462, 676–

77; creating an appellate court over treaties and commerce, 1699n; danger seen in giving Congress more power, 1064; denial that they will solve U.S. problems, 1688; easily proposed by the state legislatures through means of a convention, 60; endanger liberty, xlvi; need for, 507, 1696, 1709, 1745, 1747; none have been accepted, 105; proposed immediately, 210; may be proposed and adopted under the Articles of Confederation, 984; population amendment, xxxvi, 1080; procedure for, 296n, 350, 962n, 1143, 1168n; requisition to be apportioned on the basis of population, 1085n-86n; should be adopted when necessary rather than ratifying the new Constitution, 450-51; should be given to raise men and money, 1705; to give Congress power to regulate commerce, xliv, 210, 1475n, 1706, 1738n; virtually impossible to obtain, 65; would not have worked, 385-86. See also Articles of Confederation; Coercive power; Commerce; Constitutional Convention; Impost of 1781; Impost of 1783; Ratification, process of

Amendments to Constitution, 2160, 2228, 2324, 2335, 2338, 2339; adoption of can be parried by address rather than use of open force, 2507; adoption of too many will destroy work of Constitutional Convention, 2456; Albany Anti-Federal Committee says they may be recommended by a second convention, 2503; all of the states want, 957, 2138-39: Antifederalists want similar. 753; attacks on NY Convention for dictating to other states, 2506; will have beneficial effect whether adopted or not, 1081; can enlarge or reduce powers of central government, 1114; conditional amendments endanger the Union, 1257, 2132, 2148, 2179, 2180, 2212, 2283, 2338; Congress cannot stop from happening, 1142-43; Congress can alter those proposed by states, 1912; Constitution will be ratified without, 559; Constitution would not have been ratified in NY without, 2322, 2523; will create a new constitution, 2160; danger of not getting enhanced by NY not ratifying, 1309, 2161; denial that Constitution will be easily changed to please holders of power and office, 98; easier to get before ratification than after, 950; efforts to obtain are called high treason against people 2471; essay on the propriety of mentioned, 802n; Federalists should compromise and approve some, 784-85; fight to obtain will be a good one so people must unite, 2479; first six states to ratify did not have, 886-87, 2525; honest and substantial part of community want to see Constitution altered, 243; idea of previous amendments rejected by Albany Federal Committee, 2503; impact of for early amendments, 2459; indifference whether they precede or follow ratification of the Constitution, 977; that all inferior courts are to have only appellate jurisdiction, 2125; intriguing Federalists oppose even after they promise to support, 1093, 2471, 2497; a large part of citizens of U.S. support, 2479; a majority of New-Yorkers support adoption of, 2528n; many amendments listed in R. R. Livingston's annotations of Constitution, 2545-48; many different ones, 1247, 1628, 1629; not convinced that a majority of people support them, 2525; NY ratification will permit it to work with other states on, 2431; NY should pass a law forcing state officers to avoid taking oath to new government, 2474; opposition to second general convention to draft, 924; opposition to previous before ratification, 15, 70-71, 79, 92, 295, 297, 608, 625, 630, 652, 734, 745n, 752, 784, 886-87, 887, 901, 937, 954, 940, 949, 1080-81, 1200, 1254, 1257, 1309, 1326, 1359, 1398, 1399, 1440, 1457, 2029, 2131, 2133-34, 2134, 2138-39, 2164, 2232, 2349, 2362, 2407, 2429, 2480-81, 2503; reference to establishment of NY Federal Republican Committee before Convention to obtain cooperation of other states on amendments, 2478; several states and Congress have ratified with amendments, 2134-35, 2507-8; should wait several years before considering and adopting, 2451; slave trade clause of Constitution may not be amended, 2559n; state legislatures can pass concerning federal elections, 1145; suggestion that NY pass a law requiring state officeholders to take an oath to, 2482, 2485; those who drafted Constitution cannot be trusted to amend their own work, 2521-22; were means used by framers to improve or restrain government, 2522; will be difficult for delegates to agree upon a set of, 2456; will be difficult to obtain because constitutional provisions for must be followed,

2481; will not be adopted before the Constitution goes into effect, 1201; with a few Constitution will be acceptable to most people, 78

- -Connecticut: some in Conn. Convention wanted, 949; majority of people want, 955
- -Delaware: majority of people want, 955
- —and First Federal Congress: better
- equipped than a convention to procure, 2517–19; Brockholst Livingston resolution proposing that Congress consider, 2515, 2519–20, 2528; call for election of members to who support, 2477, 2510; defeat of motion in NY Assembly restricting second convention to consider only amendments recommended, 2515; difference of opinion concerning in NY's two legislative houses of Dec. 1788 session, 2527; have to be considered by in to preserve peace and good order, 2450; will have all amendments from conventions to consider, 2524–25
- -Georgia: majority of people want, 955
- —Maryland, 1191
- —Massachusetts: in Mass. Convention, 751– 54, 767–68, 903, 905n, 952, 962n, 1187, 1828n; reaction to amendments proposed by, 751n-54n, 772, 1093, 1398, 1512; would not ratify without recommendatory, 1372; Antifederalists want to join NY to support, 2219; majority of people want, 955; of NY opposed in Boston newspapers, 2471; opposition to in, 2482–83; second proposed amendment read in NY Convention, 1738, 1740n
- method of providing for: criticized, 60, 237, 293, 295–96, 450, 483, 934–35, 944, 1097, 1382, 1384, 2474, 2523; praised, 91, 639, 972, 1143, 1201, 1224–25, 1401n, 1475, 1628, 2135, 2157, 2160; does not permit conditional amendments to be adopted by Congress, 2160
- needed, 79, 106, 118–19, 170, 192, 193, 219, 237, 239, 240, 241–42, 276, 304, 305–6, 336, 404, 419, 450, 466, 734n-35n, 736n, 777–78, 784–85, 943n, 945, 947, 951, 953, 955, 957–58, 958–59, 967, 977, 980, 1005, 1089n, 1092, 1093, 1100, 1142, 1219, 1309, 1316, 1317, 1373, 1383, 1387, 1403n, 1440n, 1459, 1594, 1669, 1670, 1707–8, 1710, 1747, 1748, 1755, 1758, 1798, 2065, 2134, 2221, 2222–25, 2338, 2354, 2364, 2367, 2370, 2373, 2375, 2379, 2458, 2474, 2476, 2479, 2504, 2510, 2511, 2512, 2512–13, 2514, 2517, 2527, 2528–29; to secure

freedom of the press, 1395; to define and limit ex post facto laws, 2090; to explain lack of guarantee of jury trial in civil cases, 1394; to increase size of representation, 1718, 1737, 1738, 1740, 1754, 1781; to limit Congress' power to borrow money, 2080; to limit Congress' power to build or repair post roads, 2080, 2083n, 2083-84; to limit Congress' power over militia, 2088-89; to limit Congress' power to regulate federal district, 2093n; to limit Congress' power to raise and support armies, 2088; to limit Congress' power to regulate elections, 1235, 1236n, 1391, 1908-10, 2030-31, 2351; to limit federal jurisdiction of the judiciary, 229, 1512; to limit necessary and proper clause, 2089; to limit tax power, 1235-36, 1919, 1920, 2020-21, 2090-91; to permit states to set residency requirement for representatives, 1916; to provide for election of representatives by districts, 1907, 1910-13, 1916; to prohibit duties on interstate movement of ships, 2091; to prohibit federal officeholders to serve in Congress, 1916; to prohibit titles of nobility to officeholders, 2092; to prohibit re-eligibility of President, 631 (opposed), 2093, 2094, 2097; to prohibit President from commanding army and navy in person, 2093, 2094, 2095-96, 2098; to prohibit President from pardoning for treason, 2093, 2094, 2095-96, 2098; to protect state judiciaries, 218; to protect state governments, 466, 875, 1709; to provide for recall and rotation in office, 1836-75, 1877-90, 1899, 1901; to regulate federal judiciary, 2100-2107; to require two-thirds majority of Congress to raise standing army, 2088; to require publication of receipts and expenditures annually, 2091; to restore balance of powers between state and federal governments, 217-18; to secure rights and liberties, 170, 276, 304, 371, 753n, 972-73, 1278, 1754, 1755, 2147, 2338, 2433, 2449, 2479, 2510, 2514, 2526, 2550

- —New Hampshire, 1193, 2216n; effect of ratification by, 1228; NY amendments will be considered by legislature of, 2453
- -New Jersey: majority of people want, 955
- —New York: advocated by the New York Federal Republican Committee, 1796, 2490; Albany Scotsmen want, 1499; Antifederalists draft before state convention meets, 1115, 1115n, 1121, 1174, 2343n; Antifederalists

want to allow convention to propose, 728, 2015-16; being considered, 1323, 2438n; bill of rights, 2110-12, 2113n, 2115, 2126, 2127, 2149, 2200-2202, 2234-36, 2254-55, 2305-8, 2317, 2373, 2376-77, 2378; call for second general convention, 2137, 2213-15, 2229, 2230, 2309, 2336, 2373, 2373n, 2450, 2477, 2479, 2504, 2504-5, 2510, 2528-29, 2541; divides parties in Albany County, 2156; Senate's resolution defeated allowing NY convention to propose, 690; Dutchess Federalists prefer subsequent amendments if needed, 1440; Hamilton supposes NY will ratify with amendments, 1115; interstate cooperation to obtain, 736, 1097-1102, 1133-34, 1799-1800; other states will accommodate themselves to NY's amendments, 948; should be proposed by the NY Convention, 1707-8; should not dictate to other states, 782n, 886-87, 1201, 1257, 2140, 2296, 2506; some in New York City wish for, 53; to be interwoven with NY ratification, 1307, 2211-13; northern counties want conditional amendments while southern counties do not, 87

-in NY Convention, 1670n-74n, 2016n, 2028-31, 2309-10; advocates of slighted in Francis Childs's published Convention Debates, 2489n, 2490; Antifederalists divide over, 1209, 1307, 1319, 2114, 2149, 2345n, 2349, 2363-64, 2364, 2369, 2373-74, 2374, 2478, 2479, 2497; Antifederalists in are proposing many amendments, 2363; anxiously desired by, 2504; will append to its ratification, 1210n; Circular Letter, 1674n, 2335-36, 2337-39, 2339-40; committees to arrange, 2113n, 2114, 2118-19, 2149, 2250, 2252, 2252n, 2254, 2277-78, 2285; conditional, 1209, 1222, 1226, 1244-45, 1253, 1322, 1705, 1902, 1915, 2106, 2126-27, 2127-28, 2129, 2130-35, 2134, 2135, 2135-36, 2136-37, 2137, 2138, 2138-39, 2140, 2148, 2149, 2150, 2153, 2155-56, 2156-62, 2159, 2162, 2164-66, 2169, 2170-71, 2171, 2172, 2173, 2177-78, 2181, 2184, 2187, 2189, 2203, 2205, 2206-7, 2237, 2307, 2309, 2310, 2329, 2346, 2354, 2367, 2372, 2376, 2378, 2449; Constitution ratified because it was believed it was best way to obtain, 2528n; sent to Nathan Dane, 2015-16; delegates determined not to adopt Constitution without previous, 1174, 1174n, 1669, 1670, 1797, 1798, 2349, 2352, 2354, 2364, 2458, 2467-68; Duane motion

2569

proposing Hamilton Plan, 2205-8, 2442n; explanatory, 2028-31, 2106, 2120-26, 2127, 2129, 2133, 2135, 2136, 2149, 2150, 2152, 2183n, 2184, 2230, 2247, 2301-4, 2305-8, 2317, 2328-29; fear that two many recommendations of will upset working of new government, 2463; Federalists in, 1261, 1297, 2086, 2094, 2150, 2184, 2365, 2471, 2480, 2497, 2510; firm belief by all in on need for and calling a general convention, 2477, 2479; form of ratification, 2135, 2205-8, 2305-8, 2309-10, 2310, 2504, 2514, 2520; general opinion is that NY amendments are necessary and extensively beneficial, 2480; Hamilton Plan, 2087, 2175, 2175n, 2176, 2178-79, 2183n, 2205-8, 2230, 2372, 2373, 2373n, 2442n; have been brought forward in Convention but no decision (as of 1 July), 2361; if adopted, amendments introduced in Convention would render Constitution useless, 2526-27; Jay motion for ratification with amendments, 2309; initial consideration of amendments concluded (7 July), 2116; Jones amendments introduced, 2106-7; Lansing's amendments of 10 July, 1319n, 2106n, 2119-27, 2151n; Lansing's amendments of 19 July, 2234-42, 2243, 2243-49, 2250n, 2251n, 2254, 2255-61, 2264-74, 2310, 2373, 2373n, 2467-68; many amendments are similar to those of other states, 2440; may be proposed, 1799; moved by Melancton Smith, 2347; much time in Convention considering propriety of Antifederalist proposals for, 2359; are not local, 1708, 2236, 2339; will propose and then adjourn, 1235n, 1261; publication of first five amendments recommended by Antifederalists, 2355n; publication of text of an alleged speech on never delivered to NY Convention, 2549-60; recommendatory amendments, 1234, 1247, 1254, 1257, 1319, 1330, 1457, 2106, 2121-26, 2129, 2149, 2150, 2156, 2162, 2183n, 2184, 2216n, 2230, 2237-42, 2247, 2263, 2309-10, 2313-17, 2330-34, 2360, 2366, 2376-77, 2378, 2407, 2439; representatives in Congress instructed to get, 2237; requests legislature to cooperate with other states on, 2324; right to recede opposed, 2138-39, 2374; and second general convention, 2137, 2140, 2229, 2230; Smith's motion of 17 July, 2211-13, 2213-15, 2229, 2230, 2373, 2373n; are speculative and useless,

1769; thirty-two proposed very few original, 2451; three kinds of, 1318, 2106, 2115, 2117, 2117–18, 2129, 2150–51, 2151, 2184, 2370; should be substantial if made as subsequent amendments, 2015; should be gotten as other states have done, 2133–34, 2134; are substantial, 1833; sent to Va. Convention, 1800; would annihilate Constitution, 2506

- —North Carolina: Convention of recommends, 2456, 2457n; supports call of a convention to consider, 2456, 2457n
- —Pennsylvania: Antifederalists support obtaining of through Constitution, 2219, 2462; Antifederalists wish to join with NY to support, 2219; Dissent of Minority, 953; Harrisburg Convention, 1252, 2216n, 2459, 2461n; majority of people want, 955; of NY opposed in Philadelphia newspapers, 2471; petitions for submitted in Pa. Convention, 477
- —proposed by: A Farmer of New Jersey, 181, 182, 183–85; R. H. Lee in Congress, 57, 462–64, 2502; state conventions, 1257, 1317, 2134–35, 2296, 2296n, 2476–77, 2507–8, 2524–25
- —and second general convention: are not likely from, 2505; are possible from, 2504; Edmund Randolph proposes to obtain from, 2502; difference of opinion concerning in NY's two legislative houses of Dec. 1788 session, 2527; resolution applying to Congress to call, 2530
- —South Carolina, 1191
- -Virginia, 1252, 2142n, 2170n; is considering, 1216; Convention of will ratify with recommendatory, 1152, 1234; praise of call for a second convention by to procure amendments, 2513; promised for publication in NY, 2086–87; circulation and publication in NY of amendments by, 2175n, 2252n; state Convention ratifies forty, 2216n; state Convention Antifederalists send to NY, 1799; Federalists support in Convention, 1193; may be too broad and endanger Constitution, 2116-17; proposed by sent to NY, 1099, 1800; ratification by, 2083-84, 2086, 2087, 2094, 2150, 2180, 2216n, 2283; NY amendments similar to, 2364, 2378, 2407, 2439
- See also Antifederalists; Bill of rights; Civil liberties; Convention, second constitutional; Entries for individual subjects

- AMENIA, DUTCHESS COUNTY: meeting place of the Constitutional Society of Dutchess County, 1458
- AMERICA. See American Revolution; United States
- "AMERICA" (Noah Webster), 4, 478; text of, 484–94n
- "AN AMERICAN" (Tench Coxe): to the Va. Convention, 1100, 1100n, 1109
- "An AMERICAN" (Noah Webster): printing in NY, 1181; text of, 1113–15n
- "AN AMERICAN CITIZEN" (Tench Coxe), 4, 123–25; NY reprinting of, 74–75
- AMERICAN REVOLUTION, 1246, 1614; against the assumed powers of Parliament, 644, 893; all states joined in, 1254; allies of America toasted in Jamaica, NY, 1281; Americans' abilities tried and succeeded in, 982-83; Americans are just recovering from, xxix, 193, 208-9, 948; Americans could not be adequately represented in Parliament, 64; Americans rose up against first attacks in principle on trivial subjects, 2029; Americans wanted government controlled by the people, 1869; Articles of Confederation sufficient during, 1745, 1747; Bemis's Heights (second Battle of Saratoga), 838; breaking away from ancestors, 1170; British accede to independence of U.S., 342; British evacuate NY, xxx, xxxi; British occupy NY, xxvi, 1499; British occupy various states during, 1920n; broadside slate of delegates for fourth Provincial Congress, 1500n; caused by Britain's errors and vices, 126; Burgoyne surrenders, 557, 558n, 1392-93; called a cruel and unnatural war, 1745-46; Congress gives grants to those undeserving from their service in, 1755; Congress orders Washington to collect tax deficiencies from states, 2040; caused by distinction between powers of people and Parliament, 487; colonies before were unconnected with each other, 904; colonies connected only through British king, 904; Congress does not pay debt incurred during, 1146; Congress exercised great powers during, xxviii; Congress writes letters to people of England, Ireland, and Canada, 374; Constitution will perpetuate principles of, 67, 175, 391; Constitution departs from principles and political faith of 1776, 2555; Constitution will overturn liberties won in, 635, 888, 1840, 1841; Constitutional Convention delegates were patriots

during, 302; Cornwallis, Rawdon, and Arnold as marauders, 291-92; danger from British and writing of state constitutions, 1154, 1167n; dear-bought independence, 177; and Declaratory Act, 928; depleted U.S. of money, 1706, 2338; distress caused by, 1720; destruction by Loyalists and Indians, xxxii, 1492-93n; divine interposition of God helped America during, 66-67, 292, 409, 886, 1304, 1337, 1840; end of hostilities, xxx; Esopus burned, 1492n; fear of British kept America united, 1726; fought because American colonies not represented in Parliament, 2193; fought to revive republican government, 2196, 2197; Fort Clinton, 1492n; Fort Montgomery, 1492n; fought over taxes, 226, 893, 1386; causes impoverishment, 475; fought for liberty, 15, 23, 25, 26, 51, 63, 79, 80, 94, 95, 98, 176, 297, 421, 611, 680, 982-83, 1201, 1280-81, 1281, 1283, 1285n, 1305, 1340, 1363, 1364, 1371, 1383, 1386, 1410, 1428, 1501, 1754, 1766, 1836, 1841, 1861, 2115, 2338, 2390, 2397, 2402, 2414, 2417, 2555, 2557; fought to preserve union, 66-67, 98, 436, 616; fought with the mightiest nation in the world over the apprehension of danger only, 948; George III misled by his ministers, 928; Great Britain used a standing army to oppress Americans, 1381; great principles of limit rulers and legislatures in what they can do, 617; Hamilton disapproved plan of for a dictator during, 1981; hardship for soldiers in, 1386; Hessians in, xxviii; high cost of on states, 1063, 1064; hostility to Philadelphia Quakers during, 491, 493n; Kingston burned, 1492n; loss of blood and treasure should result in sound government, 877; Loyalists suffered during, 374; may seem small compared to a civil war if NY does not ratify, 1114; nobility to win has disappeared, 974; militia useful during, 1392-93, 2262; Northern Ireland gave a lot of trouble to British during, 408; NY bore brunt of, 1942; NY suffered without assistance of other states, 1981; and NY's efforts to strengthen central government, 1739n; NY last to vote for independence, 1199, 1200n; NY was divided, 1322, 1322n; NY and dispute over British occupied forts, xxxiv-xxxv; NY suffering during, xxvi, xxviii, 1949; NY and Pa. legislatures ordered elections for invaded cities and counties, 1145-46; NY leaders of mentioned, 610, 612n, 666; New York City procession depicts, 1657; origins of in NY, xxii; patriotism of, 436, 452, 929, 1730, 1734, 1766; patriotism operated during instead of government, 1734; people came to power and sometimes misruled, 1000; people still have spirit of '74, 237; pillar and cap as emblem of liberty, 2061-62, 2068; praise of, 1622; praise of those who fought for liberty, 26; problems of for governments, 210; present time as important as, 1197; provides examples from which men can discovery right kind of government, 607; quotation from Richard Price's Observations on the Importance of, 483; ravages of, 1723, 1925, 1928, 2518; reference to "our spirit of 76," 2193; requisitions ineffective during, 1994; same principles caused as now espoused by Antifederalists, 1100, 1101; shows America's future greatness, 975; slavery violates every principle of, 253, 292; Saratoga victory toasted in New York City, 1287; social compact theory as basis for, 126, 2138; some states were remiss in sending their militias, 2262; S.C. occupied by British, 1970n; and Stamp Act crisis in NY, 610, 612n, 1326, 1326n; states comply with congressional request because of patriotism, 1730; states fail to pay requisitions during, 1693; states removed from fighting did not always comply with Congress requests, 1730; states suffering during have paid greatest part of their requisitions, 1993; states supply men only when fighting is near, 1686; strategic importance of West Point during, 2196, 2216n-17n; success of British Army in South, especially at Charleston, 2264n; Sullivan-Clinton expedition against Indians, xxxiii; tea landed in New York City, 845; tenants instructed as to what their rights were, 966-67; Treaty of Paris ends, 2293, 2297n; union necessary to win, 1199, 1279, 2039; U.S. gained reputation in world by winning independence, 60; U.S. has suffered from consequences of, 1709; veterans of only nominated for Convention, 1363, 1371; won many advantages for Americans, 1514

heroes of toasted in: honored, 1285n,
 2365, 2390, 2397, 2447; Ballstown, 2395;
 Brooklyn, 1276; Fredericksburgh, NY, 1278;
 Half Moon District, 2399; Hudson, 1280-

81; Hurley, 2402; Jamaica, NY, 1281; Kingston, 1283; Lansingburgh, 1283; Newburgh, 2414; New York City, 1287, 1288; New York Procession dinner, 1658; Poughkeepsie Fourth of July celebration, 1291; Saratoga, 2417; Schenectady, 2418

- See also Declaration of Independence; Great Britain, and American Revolution; Loyalists; Requisitions; Treaty of Peace of 1783
- "AMERICANUS" (John Stevens, Jr.), 4, 59, 68n, 125, 182, 195, 276, 478; text of, 171–74, 287–91n, 327–31, 354–60, 397–402, 603– 8, 629–33; opposes calling a second convention, 2502–3; quoted, 580–81
- AMERMAN, T. (New York City): and New York City procession, 1648
- "AMOR PATRLÆ": quoted, 46–47; text of, 1434 AMORY, J. (New York City): and New York City procession, 1652
- ANARCHY: Constitution will protect from, 334, 560-61, 1152; Constitution will encourage, 218, 306, 611; danger of before Constitution, 9, 51, 176, 177, 333; denial that rejection of Constitution will end in, 191, 193, 194, 450; if Constitution is not adopted, 52, 94, 124, 151, 2481, 2484-85; failure of NY to ratify unconditionally will result in, 2163; liberty is now called, 118-19; leads to monarchy, 248-49; NY amendments would bring back to America, 2506; NY ratification is a triumph over, 2421; opposition to Constitutional Convention might lead to, 16; results when the people govern, 290; rigid order and/or monarchy better than, 65; discord prevalent, 765; tyranny worse than, 1720; unless trust and powers given to Confederation officeholders, 920. See also Insurrections, domestic; Political conditions under Articles of Confederation

"Anarchy": text of, 1449–51

- ANCRAM, COLUMBIA COUNTY: campaigning for Federalists in, 1435
- ANDERSON, ALEXANDER (New York City): and New York City procession, 1641
- ANGLICAN CHURCH: disestablished by NY constitution, xxv. See also Religion, freedom of
- ANNAPOLIS, MD.: as potential U.S. capital, 1251; supports Constitution, 175
- ANNAPOLIS CONVENTION, 1473; called, 211; calls Constitutional Convention, xlv, 12, 211, 245n; and NY, xliv–xlv, 507; report of in Congress, 507–8

- ANNUAL ELECTIONS: necessary in republics, 1278. *See also* Biennial elections; Elections, U.S.; House of Representatives, U.S.
- "ANTICIPATION," 1180; text of, 905-6
- "Anti-Defamationis," 10; text of, 29-31n
- "An Anti-Federalist": text of, 1366
- ANTIFEDERALISTS, 121, 122, 152, 310, 940; accuse Francis Childs of Federalist bias, 2489n-90n, 2549-50; all their objections have been aired, 603; appeared tired, 809; attitude of on Constitution changed because of Jay's pamphlet, 924, 927; chagrined by N.H. ratification but not affected, 2353-54; charge Federalists with misusing words "Federalists" and "federal," 2559n; compared to Scots who opposed union with England, 298-99; control state Assembly, 2498n, 2509; different sets of objections among, 680, 885; discouraged because of Mass. ratification, 768; discussion of term, 406; do not despair, 881; encouraged by N.H. Convention's adjournment, 800; faction is active, 34; fear an adjournment of NY Convention without rejecting the Constitution, 1240; fear tyranny in America not from abroad, 1854; want a federal republic, 1793; four-sevenths of NY are, 1135; God called upon to defeat, 52; great opposition to Constitution in NY, especially from Gov. Clinton, 2469; have not come up with a better Constitution, 389, 680, 1298, 1389; have not responded to necessary and proper clause, 426; have won a large majority in the NY Assembly, 1121n-22n; headed by Gov. Clinton, 609, 636, 672, 843, 1110; hopeful about NY ratification, 1092; hostility in NY between those who voted for ratification and those who did not, 2497, 2498n; influenced by Federalist arguments, 2368; interior are the leading men, 889; interstate cooperation among, 978, 1089-92n, 1097-1102n, 1133-34, 1203, 1204n, 1796n, 1796-1801n; large number of outwitted by clever opponents, 1340-42n; leader referred to as Goliath, 809; mail of tampered with, 1244; a majority in NY, 852; many great men (i.e., Antifederalists) fear their influence will be less if Constitution is adopted, 2354; many throughout country and growing and armed, 636; Mass. ratification will have much influence on in NY, 771, 785-86; may be influenced by what happens with

Va. ratification, 2359; might ratify out of expediency, 1234; most bitter internal enemies of U.S. can find few faults with Constitution, 89; names of parties should not be used, 1134-35; needed to attend Congress to preserve liberty and happiness, 1258; NY will have strongest opposition, 1130; not surprised that Constitution has its enemies, 1152; are numerous in assenting states, 948-49; objections to Constitution are general, 753, 951-52, 952-53, 979, 1100, 1101; desire offices, 814, 814n; one of two parties into which NY and other states are divided, 2518; opponents of Constitution decrease and grow temperate, 2472; oppose Constitution and establishment of a federal government, 2486; Eleazer Oswald acts as a courier for, 1198, 1203, 1204n, 1205-6, 1206n, 1797, 1797-98, 2428n; as party name, 645, 843, 1111, 1134-35, 1406; are not patriotic, 52, 70, 439, 1360; are patriotic, 577-78, 1449; propose oath to support NY constitution, 688; put all their hopes on a bill of rights previous to ratification, 276; really think the Constitution is best form of government ever framed, 389; recommend meeting before Convention, 2341-42; ridiculous to call a printer Antifederalist or Federalist, 2414; rumors of efforts to elect to new Congress to embarrass government, 2462-63; saddened by Va.'s ratification, 1297; say that there are many Antifederalists in Mass., 1131; several reasons given why men would oppose the Constitution, 65; should attend the first federal Congress, 1258; should be quiet and join Federalists in promoting happiness of states, 2448; should have attended the Constitutional Convention, 1258; should stop campaigning against Constitution, 801; some want no federal government unless merely advisory, 981; Southern Antifederalists criticized for inculcating popular arguments, 2460; strength of in NY, 68, 78, 91, 91n, 247, 360, 424, 482, 609, 748, 783, 843, 916, 924, 963, 1314, 1332, 1341, 1509; support Union, 933, 1119, 1171, 1209, 1258, 1877, 1903, 2212; threatened with violence, 646; try to convince poor to oppose Constitution, 885; use of Whigs as party name, 309; virulence against, 981; want a second constitutional convention, 1089: want to hear how Constitution fares in Va. and N.H., 2350-51; want to postpone calling a state convention, 688; want to strengthen checks and balances, 1256-57, 1258; warned to behave better, 762; want to institute tyranny, 1429; will acquiesce like in Mass., 768-69; will be blamed for capital being moved out of New York City, 1309; will be divided in NY according to opponents, 1245; will be indefatigable in NY, 746, 852; will cease their opposition when the new government is formed, 1349; will oppose NY legislature's call of a convention, 602; will soon lose support in NY, 1132; will turn Federalist, 1524; would be less satisfied with a constitution from a second constitutional convention. 625

- -amendments: angry with Smith for compromise on, 2429; attitude of toward Mass. amendments, 752-53; believe they will be divided by compromise on, 2374; call for unity among to obtain, 2497; distrust of Federalists who promised a second convention and, 2477, 2479, 2510; first five proposed by in the NY Convention printed in New York Journal, 2355n; keep recommending so that final question will be delayed, 2379; look upon a second convention as a means of justifying their opposition, 2472-73; in NY give up struggle to ratify with previous, 1330; organize through correspondence to obtain, 2490; for NY Convention prepared, 2343n; propose form of ratification with conditional, 2370; propriety of taking up much Convention time with, 2359; should acquiesce if Constitution is ratified without, 777-78; should not acquiesce if Constitution is ratified without, 777-78; some are for withdrawing if general convention does not meet in a given time, 2375, 2376; some want absolute and previous, 2349; some would like to see a second convention delayed, 2473; support ratification because of recommendatory, 2366; trying to seek accord among themselves on, 2369; very effectively presented their case for in ratification debate, 2507; want prior to ratification, 957-58; will only ratify Constitution with previous, 2354
- —on Articles of Confederation: admit defectiveness of, 366; favor old Confederation, 1199; Constitutional Convention violated, 56
- —criticism and condemnation of: accused of party spirit, 677, 885, 1105, 1280, 1361;

America suffers because of advice of bad men who deceive, 762; ashamed of their conduct and do not want their names revealed, 465-66; begin to divide among themselves offering hope to Federalists, 1444; cause is desperate and irretrievable, 900; Clinton has prejudiced the NY country people against Constitution, 1137; Clintonians are hostile to Constitution, 67, 85; condemned for delaying tactics in NY legislature, 730-31; condemned for opposition to letting people decide their own affairs, 730-31; court of an Antifederal president will not make a brilliant appearance, 2377; criticism of is exaggerated, 646-47; danger they are just fomenting disorder, 792-93; debasing Congress, 13; fear that some have sinister motives in opposing Constitution, 2463; guilty of absurd exaggerations, 856; have inflamed people so that ratification would be dangerous, 1325; ignite pity, indignation and contempt, 177; lack virtue, 70, 561; leaders in NY despised by Mass. people, 1132; leaders in NY do not care about Union, 1119, 1135; leaders in NY will not be able to control the entire party, 1119; made great efforts to prejudice minds of lower class against Constitution, 2429; many who support them have been misled by them, 2352; objections based on ill-founded jealousies, 771; objections to Constitution are large and without reason, 933; only a few with trifling objections, 87; only bad men would reject Constitution, 646; oppose republicanism, 1256; oppose republican form of government, 789; oppose Union, 104, 114n, 177, 178, 300-301, 396, 933, 1119, 1135, 1171, 1207, 1209, 1258, 1388, 1399; opposition merits contempt, 65; opposition to Constitution prevents Americans from being happy, 75; opposition to Constitutional Convention said to be treason, 16; opposition will be in vain because the Constitution will work well, 1299; perseverance, patience, and abilities won over numbers and prejudice of, 2377; questionable motives of NY officeholders opposed to Constitution, 2429; ratification by eleven states proves wrongheadedness of, 2448; said to favor despotism, 788; said to want no law, 239; some might be actuated by upright intentions, 144-45; state officeholders oppose Constitution for selfish

reasons, 9, 26, 51–52, 58, 68, 86, 90, 97, 144, 149–50, 152, 185, 391, 405, 424, 841, 1206–7, 1207, 1314, 1336, 1337n; think that they are smarter than Federalists, 1246; try to frighten the rabble into opposing Constitution, 395; want to share property of others, 239; will rule despotically after Constitution is rejected, 842

-defense and praise of: defense against charges of interestedness, 1501; defense against the charge that they wantonly attack delegates to Constitutional Convention, 981; denial that all are Tories, 310; denial they support separate confederacies, 142, 270; do not want to take property of others, 1386; favoring liberty, 1111; good patriots (whigs), 583, 913, 1100, 1105, 1425; have a right to continue opposition if they believe Constitution is dangerous, 792; have done a great deal of good in the debate over ratification, 1309; honest and respectable, 912; leaders of have amassed wealth, 1516, 1518; men of the best abilities, 1153; objections of are those of genuine republican principles and maxims, 1100, 1258; objections of will benefit the administration after implementation of Constitution, 1081; posterity will view as wise and patriotic or the opposite, 1199-1200; praise of George Clinton as, 636; praised as some of leaders of the country. 793; praised for knowledge and influence, 483-84; real friends to a federal republic, 1071; will bring forward a better system of government,  $1\overline{1}98$ ; wish for a good federal government, 1309

described as: afraid of their own shadows, 1246; anti-rational, 1204; aristocratic, 787-88; bad visioned, 760; Cornelia Clinton described as a high anti-federalist, 2413n; closed minded, 1360; consciences as black as hell, 1360; contemptible, 809; Copperheads, 1138n; cowards, 175; critics of Washington and Franklin, 301; debtors, 239; deceptive, 1357, 1360, 1364, 1366, 1376, 1388, 1397, 1404, 1513, 1518; declamers of bitter invectives, 145; demagogues, 10, 1364; demagogues fearful of losing importance, 1088; depressed in New York City, 1581; designing men, 1429; desperadoes, 1215, 1361; desperate incendiaries, 1303; despotic, 789; diabolical designs of, 1203; dishonest, 307; dishonest debtors, 562-63,

1086; dissatisfied gentry, 389; doublesighted politicians, 940; enemies, 97; enemies to your prosperity, 1468; envious and filled with avarice, 561; evil-minded men, 52; factional and opposed to good government, 1230; farmers in Albany County, 966; ignorant and artificent, 66, 765; illiterate, 783; not knaves, fools, or interested men, 912; lacking virtue and patriotism, 70; less favorable to liberty and republicanism than Federalists, 1256; less honorable than their opponents, 22-23; licentious and enthusiastic, 1361; loose principles in private life, 1360; Loyalists, 9, 89, 310, 353, 853, 857; misinterpreting Montesquieu, 178; mistaken and deluded, 1312; numerous and indefatigable in NY, 746; obstinate, 485, 765, 900, 1139, 1197n, 1229-30, 1248, 1253, 1260, 1318, 1327; opposing Constitution before they had a chance to digest it, 1206; opposing honest payment of public debt, 788; opposing Union, 933, 1209, 1388, 1399; opposing strong national government, 933; a party, 861; party spirited, 677, 885, 1105, 1280, 1361; perverse, 1316; prejudiced with groundless objections, 1249; pretended champions of the people, 712; pretended democratical puritans, 396; pretended patriots, 52, 439; quiet and ashamed, 1137; republicans, 981, 1081, 1093, 1101, 1105, 1256; wanting reunion with Britain, 858; Rhode Islanders, 1169; not rich, 746, 1198-99; self-interested, 696, 765, 1086, 1276, 1277, 1293; selfish, sly and underhanded, 561, 731, 1086, 1353; wanting separate confederacies, 104, 114n, 144, 147, 177; a set of ignorant Dutchmen, 1243; Shaysites and Levellers, 95, 239, 353; sinisterly motivated, 87, 183, 307; skinners of the Public, 392; sleepy, indolent and inattentive (by Antifederalists), 166; sophistical, 389-90; supporters of Gov. Clinton's party, 843; a train of hen-pecked husbands, 1311; united and in harmony in NY, 1202; unworthy principles, 1206; upstart unprincipled characters, 1132; villains, 1086; virtuous with integrity, 1373; warm, violent, illiberal, industrious, 1092; weak, suspicious and interested, 10, 51-52, 65, 71, 144, 391, 395; wicked people, 1231-32n; willfully and wickedly ignorant, 1086; wise prophesiers of evil (sarcastic), 396; wrongheaded, 561, 577: not zealots, 981-82

- —election to NY Convention, 1355; active in, 1580; candidates proposed for, 957–58; hope for success, 835; and literature, 1355; majority victory predicted, 835, 1100–1101; no great candidates for, 1509; nominees for are firm and have integrity, 1459; quiet in New York City after elections, 1524; use improper means, 1120n; will be defeated in New York City, 1510; win Dutchess County but by smaller margin, 1466–67
- -literature of: airy phantoms, 1225; charge that European powers will hire writers to oppose Constitution, 185; circulation of in Conn., 166, 206, 352-54n; criticism of, 160, 161, 177, 206, 356, 390, 403, 423, 430-31, 431, 436, 439, 441, 444, 446-47, 464-65, 465, 485, 560, 561-62, 575-76, 585, 603, 680, 755, 756, 783-84, 801, 859, 868-69, 882-84, 900, 1086-87, 1198, 1357, 1388, 1475-76, 1513, 1536; criticism of distribution of, 562, 610; deceptiveness of, 51-52, 94, 176, 339, 395, 1469, 1473-74; defense of against Federalist charges of deception, 620; denied access to press in Boston, 74n, 241; distribution of, 565, 611, 667, 736, 766, 776, 837, 837n, 894-901n, 965, 1093, 1094, 1153, 1174, 1174n, 1198, 1208, 1208n, 1357, 1407-8, 1422, 1433-34, 1477, 1536; establish Albany Register, 2445n, 2559n; Greenleaf defends his publication of articles by, 2409; misuse the press by filling it with many fallacious objections, 263; need assistance from key leaders in writing pieces, 639; newspaper articles appear to be numerous and in earnest, 121; not being published in newspapers in Dutchess County, 62; pamphlet anthology, 735, 895, 899, 1357, 1477, 1536, 1540n, 2502; post office interference with distribution of, 281, 319, 582-93n; praise of, 421, 1198, 1199, 1330; serialized essays originating in NY newspapers, 5-6; serialized essays reprinted in NY newspapers, 6-7; suppress Federalist paragraph from Edmund Randolph's letter to Va. legislature, 899; thirtyfive objections burned by Albany Federalists, 1274; thirty-five objections cited (Albany), 1274, 1301, 1301n, 1388; try to mislead in saying Jay opposes Constitution, 402-3; writers are usually more moderate than Federalists but equally obstinate, 275; writers only make Federalists more convinced. 288

-in NY Convention: agreed to ratification because of promise of a second convention, 2476, 2478-79, 2484-85; although divided they will come together, 2478, 2479; avoid revealing sentiments to Federalists in, 2359; aware of importance of NY to the ratification process, 2349; can protract business any time they want to, 2366; changed minds on conditional ratification so NY would stay in the Union, 2476, 2478-79; consider an adjournment of to be expedient, 2349; criticism of as lazy, 2443; criticized for illiberality and fierce opposition, 2434; criticized for planning "silent negatives," 1135; delegates should all attend for the full session, 1122; delegates should coordinate their strategy, 1122-23; described as resolute, 2355; determined not to adopt without previous amendments, 1174. 1174n; died hard, 2443; discussing Constitution dispassionately, 1208; diversity of sentiments among will help ratification, 2375; divide over amendments, 1209; a few in prefer separation from the Union, 2349; four divisions among delegates, 2375; greatly outnumber Federalists, 2345; have overwhelming majority, 2343, 2343n; have a great majority, 1110, 1111, 1115, 1119, 1120n, 1121, 1122, 1126, 1128-29, 1129, 1131, 1133, 1135, 1137, 1138, 1139, 1150, 1197, 1197n, 1205, 1209, 1221, 1227-28n, 1232, 1233, 1234, 1243, 1244, 1248, 1261, 1312, 1323, 1325, 1342, 1353, 1355, 1528, 1581, 1582, 2343, 2343n, 2446; have art and ill-founded prejudice, 1222; have not lost any ground, 2355; holding firm, 1235, 1240, 1292, 1331-32; hope God grants them their senses, 1210; incapable of properly discussing the Constitution, 1205; inflexible, 2363; insist upon amendments, 2368; interested in Va.'s ratification progress, 2348n; led by Clinton, Lansing, and Smith, 2378; a majority, 2349n; may seek adjournment of to consult with constituents, 2352; more friendly to Constitution since Va. ratification, 2366; more moderate than expected, 1221; most do not want to reject Constitution, 2349; news of Va. ratification had little effect upon delegates in, 2371; not affected by news of N.H. ratification, 2357-58; not fixed on previous amendments, 2345n; not hurrying business, 2348n; obstinacy of some in puts

America at risk of civil war, 2432; opposition praised but they want a bill of rights to accompany ratification, 2367; praised for honestly defending liberties and freedom, 2367; propose an amendment on size of House of Representatives, 2353; propose an amendment on term and recall of senators, 2353; propose an amendment preventing federal interference in elections, 2353; propose many amendments but intentions are uncertain, 2363-64, 2364; propose requisition system, 1950, 1951, 1986, 1999; ratification by nine states has not changed attitude of, 1902, 1903; representation of Convention speeches of has done more justice to than deserved, 2492; seek to amend Constitution, not reject it, 2350; several absent when Convention ratified Constitution, 2407, 2439; some accept unconditional ratification so NY can remain in the Union, 2504; some beginning to support Constitution, 2380; some do not want NY to secede from Union, 2379; some have converted due to eloquence of Federalist speakers, 1232; some principal ones are coming to support Constitution, 2350-51; some support adjournment of Convention, 2375; some support an absolute ratification, 2375; some support conditional ratification, 2375; some voted for ratification, 2469; some want explanatory amendments, others recommendatory, 2349; some want to see government in operation before ratification, 2349; strong and able, 1351; supported ratification because nine states, plus Va., had ratified, 2476, 2478–79; supporters of Constitution among praised for preventing a civil war, 2432; ten absented themselves on ratification vote, 2445, 2446n; things going well in Convention for, 2357; threats, promises, and intimidation by Federalists caused some to support Constitution, 2484-85; trying to convince Federalists to accept a conditional ratification, 2379; if Va. ratifies, Convention will adjourn so they can get views of constituents, 2359; violent opposition of is moderating, 2474; want conditional amendments, 2346; weakening, 1232; who voted for ratification praised, 2422; will be criticized if they stifle discussion in, 1200n; will be eloquent in, 1199; will lose face if they ratify, 1333; will not become divided, 2355; will not reject

Constitution in toto, 2345n; will probably be more accommodating as support for Constitution grows, 2363; will reject Constitution if Va. rejects, 2348n; will yield to ratification, 1214–15, 1319; would have been blamed if Convention had ratified conditionally, 2443–44

- —in NY counties and towns: aid of solicited, 2509–10; attempt in NY to form party against Federal attachments, 39; have framed leagues with bad spirits in different counties, 1361–62; those in country have been obsequious to those in the city, 1136; strength of, 1322, 1334, 1341, 1509
- -in Albany County: in Albany decide to stay home instead of taking part in ratification celebration, 2444; in Albany need support of Antifederalists in country to combat Federalists, 2444; in Albany trying to establish an Antifederalist press, 2444; angry with Federalists over fracas on Fourth of July, 1306; attempt to start a newspaper, lxiii, 679, 834-36, 2444, 2464; described as farmers, 966; and establishment of an Antifederalist printer in Albany, 2464; even opponents to Constitution showed a conciliatory disposition in Saratoga celebration, 2417; have an Antifederal committee in Albany, 2444; indefatigable, 602, 1108, 1358, 1357, 1376, 1407-8; probably a majority in Schoharie, 893; role of in Fourth of July violence in Albany, 2391n; routed by Federalists in Albany during Fourth of July fracas, 2445n; strength of, 1357; successful in Convention elections, 1418; will prevail, 965; writings of dominant, 141, 898, 1102
- -in Clinton County: campaign, 1573
- —in Columbia County: Antifederalists of addressed, 891–92; Antifederal delegates from could vote in favor of ratification, 1299; Antifederalists elect Convention delegates from, 1422, 1437, 1581; Antifederalists in stay unified, 1568; Antifederalist nominating meeting in, 1200n, 1424, 1425, 1426, 1431; Antifederalists win Assembly elections in, 1438n; elections to state Convention favorable to, 965, 1108, 1121, 1123, 1437, 1581
- —in Dutchess County: active in, 1580; common people will oppose Constitution in Poughkeepsie, 62; and distribution of literature in, 896–97, 898, 899; literature not being published in newspaper of, 62; in

Poughkeepsie walk downtrodden, 1296; seem to have a large majority vote, 1465; strength of, 72, 1439, 1444, 1447; will split, 1445; will win elections in, 1108, 1437, 1581; win but by smaller margin, 1466–67; possess virtue, 1446

- —in Montgomery County, 601; Albany County Antifederalists campaigning in, 1386; campaigning in, 1387, 1477; distribution of literature in, 562, 896–97, 898; elect Convention delegates, 1581; favorable prospects for, 898, 1120, 1477; hopeful, 1477; probably a majority, 893; stay united in, 1568
- —in New York City: avoid procession, 1616, 1618; beginning to favor Mass. kind of ratification, 772; delegates to Convention from New York City leave without cannon salute, 1174; depressed, 1581; either stayed home or watched NY federal procession at a distance, 2440; few, 639, 750; only office-holders in are, 1481; quiet after elections, 1524; receive few votes, 1524, 1525; want NY to ratify with recommendatory amendments, 1319; want ratification with amendments, 1092; will be defeated in election, 1510; will be very angry at if they reject Constitution, 2372
- —in Orange County, 887–88, 1580, 1581; victory predicted for in elections, 1130, 1530
- —in Queens County: Convention election in, 1123, 1531–32, 1536; literature of distributed in, 896–97
- —in Suffolk County: chided for not working harder, 1539
- —in Ulster County, 887–88, 1230, 1568; literature of distributed in, 896–97, 965; slate changed to mollify Montgomery County, 1569; strength of, 1542, 1555, 1580, 1581; strength of in Kingston, 1564–65
- —in Washington County: campaign, 1573; elect assemblymen, 1574; elect Convention delegates, 1573–74, 1574, 1581; favorable prospects for, 898, 1121
- —in Westchester County: active in, 1575, 1580; literature of distributed in, 896–97, 898; people in have Antifederalist tincture, 1575, 1576
- —in states
  - —in Connecticut: acquiescence of, 771; Convention minority of praised, 771, 1187; are intimidated, 193–94, 194–95n; literature circulated in, 166, 206, 352–

54n; are strong among yeomanry, 949; still strong in, 949, 1187

- —in Maryland: address conventions of NY and Va., 968; said to be strong, 968
- —in Massachusetts: acquiesce, 750, 768– 69, 771, 772, 809, 818; denied access to press in Boston, 74n, 241; said to be paper-money men, 669; are the old revolutionaries, 577–78; might be a majority, 949; praise of literature of, 881, 976, 977; predict victory in state Convention, 671–72
- —in New Hampshire: acquiesce in Convention, 1213, 1219n-20n; receive letter from NY Federal Republican Committee, 1198; strengthened by adjournment of state Convention, 1445
- -in Pennsylvania, 78, 91, 91n, 121, 492; accused of being the leaders of the Pa. Constitutionalist party, 491; acquiesce, 1189; and Address of Seceding Assemblymen, 76-77, 385, 492; criticized for abandoning Assembly to stop call of state Convention, 492; equated with governors before the Revolution, 492; favor aristocracy, 491-92, 492; in Harrisburg Convention primarily interested in elections to new Congress, 2471; and meeting of Harrisburg Convention, 1252, 2461n; newspapers of publish much against Constitution, 85; plan to meet at Harrisburg respecting amendments, 2459; opposition to Antifederalists precipitated by Bank of North America, 779; reference to violence of in Carlisle, 585; support Test Act, 491, 493n-94n; willing to give new government a chance to succeed, 2462
- —in Rhode Island, 185, 1198, 1233; blasted by NY's unconditional ratification, 2421; have a majority, 1378; majority of a sad example of political depravity and error, 2423; will comply since state cannot exist without being connected to, 2464
- —in South Carolina: weak and are led by Rawlins Lowndes, 853
- —in Virginia, 36, 360, 1227–28n; impact of Va. Antifederalists on NY Antifederalists, 2348n, 2350–51, 2359, 2366, 2476, 2478– 79; letters from Va. Antifederalists to NY Antifederalists, 1795, 1796n, 1796–1801n; praised in Convention, 1216; willing to give new government a chance to succeed, 2462

- See also Clintonians; Federalists; Officeholders, state; Pseudonyms
- ANTOINETTE, MARIE (France): toasted in Brooklyn, 1275; toasted in New York City, 1288. *See also* France
- APPLEBY, MR. (New York City): and New York City procession, 1635
- APPOINTMENT POWER: amendment drafted proposes privy council to share in, 2098, 2123-24; amendment to provide that commissions be in name of people of U.S., 2099; amendment not requiring Senate's advice and consent for, 183, 184; given to a perpetual council of appointment, 1883, 1885; criticism of Congress' power to invest President with sole power over, 231-32; criticism of President's authority over, 53, 196, 198, 231-32, 1032, 2106-7; criticism of Senate's power to try impeachments with, 223, 572; criticism of Senate's role in, 222, 278, 283, 419, 632, 911, 1012, 1013, 1018, 1031, 1032, 1034, 1035, 1164-65, 1262, 1839, 1885, 1904, 2096-97; criticism of power to appoint Continental tax collectors, 1380; criticism of power to appoint many federal officials in every state, 1382; defense of President's, 861, 884, 889, 1853; defense of President's power to make recess appointments of federal judges, 631; defense of federal government's power to appoint its own officeholders, 1391; by legislatures lessens advantage of impeachment and responsibility, 1036-37; council of appointments sometimes used, 1031; proposed amendment establishing council of appointment to assist President, 2547; each branch of government should appoint its officers, 1036; executive and judiciary need longer terms than legislators, 1031; Federal Farmer discusses, 1028; federal legislators should be ineligible for, 1030; legislatures should have some but not all power over, 1036; militia officers made by states, 1035; new Congress has similar power to make appointments as the Confederation Congress, 1685; in NY, 1390; praise of Senate's role in confirming, 232, 400-401, 1013, 1394, 1901, 2106-7, 2265; power over in hands of few in a large republic, 113; president cannot act without approval of Senate, 222; president and senate have unfair advantage with, 1032; President with a privy

council should make, 1033–34, 1036; president's cabinet is not appropriate for confirmation on, 1034; provision for in NY constitution, xxii–xxiv, xxiv, 501–2; Senate confirms President's nomination of, 1836, 1838, 1853, 1908n; should be made by courts of law or heads of departments, 1035; six different methods of making, 1029. See also Impeachment; Officeholders, U.S.; President, U.S.; Privy council; Senate, U.S.

- APPROPRIATIONS, 2125; annual in Britain for army is a farce, 489; Congress has power to make under Articles of Confederation, 984; criticism of publication of, 1946, 2003; defense of Constitution's provision for, 1394; House's role in making protects against corruption, 1857; for military should need a larger quorum and larger majority to enact, 1068–69, 1074; power over in hands of few in a large republic, 113. *See also* Money bills; House of Representatives, U.S.; Representation; Requisitions; Taxation
- Arden, Jacob J. (New York City): and New York City procession, 1637
- ARENDT, ABRAHAM (Montgomery): votes for as a Convention delegate, 1480
- "ARISTIDES," 10, 11; response to, 29–31n; text of, 20–23
- ARISTOCRACY: amendments to Articles of Confederation might end in, xlvi; Antifederalists favor, 787-88; Antifederalist state officeholders accused of being, 1206-7; Congress will be aristocratic, 250, 317-18; Constitution will lead to, 61, 105, 161, 198, 212, 222, 237-38, 240, 257, 277, 285, 322, 635, 636, 899, 957-58, 1000, 1001, 1151, 1263, 1344, 1372, 1382, 1496, 1501, 1746, 1747, 1748, 1751, 1761, 2497, 2532, 2533; Constitution includes in it idea of, 2146; Constitution will increase distinction between classes, 1756; if Constitution is rejected, 52; criticism of, 25; danger of men who want strong central government, 1755; danger of in large republics, 117, 127; danger of, 483, 998, 1011, 1972; definition of, 395, 398-99, 1776, 1779, 1781, 1782, 2157; denial Constitution will end in, 174, 246, 395, 628, 1450, 1814-15; denial of existence of in U.S., 1771, 1816; develops in Rome, 995; Federalists said to favor, 10, 19, 25, 80, 240, 304, 322, 443, 779, 1202, 1342;

and the system of feudalism, 1958; governments are not in their nature free, 605; inhabitants of democracies fear, 267; Hamilton responds to Federal Farmer describing governmental leaders, 1082n; lack of jury trials is step toward, 169; in NY Senate Yates states danger of, 520; no lords in America, 64; leads to tyranny, 932; many in America favor, 1000; might work with representatives to control federal elections through regulation, 371; modern republics were, 328; more dangerous than monarchy, 169; no constitutional type of in U.S., 990; no royal or noble family in America, 64, 982; most oppressive form of government, 98, 169; less oppressive than the licentiousness of democracy, 396; natural aristocracy possesses, 1811-12; opulent and ambitious would not accept American democracy, 19; Pa. Antifederalists favor, 491-92, 492; principles that lead to, 419; should be properly represented in a government, 989-90; should not be represented in the U.S. Senate, 1012; not present in republican forms of government, 1812; rich equated with, 1752; Senate criticized as being aristocratic in nature, 278, 283, 284-85, 286, 320-21, 351, 371, 374, 419, 427, 910, 1012; in Senate will not levy land tax, 418; some Federalists prefer to a republican form of government, 980-81; satirical support for, 382-83, 404, 405; small states as likely to have as large ones, 396; some delegates to the Constitutional Convention favored, 192, 212; Southern States favor, 128, 221; supporters of fear democratic state governments, 210-11; wealthy and well-born with an agenda, 990; reference to well born in John Adams's Defence, 185, 186n, 236, 244n, 780, 782n, 881; rule by whole body of nobles or a group of them, 399; term republic has been applied to, 2156; and tyranny, 998; Venice as, 404; the wealthy, powerful few work to create despotic government, 62; well born in America are not influential, 1202; would be endangered by the proposals from the Constitutional Convention, 521; would limit freedom of speech if Union dies, 38. See also Democracy; Despotism; Government, debate over nature of; Natural aristocracy; Republican form of government; Rich versus poor; Senate, U.S.; Tyranny

- ARISTOCRACY, NATURAL. See Natural aristocracy
- ARMS, RIGHT TO BEAR: amendment giving people right to, 2234, 2246–47, 2305, 2327; America will disarm under Constitution, 1151; criticism that conscientious objectors may be forced to, 2533; as right belonging to Englishmen, 643; whole body of people should have access to and be taught to use arms when young, 1073
- ARMSTRONG, ROBERT (Orange): in Assembly, 521
- ARMY, 2531; amendment exempting conscientious objectors from service in, 2112, 2120, 2127n, 2201, 2246-47; amendment limiting President's ability to command in person, 2093, 2094, 2095-96, 2098, 2123, 2208, 2240, 2266, 2275n-76n, 2315, 2332, 2547; can be abused by federal government with power to levy internal taxes, 227; "Cæsar" wants to use to cram Constitution down throats of Americans, 80; Confederation Congress' power to raise, 428, 930, 2054; Congress has power to ask states to raise and regulate under Articles of Confederation, 984; Congress has power to raise, 655, 917-18, 1074; Congress will have far more power to raise and maintain than Confederation Congress, 621-22; Congress will raise and keep up a large force, 1010; Constitution contains no protection against quartering soldiers, 1058; Constitution provides authority to raise and support, 2159; Continental Line marches on Pa. statehouse, 1085n; criticism of lack of provision in Constitution to exempt conscientious objectors from service in, 1381; criticism of Constitution's provision for, 108, 109, 242, 281-82, 471, 593-97, 903; criticism of President's authority over, 196, 198; criticism of two-year appropriation for support of, 227, 260, 261, 278-79, 282, 489, 653-55, 1767, 1871, 1872; no danger under Constitution, 917-18, 2534; denial that it will cram Constitution down throats of people, 98; destrovs free government if it is needed to enforce laws, 315; federal government will legislate for raising and directing, 1070; generals as part of natural aristocracy, 990; Jones and Lansing amendment to raise and support, 2088; many officers support Constitution, 1301; many officers of stay true to principles, 654; may be raised by treaties and sent to Europe to fight wars, 420; a

moderate military establishment is necessary, 355; near extinction during Revolution, 1980; needed in large territory to enforce over, 893; needed to enforce laws if people do not have confidence in their government, 315; needed, 2038, 2040; new Congress has similar power to raise as the Confederation Congress, 1685; needed to defend against Canada, 565; opposition to a large army, 282; has not been paid, 877, 929, 972; pension provisions for, 1794n; power to tax will give power over, 1919, 1920; power over in hands of few in a large republic, 113; and power over purse and sword, 65, 217-18, 250, 413, 520, 1372, 1816, 1819, 2082; as part of the military of a country, 1072; praise of, 2399; praise of American troops during Revolution, 654, 1286, 2544; raising and keeping is one of two most important acts of government, 684; raising in peacetime will be expensive, 1382-83; raising as sovereign power of government, 189; satirically says not to vote for as a Convention delegate former officers, 1450; should always be subordinate to civil power, 281-82; should need a larger quorum and larger majority to raise, 1068-69, 1074; should not be raised or funded for more than one year, 1074; should be left to federal government, 213, 223, 1945, 1955; should support Constitution, 86; some powers taken away from states concerning raising money for, 2054; states limited powers over under Articles of Confederation, 984; states restricted from raising in peacetime, 1074; text of amendment on appropriations for in peace time, 2257; too much power for small number in Congress, 1783; we must have (satire), 794; U.S. needs for security from domestic violence, 362; U.S. will be able to control under Constitution, 462; used to get more tax revenue under Confederation, 658; will be less necessary if U.S. has a navy, 313; will be used to force Constitution on people if states do not ratify, 80, 82, 99

- —toasted in: Fredericksburg, NY, 1278; Kingston, 1283; Lansingburgh, 1283; New York City, 1288
- See also American Revolution; Appropriations; Army, standing; Invasion, foreign; Military; Militia; Navy; President, U.S.; War power

#### CUMULATIVE INDEX

- ARMY, STANDING, 382, 2159; amendment concerning but which should not be made conditional, 2159; annual appropriations for army is equivalent to, 489; Articles of Confederation limit for states, xxxiv, 621, 622n-23n; Constitution should prohibit, 157; Constitution will require to maintain obedience to laws on the fringes, 128; Constitution would prevent need for, 271n, 1450; likely in states if Constitution is rejected, 939; criticism of Congress' power to raise army during peacetime, 594; danger of, 134, 595-97, 618, 653-55, 1028; danger of under Constitution, 61, 133, 134, 227, 228, 260, 278, 281-82, 320, 351, 427, 450, 468, 594, 596-97, 615, 620, 636, 653-58, 953, 965, 967, 1381, 1387, 1410, 2532; danger of under control of President, 374; defended, 440; denial that Constitution allows creation of, 355, 627, 1952, 2534; endangers liberty, 38, 41, 112, 128, 261, 321, 321-22, 326n, 427, 618; in England is dependent for annual support on Parliament, 112, 261, 261n-62n, 282, 489; Franklin said to support, 347, 348; incompatible with republics, 38, 112, 1381; large republics need to maintain law on the fringes of their territory, 128; legitimacy of raising, 739; limitation should have been placed on this in Constitution, 618; many will seek employment in, 620; militia prevents necessity of, 2258; militia will be converted into under Constitution, 228; necessity of, 462, 489, 630, 1392; needed instead of militia, 347, 1392; NY has no provision protecting against in its Constitution, 433; no danger from in U.S., 387; opposition to in peacetime, 1072; power to raise should be severely limited, 595-97, 618; provisions in state constitutions and bills of rights limiting, 157, 160n, 321-22, 326n; Publius stand on has helped Antifederalists, 565; satirical piece supporting, 405; state constitutions provide for well-regulated militia instead of, 157; supports tyranny, 134, 261; used under despotism and monarchies to maintain control, 112; von Steuben admits his established militia is, 244n, 637n; will be needed under Constitution to protect against establishment of separate confederacies, 128, 2480; without union would be used to conquer and suppress freedom, 41; James Wilson criticized for advocating need for, 321-22. See also Army; Military; Militia
- ARNDT, ABRAHAM (Montgomery): as a Federalist, 601n; votes in Assembly, 704, 713, 714
- ARNOLD, BENEDICT (England): treason of at West Point, 2217n
- Arnold, Peleg (R.I.): id., 2366n
- -letter from, 2366
- Arnold, Welcome (R.I.): id., 2366n
- -letter to, 2366
- ARSENAL: defending of as excuse to create standing army, 656. *See also* Forts, magazines, arsenals, etc.
- Articles of Confederation, 1659n; not consonant with John Adams's principles of government, 91; power to amend justified Constitutional Convention, 456; Americans possess liberty under, 193, 967, 984-85, 1410; Annapolis Convention called to amend, 211; Article II quoted, 131, 165n, 1382; Article II cited giving only expressly delegated powers, 162, 1053, 2552, 2559n; Article II revived in Mass. amendments to Constitution, 751; Article V quoted on representation in Congress, 1083n; Article XIII quoted, 296n, 350, 1168n; Article XIII of called only for amending it, not destroying it, 274; Article XIII summarized, 2225n, 2559n; Article XIII violated by Constitution, 2109, 2112n, 2153, 2155, 2222-23, 2292, 2297n, 2534, 2535n; Article XIII violated by Congressional resolution of 28 September 1787, 1157; has benefits even though it is imperfect, 136; can be altered only by the people, 673; can provide unlimited amounts of men and money but only by request, 1957; cannot deal with tyranny appropriately, 856; cannot be satisfactorily amended, 1671, 1705, 1709, 1723; cannot regulate common concerns of union, 176-77; as cause of U.S. problems, 1723; as a compact, 693, 948; congressional resolution of 21 February 1787 was a violation of Articles, 1156; Constitution affords best base upon which to alter, 979; Constitution is worse than, 599; Constitutional Convention was only to revise, xlv, 211, 676; Constitutional Convention destroys, 1, 274, 425-26, 474, 645, 2222-23, 2552; Constitutional Convention praised for discarding, 288; Constitutional Convention violates, 56, 273, 274, 462, 891; contracts not protected under, 90; corruption more likely under than the new Constitution, 1787, 1824-25, 1826n; criticism of for lack of power of

purse and sword, 1961; criticism of killing of with nine states ratifying the new Constitution, 1382; criticized for having express reservations in favor of the people, 2552; is now dead, 309, 1213, 1254; defective, 13, 37, 40, 53, 60, 99, 100, 126, 137, 144, 176, 189, 209, 210, 219, 305, 362, 366, 393, 394, 439, 440, 568, 581, 710, 765, 816, 819-20, 844, 854, 855, 883, 887, 901, 917, 921, 932, 935, 939, 947, 973, 1001, 1064, 1088n, 1114, 1369, 1372, 1403, 1460, 1682, 1685, 1686, 1691, 1693, 1701, 1702, 1703, 1705, 1713, 1723, 1723-24, 1725, 1773-74, 1777, 1802, 1804, 1805, 1873, 1879, 1928, 1932, 1979, 1980, 1985-86; defects of does not mean that a bad constitution should be adopted, 1382; defense of, 119, 1795n; denial that great weakness is it operates on states, 1748; deprecated, 1671; did not fail because people talked ill of it, 1777, 1779; dissolved with the Constitution's ratification by nine states, 1899, 1900; drafting of, 1754, 1757, 1773-74; deficiency of endangers Union, 855; described, 984; and disputes between states over land, xxxiii; drafted to protect liberties, 1154, 1861; drafted during war when principles of legislation were not well known, 176, 1254; drafted when confidence was high that tyranny could be stopped, 210; is dying, 887, 939, 1114; and election of members of Congress, xxv, 88; equal to purposes of Union, 11; failure to address individuals is fatal defect, 1809; feeling that a proper administration of will improve government, 207; few supporters of, 1256; framers of were virtuous, 1836; fundamental weakness is that operates on states not individuals, 1723, 1725, 1748; general convention needed to revise (1782), xxix; inadequate to preserving the Union without amendment, 950, 1690, 1904, 1905; incapable of addressing problems of the times, 935, 1199, 1358; incompetent for federal purposes, 1710-11; injudiciously disposes power, 363; has languished, 208; lack of justice under, 72, 177, 177-78, 1044; limitation of on standing armies of the states, 621, 622n-23n; must be altered but question how much, 1934-35; necessity and danger required the drafting of (not corruption), 1154; needs improvement, 1722, 1990; needs the power to tax, 1935; new government is

needed, 1690; NY Assembly calls for convention to revise, xlv; NY ratifies, xxvi; NY calls for strengthening of, 2043; NY cannot recede from Confederation because of perpetual compact with, 2291; nine-state requirement for important measures, 1788, 2078n; not a perpetual compact because it ends on February 1789, 2292, 2297n; not defective because of administration of men, 1773-74; not too defective, 1742; and New York City procession, 1650, 1652, 1660n; as part of U.S. Constitution, 634; as a perpetual union, 1086n; all parties have abandoned as rotten, 885; plan to subvert long in the making, 1154; powers under given to Congress, 363, 984, 2054; praise of rotation in office requirement of, 1878; the product of wise and virtuous men, 1720; praised as defends liberty, 803, 804; praised as a compact between governors and people adopted by choice, 60; praised in comparison to Constitution, 198-99, 1199; public debt is being paid under, 956; public officeholders have not been held responsible under, 1032; ratified, xxviii, 1389, 2006n; recall provision of, 621, 622, 910, 912n, 984, 1008, 1014-15, 1698n, 1816, 1821, 1822, 1824, 1836, 1838, 1841, 1858, 1860, 1874n, 1888; representation in, 1795n; restricts Congress too much, 574, 1382; revisions needed, 53, 72, 81, 125, 507, 626, 1100; rotation in office provision of, 1841, 1878, 1888; equated with Shays's Rebellion, 95; sanctioned by the people, 81; should have been amended by the Constitutional Convention, 430; should not be corrected piecemeal, 394; and state armies in peacetime, xxxiv; states have nothing to do with common defense under, 2041; states retained their sovereignty, freedom and independence, 131, 162, 984; suffers from lack of confidence of the people, 1717–18; too weak to demand the surrender of the Northwest forts, 877; unanimity required to amend, 948, 962n; unfairly traduced by leading figures thus damaged Articles, 1721, 1782; used to make way for the Constitution, 1746; violated by states, 2138; want of energy in, 1745; would be sufficient if it had the confidence of the people, 1721; Union defective under, 13, 72, 92, 105, 146, 176, 177, 361, 491, 581, 761, 854-55, 920, 921, 939, 2543n, 2544; wartime not good time to draft, 904; worked during the war but not afterwards, 929

- -described as metaphor: as a defective fabric, a disjointed building, 394; as a "ridiculous" constitution, 99; as an old house that should not be abandoned but modified when necessary, 450–51; as the new Constitution's elder brother that should be replaced, 54; as the old edifice, 309; as the old ship, 211; as a piece of machinery, a clock or watch, 363; as a rope of sand, 1718, 1720, 2483; as worst system of government existing in Christendom, 100
- See also Amendments to Articles of Confederation; Coercive power; Commerce; Congress under Articles of Confederation; Economic conditions under Articles of Confederation; Political conditions under Articles of Confederation
- ARTIFICIAL FLORISTS: and New York City procession, 1586, 1599, 1600, 1602, 1610, 1639, 1655, 1665
- ARTS AND SCIENCES: Constitution will encourage the arts, 1608, 1614; Federalists promise too much for under Constitution, 955; may they flourish, 2399; will flourish, 2439; immigration will encourage under Constitution, 819–20
- Ash, Thomas (New York City): and New York City procession, 1641
- ASH, WILLIAM (New York City): and New York City procession, 1641
- ASIA: love of America with, 1642; enslaved by standing armies, 134; has primitive governments, 362–63. *See also* Europe
- ASSEMBLY, RIGHT OF: amendment guaranteeing right of, 2112, 2120, 2236, 2246, 2306, 2328; danger of, 493n; protected in America, 985
- ATHERTON, JOSHUA (N.H.): favors amendments to Constitution, 1099; and NY Federal Republican Committee, 1101n
- —letter from, quoted, 1099
- -letter from, cited, 2509
- ATLANTIC STATES: most likely to suffer if sectionalism prevents borrowing of money to wage war, 2070, 2071
- ATTAINDER, BILL OF: amendment proposed that none be passed preventing the calling of public defaulters, 2547; constitutional protection against endangers other rights, 158; criticism of, 618; need for limitation on shows Constitution departs from true republican principles, 2221; prohibited to

federal government, 235, 618, 1163, 1972, 2553; provision prohibiting in NY constitution, xxv, 503–4; federal courts will be able to set aside previous state bills of attainder and confiscations, 639

- BABCOCK, JOHN (Albany): in Albany procession, 2386; prints Dutch language broadside of Constitution, 46; publisher of Albany and Lansingburgh Federal Herald, lxiii, 2391n; publisher of Lansingburgh Northern Centinel, lxiii-lxiv
- BACKCOUNTRY: interior counties of NY are Federalist, 175
- BACON, SAMUEL (Albany): supervisor sworn in, 1415
- BAIL, EXCESSIVE: amendment against, 2111, 2120, 2201, 2235, 2246, 2306, 2327; Constitution should have protection against, 157; general indefinite exclusion is formal nonsense, 490; in state bills of rights, 159n; prohibited by NY Bill of Rights, 505
- BAILEY, MR. (Suffolk?), 1328
- BAILEY, FRANCIS (Pa.): criticism of, 584
- BAILEY, PATRICK (Ulster): and distribution of Antifederalist literature, 896–97
- BAILEY, THEODORUS (Dutchess): and distribution of Antifederalist literature, 896–97; signs affidavit against Elmendorf, 1549, 1533
- BAKER, ALBERT (Washington, A–N): votes in Assembly, 704, 705, 713; and distribution of Antifederalist literature, 896–97; on way to NY Convention, 1172
- —in NY Convention, 1573, 1677; elected delegate, 1574; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- BAKERS: in Albany procession, 2385; and New York City procession, 1586, 1599, 1662, 1626, 1635
- BALANCED GOVERNMENT: Constitution does not provide for, 223, 1005; Constitution will provide, 72, 246, 397, 1450; criticism of, 182; need for, 983. *See also* Checks and balances; Government, debate over nature of; Separation of powers
- BALDWIN, ABRAHAM (Ga.): id., 1130n
- —letter from, 1129–30
- BALLSTOWN, ALBANY COUNTY: celebration of NY ratification in, 2395–96

- BALTIMORE, MD.: elects delegates to convention, 1190; procession celebrates ratification, 1191; as potential U.S. capital, 1251, 1351, 2452, 2453–54, 2456, 2458. See also Maryland
- BANCKER, ABRAHAM (Richmond, F-Y), 2344, 2357, 2378; id., 50n, 1247n, 2184n; elected to Assembly, 1534–35n, 1535
- --letters from, 49–50, 760, 1229–31, 1533, 1533–34, 1534, 2105–6, 2148–50, 2226–27, 2343–44
- -letters from, quoted, 1533, 1673, 2086
- —letters from, cited, 1246, 1253, 1327, 1338, 1354, 1876, 2010, 2116, 2219n, 2227n, 2347, 2348n, 2457
- -letters to, 52-53, 1246-47, 1338
- -letters to, quoted, 1587, 1604n, 1620n
- -letters to, cited, 2148
- —in NY Convention, 1533, 1677, 2348n; arrives in Poughkeepsie, 2347; elected delegate, 1534–35n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- BANCKER, ABRAHAM B. (Ulster), 2149; id., 782n, 888n, 1247n, 2084n, 2116n, 2150n; is an Antifederalist, 1231, 1247; home from Poughkeepsie, 1338n; signs Kingston Antifederalist Circular, 1565; appointed a secretary of NY Convention, 2343, 2344, 2345, 2346–47, 2347; as NY Convention secretary, 47, 1675, 1676, 1678, 2348n, 2378, 2450, 2450n, 2458; leaves Convention midsession for Kingston, 2348; provision to pay as secretary of Convention, 2500; will be state Senate secretary at next meeting of, 2450
- —letters from, 782, 887–88, 1571, 2083–84, 2116, 2344, 2356–57, 2373, 2378, 2451–52, 2458
- -letters from, quoted, 2113n, 2505
- -letters from, cited, 781n, 2450n
- -letter to, cited, 2285
- BANCKER, MRS. ABRAHAM B. (Ulster), 2458
- BANCKER, ADRIAN (Richmond), 2320, 2321n; id., 1254n
- -letters from, 1253-54n, 1327-28, 1534-35n, 2347, 2457
- -letter from, quoted, 1595n
- -letters from, cited, 1533, 1585
- —letter to, 1340
- -letter to, quoted, 1328n

- -letters to, cited, 1253, 1327, 2347, 2348n, 2457, 2457n
- BANCKER, ARRIETTA (Ulster), 2116
- BANCKER, EVERT (New York City): id., 50n; in Assembly, 515
- --letters from, 52–53, 1246–47, 1338, 1340, 2226–27
- —letters from, quoted, 1328n, 1587, 1604n, 1620n
- -letters from, cited, 1253, 1327, 2148, 2347, 2457n
- —letters to, 49–50, 760, 782, 887–88, 1229– 31, 1253–54n, 1327–28, 1533, 1533–34, 1534, 1534–35n, 1571, 2105–6, 2116, 2148–50, 2184, 2343–44, 2344, 2347, 2356–57, 2378, 2451–52, 2457
- -letters to, quoted, 1595n, 1673, 2086, 2505 -letters to, cited, 781n, 1246, 1338, 1354,
- 1533, 1585, 1876, 2010, 2116, 2219n, 2227n
- BANCKER, GERARD (New York City): as NY treasurer, 787n, 1336, 1337n, 2500
- -letter to, 2500
- BANCROFT, GEORGE: attributes Clinton speech as reply to Jay's 11 July speech, 2147n
- BANK OF NEW YORK, xli; and New York City procession, 1654
- BANK OF NORTH AMERICA (Pa.), 491, 493n; controlled by Robert Morris, 779, 781n
- BANKRUPTCY, 250, 311; amendment permits states to pass certain laws regarding, 2315, 2332; amendment restricts Congress' power to pass uniform laws respecting, 2239, 2315, 2332; Congress under Constitution could probably pass laws for, 228; farmers will experience under Constitution, 418; federal government will legislate for, 213, 1070, 1075; federal power will extend to internal state power concerning, 2144; insolvency acts in almost every state, 762; NY legislature repeals insolvency law, 820; potential conflict between state and federal courts concerning, 2101, 2103; praise of Constitution's provision concerning, 637, 820; should be left to state governments, 223; states' role in passing laws for, 228; states under the Articles had power to legislate concerning, 1075; uncertain whether there will be concurrent powers to legislate under the Constitution, 1075. See also Debts, private
- BANKS, JOHN (New York City): and New York City procession, 1634
- "A BAPTIST," 6; text of, 331-38n

#### 2584

#### CUMULATIVE INDEX

- BAPTISTS: clergy support Constitution, 174– 75, 180n, 186n; Philadelphia Baptist Association, 174–75, 180n, 331–38n; suffering of in Eastern and Southern states, 334. See also Clergy; Religion; Religion, freedom of
- BARBARY STATES: holding American seamen as slaves, 877, 892, 905–6, 1305; U.S. problems with, 963n; Morocco, 963n, 1611, 1657, 1660n; Tripoli, 963n; Tunis, 963n
- —Algerines (Algiers): danger of, 1170; depredations not caused by weakness of Articles of Confederation, 960; dey of Algiers, 250, 311; exclude American shipping from the Mediterranean and adjacent countries, 931; and American hostages held by, 905–6, 1305; no U.S. treaty with, 963n
- BARBER, JOHN (Albany): replaces brother Robert as printer of *Albany Register*, 2445n
- BARBER, PATRICK (Ulster), 1558, 1559n
- BARBER, ROBERT (Albany): id., 2445n; establishes Albany Register with aid of Antifederalists, 2444, 2445n, 2464, 2559n; had worked for Charles R. Webster and Thomas Greenleaf, 2444; sends copies of Albany Register to Greenleaf, 2445n
- BARBER, WILLIAM: id., 2464n-65n; letter to, 2464-65; letter to, cited, 2445n
- BARBERS: in Albany procession, 2385; and New York City procession, 1639
- BARCLAY, MR. (Philadelphia), 1319n
- BARCLAY, DAVID (New York City): as NY Convention doorkeeper, 1218, 1675, 1676, 1678, 2343, 2344, 2345, 2346–47; provision to pay as Convention doorkeeper, 2500
- BARCO, DON PEDRO DEL (Spain): and New York City procession, 1610
- BARDIN, EDWARD (New York City): and City Tavern and Fourth of July celebration, 1287, 1289n
- BARKER, SAMUEL AUGUSTUS (Dutchess): elected to Assembly, 1466; nominated for Assembly, 1455
- BARLOW, JOEL (Conn.), 367n
- BARRELL, JOSEPH (Mass.): id., 609n; receives "One of Yourselves" broadside, 1516-17
- —letters from, 731, 1086
- —letters from, quoted, 690, 926
- -letters to, 608–9, 964, 1243–44n, 1509–10, 1525
- —letters to, quoted, 139, 688, 748, 750, 751, 768, 799–800, 924, 1481
- —letter to, cited, 926, 1584
- BARRETT, THOMAS (Albany): endorses Federalist response to 35 Objections, 1400

- BARRY, THOMAS (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- BATCHELLER, ZEPHANIAH (Montgomery): in Assembly, 516, 521
- BATTERY (New York City), 2342; cannon firing on Fourth of July, 1288, 1290n; cannon discharged from in celebration of NY ratification, 2349, 2407; cannon from salute George Clinton's return from Convention, 2405
- BAUMAN, COLONEL (New York City): regiment of artillery in New York City celebration, 1286
- BAY, JOHN (Columbia, A–N): id., 1123n; and distribution of Antifederalist literature, 896–97; elected to Assembly, 1200n, 1438; on committee to draft application to Congress for a second convention, 2511; nominated for Assembly, 1424, 1425, 1426; report from, quoted, 1438n
- —in NY Convention, 1421, 1676; attends first time, 1679; elected to, 1200n, 1438; motion calling for yeas and nays on amendment concerning standing army, 2258; nominated for, 1424, 1425, 1426; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323; speaks against Hobart's motion to adjourn, 2230; speeches of, 2178, 2187, 2188, 2273
- -letter from, cited, 1123
- BAYARD, NICHOLAS (New York City): and New York City procession and banquet, 1587, 1596, 1599, 1601, 1602, 1655–58; nominated as Convention delegate, 1502; in Assembly, 515, 521; nominated for Assembly, 1494; and Westenhook Petition, 1427n
- BECCARIA, MARCHESI DI (Italy). See Political and legal writers
- BEDFORD, WESTCHESTER COUNTY: votes from might be invalidated, 1575, 1581
- BEDLE, TIMOTHY (Dutchess): Federalist meeting proposed at house of, 1446, 1455
- BEDLOW, WILLIAM (New York City): as postmaster of New York City, 1208n, 1236n, 1307n, 1331n
- BEEKMAN, CHRISTOPHER (New York City): tavern of and New York City celebration of Fourth of July, 1287, 1289n
- BEEKMAN, JOHN M. (Albany): endorses Federalist response to 35 Objections, 1399; supports Federal Committee slate, 1375

- BEERS, ANDREW (Conn.): Constitution printed in his almanac, 43
- BEERS, ISAAC (Conn.): advertises sale of NY Convention Debates in *Connecticut Journal*, 2489n, 2491
- BELKNAP, JEREMY (Mass.): id., 267n; sends information out about Mass. Convention, 747 —letter from, 2420
- -letters to, 267, 1130-31n, 1228-29, 1260-61, 1323, 1614, 1614-15, 2428
- -letters to, quoted, lxi, 584, 748, 768, 799
- —letter to, cited, 2355n
- Bellinger, Marcus (Albany): as supervisor, 1414, 1415, 1416
- BENNETT, WALTER HARTWELL: on authorship of Federal Farmer, 205
- BENSON, EGBERT (Dutchess), 612, 613n; id., 495, 1446n; agreed with Van Rensselaer to send Schuyler's letter to Hamilton, 1444; and Annapolis Convention, xliv, xlv; appointed agent to represent NY against Mass. land claim, xxxiii, li; appointed to Hartford Convention, li; calls Federalist meeting in Nine Partners, 1446, 1455; cannot attend Congress, 1377; certifies Abraham Yates's cautionary certificate, 2450; and Columbia County politics, 1431, 1432; criticism of inactivity in election of delegates from Dutchess County, 1451; defeated as Convention delegate, 1466; as NY delegate to Congress, xlvi, 508, 670n, 688, 1379n, 2448n, 2449n; and distribution of book edition of Publius, 879-80; leaves New York City for legislative session in Poughkeepsie, 691, 691n; negligent in getting campaign literature circulated in Dutchess County, 1427; nominated as Convention delegate, 1440, 1455, 1456; nominated for Assembly, 1455; as potential NY delegate to Constitutional Convention, 509, 522, 523; praise of elegance and influence in upstate NY, 730; a strong Federalist, 667, 730
- —in NY Assembly: on committee to respond to governor's speech, 694; cunning trick of in delaying meeting of Convention, 2232; makes motion to call state Convention, 702, 703, 705, 707–8, 728; votes, 704, 713, 714; influence of, 667, 688; praised as speaker on calling state Convention, 730; rumored quarrel with Samuel Jones, 729, 729n; speeches of, 708, 709–10, 711, 712, 713
- —letter from, 728–29
- -letters from, quoted, 690, 707n

- BENSON, ROBERT (New York City): id., 691, 691n
- BERKELEY COUNTY, VA.: public meeting in supports Constitution, 180n
- BESLEY, ISAAC (New York City), 1247
- BESSONETT, CHARLES (Pa.): id., 593n
- BEVIER, PHILLIP DUBOIS (Columbia): as candidate for Assembly, 1556, 1558–59; dropped as candidate for Assembly, 1568– 69
- BIBLE, 615; America's great men should read their bibles more, 451; carried in Albany procession, 2386; represented in the New York City procession as the religious constitution of the country, 1648. *See also* Biblical references
- BIBLICAL REFERENCES, 2082, 2386; Aaron (Exodus), 481, 482n; Abraham, 976, 1302n; Absalom and David, 2485, 2486n; Adam, 997, 2481; Adam's original sin, 648; Adam and Eve, 1634; Agrippa (Acts), 943-44, 962n; an alien among her father's children (Psalms 69:8), 1096; angel of darkness, 199; angel of the Lord (Numbers), 480; angels of light, 199, 1147; Anglican Book of Common Prayer quoted, 762, 763n; Antifederalists misquote, 1472; Apostles, 335; Apostles Creed, 2553, 2559n; Babylon's destruction, 1540, 1540n; Balaam's ass (Numbers), 480; be not carried about with every wind of doctrine, by sleight of men, and cunning, 335; between the upper and nether mill-stone (Deuteronomy 24:6), 1096; blind and the lame, 1812; brotherly love to each other (Romans), 332; Canaan, 310; children of Israel, 451, 480; a city set on an hill (Matthew), 332; cloven foot, 1513; Daniel, 1540, 1540n, 1697n, 1739n, 2495, 2496n; destruction of the first and second temples, 1595n; Devil, 479, 1205, 1616; devil has selfish men, 731; devil tempts Jesus, 1520, 1521n; Eden, 1305, 1837; Elisha (2 Kings), 319; Esau's birthright, 1155, 1167n; Exodus, 1385n; Ezekiel, 2283, 2285n; finger of God (Exodus and Deuteronomy), 93, 96n; Galatians, 2482, 2486n; the garden of Paradise, 929; generations shall call you blessed (Luke), 105, 114n; gift of prophecy, 892; golden calf (Exodus), 481, 482n; golden image, 1684, 1697, 1714, 1719; good works glorify God (Matthew), 332; Goliath, 809, 1506n; grapes from thorns and figs from thistles, 937; Hagar, 1302n; Hazael (2 Kings), 319; hedges and highways, 1815, 1816; hell,

1360; hewers of wood and drawers of water (Joshua), 170, 258, 261n, 391, 1151, 1448, 1449n, 2481, 2486n; a house divided against itself cannot stand (Mark 3:25), 67, 67n, 126; house upon the sand, 1867, 1874n; "How are the mighty fallen" (2 Samuel 1:25), 1202, 1203n; iniquities are increased over our heads, 1407n; Isaac, 1302n; Ishmael, 1301, 1302n; Israelites, 1239, 1239n, 1561; Israelites making bricks without straw, 1383; Israelites desire for a monarchy, 451-52, 1683, 1688, 1691, 1697n, 1706, 1709, 1714-15, 1719, 1721, 1739n; Israelites would not accept God, 1695; Jacob as father of Joseph (Genesis), 381, 381n; Jeremiah, 2283, 2285n; Jesus Christ, 335; Jews dissatisfied with their government, 381; John, 250, 251n; John the Divine, 2485, 2486n; Joseph's coat of many colors (Genesis), 381, 381n; Judas and thirty pieces of silver, 1520, 1521n; keep the ordinances delivered by our Lord and his apostles (Corinthians), 335; kingdom of God is not of this world (John), 332; 1 Kings, 250, 251n; let us stand up on the old paths (Jeremiah), 650, 651n; lighted candle still under a bushel (Matthew), 1465; like lambs to the slaughter (Isaiah and Jeremiah), 1449; R. R. Livingston defends his references to, 2067; Luke, 105, 114n, 2559n; the magicians' serpents (Exodus), 866; a man to serve two masters, 1160; Matthew, 2443, 2443n, 2503-4, 2553, 2560n; May that Being who ruleth over all the Kingdoms of the Earth so direct your Counsels, 1329; Messiah, 1520, 1521n; millennium, 739; monarchy created by God, 648; money-changers in the temple of Jerusalem, 1500, 1501n; Mosaic law, 1311n, 2484, 2486n; Moses as the Lawgiver, 958, 963; in a multitude of counselors there is safety, 932; Noah's ark, 1643; no man can serve two masters (Matthew), 470; no man ever yet hated his own flesh, but nourisheth and cherisheth it (Ephesians), 318; obedience to the laws of Christ (Ephesians), 332; one fold under one shepherd (John 10:16), 1096; the one rose from the dead, 1230; oracles of truth in faith and love which is in Christ Jesus (Timothy), 335; Paul (Ephesians), 318; Paul: "almost thou persuadest me to be a Christian'' Acts: 26:28-29, 943-44, 962n; Paul: "Would to God you were not only almost, but altogether such an one as I am," Acts 26:28-29, 943-44, 962n;

pearls before the swine, 1242n; Pharisees, 2553, 2560n; Philistines, 385; Pillar of Fire, 1239, 1239n; Prince of Darkness, 1086; to provoke one another to good works (Hebrews), 333; Psalms, 2482, 2486n, 2497, 2498n; Samson, 385; 1 Samuel, 2485, 2486n, 2558, 2560n; Samuel warns Israelites against a monarchy (1 Samuel), 451-52, 1714-15; Sarah, 1302n; Satan, 310, 485; Saul becomes king of Israel (1 Samuel), 451-52, 1697n; scribes (lawyers), 2553, 2560n; search the laws of Christ's house, mark well the orders of it (Ephesians), 335-36; shall not kill, 866; shine as lights in the world (Philippians), 332; the simplicity that is in Christ Jesus (Corinthians), 335; Solomon, 1816; Solomon's porch (1 Kings 6:3; 1 Kings 7:6-7; John 10:23-39), 250, 251n; sons of Ham, 366; Spirit of Prophecy, 1309; Sternhold and Hopkins's Psalms, 480, 482n; submit themselves to the laws of man (1 Peter), 332; swallowing camels (Matthew 23:24), 1245; swarm of officers, 1918, 1920, 1924; the throne of God, 760; thus far have I gone and no further (Job), 1303, 1303n; to your tents Oh Israel, 939; Tower of Babel, 633; Trinity, 2051, 2057n, 2062; vine and fig tree, 930, 946, 962n, 971; watch and pray (Matthew 26:41), 52; whatsoever things are true ... think on these things (Philippians), 336; wise men from the east, 1199; ye have plowed wickedness, ye have reaped iniquity (Hosea), 409. See also Clergy; God; Religion

BICAMERALISM, 918-19; accepted in the Constitutional Convention, 1740n; branches should have different organization and powers, 1856; as check on each house, 1769; criticism that structure of House and Senate will not provide checks and balances, 1013; as a defense of rights of the people, 1390; each house should be made conformable to the condition of the different orders, 1008; each house should be made conformable to the nature of the business assigned to, 1008; eleven states have as legislatures, 985; essential to republican form of government, 435-36; everyone recognizes the benefits of, 911; Federal Farmer calls for, 213; generally accepted with each house controlled by a single executive, 1037-38; negated because each house is composed of the same type of men, 1012; one strong democratic body will preserve democracy, 1753; praise of,

72, 173, 435–36, 837, 1013, 1686, 1725, 1773, 1824–25, 1826, 1856, 1857, 1871, 1961, 1964; safety in, 1690; used to combat factions, 173; when the democratic branch can propose laws and has a negative on laws rights will be protected, 1011. *See also* Checks and balances; House of Representatives, U.S.; Senate, U.S.; Unicameralism

- BICKER, WALTER (New York City): and New York City procession, 1639
- BIENNIAL ELECTIONS, 432; criticism of, 278, 279, 1747, 1748; defense of, 1966; most states have annual elections, 1014, 1025; opposition to, 635, 1008, 1109, 1786; praise of, 762, 1950, 1953, 1961; support for, 400. *See also* Annual elections; Elections, U.S.; House of Representatives, U.S.
- BIGGS, THOMAS (New York City): and New York City procession, 1648
- BILL OF RIGHTS: can be individually listed and the remainder of rights generally said to be reserved, 1053, 2533; checks and balances of a constitution are superior to, 747; Constitution already has some elements of, 158, 234-35; criticism of Federalist's denial of need for, 642-44; criticism for lack of in Constitution, 104, 156, 164, 242, 252, 305, 387, 1167, 1263, 1382, 2555; are dangerous, 859; best defense against despotism, 276, 304; Delaware, 159n, 160n; denial of need for protections of the rights mentioned in the Dissent of Pa. Minority, 487-91; importance of, 385; listing of rights Americans had been used to, 235; many provisions of are in body of NY constitution, 961, 963n; need for, 154, 157, 159, 164, 170, 200, 216, 236, 286, 475, 635, 659, 859, 927, 1054, 1056, 1057, 1089, 1155, 2243-44; NY constitution has none, xxv, 433, 628, 933-34, 1155; not needed, 131, 161, 553-56, 671n, 815, 859, 933-34, 1085n, 1119, 1396, 2243, 2480, 2532; often include a rotation in office requirement, 1030-31; passed by colonial Conn., 434, 437n; passed by NY legislature in 1787, 504-6; people sometimes interpret as making the people paramount to legislatures, 493n; proposed in Confederation Congress by R.H. Lee, 57, 463; Publius essays concerning have not appeared in newspapers before book edition, 1103; as reason for Gerry, Mason, and Randolph to refuse to sign Constitution, 2501; rejected by Constitutional Convention, 338; rights cannot be made, only declared (Jay), 2244;

should be adopted previous to ratification, 276; should be expanded in Constitution, 235; state bills of rights limit standing armies, 157, 160n, 321-22, 326n; state bills of rights prohibit excessive bail and fines, 159n; state bills of rights will be overruled by supremacy clause, 202; state constitutions are founded on or incorporate some in them, 154, 156, 234; states have that limit rulers and legislatures, 617-18; usually limits powers, but rights can be listed in body of constitution, 1052; will not guarantee rights if legislature is not elected freely and frequently, 432-33; prefaces Va.'s Form of Ratification, 1216; James Wilson says it is not needed, 131; would have eliminated opposition, 275

- -in NY Convention, 2373; Convention will ask for, 1210n, 1396; 25 July report of Committee of the Whole that includes order to be engrossed, 2317; amendments and Lansing declaration of rights have been put in proper order, 2113n; among explanatory amendments introduced in NY Convention, 2127; argument that rights be secured by insisting that they be clearly expressed, 2302-3, 2303-4; best way to protect liberties and security of people, 2299, 2443; debate in Convention over mode of introducing declaration of rights and explanatory amendments, 2301-4; draft of in Convention, 2238, 2305-7; intended to be incorporated into the ratification, 2115; Lansing's 7 July declaration of rights not printed in Journal, 2113n; proposed as part of ratification, 2129, 2149, 2150; proposed in Convention, 2110-12; submitted by John Lansing in NY Convention, 1672; text of bill of rights proposed by Lansing (7 July), 2111-12; text of bill of rights proposed by Lansing (10 July), 2119-20; text of in Lansing's motion for conditional ratification (19 July), 2234-36; text of in Smith's motion for conditional ratification of Constitution (17 July), 2200-2202; to be inserted into ratification to precede conditional amendments, 2126; voted for ratification with and recommendatory and explanatory amendments, 2376-77; way must be found to secure, 2293, 2295
- See also Amendments to Constitution; Civil liberties; Constitutions, state; Convention, second constitutional; Great Britain, acts and charters of

#### CUMULATIVE INDEX

- BILLINGS, ANDREW (Dutchess): id., 63n; supports Constitution, 62
- BINGHAM, WILLIAM (Pa.), 1129n; id., 1582n; and distribution of Tench Coxe's address to the Va. Convention, 1109, 1110, 1110n; leads fight in Congress to move capital to Philadelphia, 2142n
- -letters from, 1109-10, 1150
- —letters from, quoted, 924, 1140, 1222n, 1582n, 2380n
- -letters from, cited, 927, 1139-40
- -letter to, 1580
- BLACKBURN, WILL: (New York City): signs Scotsmen address endorsing Constitution, 1404
- BLACKSMITHS: in Albany procession, 2384; and New York City procession, 1586, 1600, 1643, 1664
- BLACKSTONE, SIR WILLIAM (England), 189, 310, 366n, 1085n; cited on representation, 745n; defines equity, 682–83; on expansion of jurisdiction of British courts, 685, 686n, 775, 776n; and importance of jury trial, 1057; James Wilson forgets passage from, 480, 482n; on trial by jury in civil cases, 169–70, 259; quoted, 642–43; upon the English Government, 1437, 1438n
- BLAGG, JOHN (New York City): nominated as Convention delegate, 1501
- BLAKENEY, DAVID (Albany): endorses Federalist response to 35 Objections, 1400
- BLAND, THEODORICK (Va.): presents to U.S. House of Representatives Va.'s application for second convention, 2516
- BLECKER, JOHN (Saratoga): in Saratoga celebration (procession) of NY ratification, 2417
- BLEECKER, MAJOR (New York City): as assistant in New York City procession, 1601
- BLEECKER, JACOB (Albany): endorses Federalist response to 35 Objections, 1400
- BLEECKER, JACOB, JR. (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- BLEECKER, JOHN (Albany): endorses Federalist response to 35 Objections, 1400; praised as an assistant marshal of Albany federal procession, 2390
- BLEECKER, JOHN J. (Albany): endorses Federalist response to 35 Objections, 1400
- BLEECKER, JOHN N.: accepts wages for Peter Vrooman as Convention delegate, 2500

- BLEECKER, JOHN R. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- BLOCK AND PUMP MAKERS: in Albany procession, 2384; and New York City procession, 1588, 1600, 1644, 1664
- BLOODGOOD, ABRAHAM (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; nominated for Convention, 1365
- BLOODGOOD, JAMES (Albany): as a member of the Albany Federal Committee, 1375, 1399; in Albany procession, 2386
- BLOODWORTH, TIMOTHY (N.C.)
- —letter from, quoted, xxxix
- -letter from, cited, 1099
- BLOOM, ISAAC (Dutchess): elected to Assembly, 1466; nominated for Assembly, 1455; votes in Assembly, 704, 705, 713, 714
- BLOUNT, JOHN GRAY (N.C.)
- —letter to, quoted, 1106
- BOARD OF TREASURY (Confederation): estimate of U.S. debt, 325, 327n; report showing requisition payments by states, 14n
- BOAT BUILDERS: in Albany procession, 2384; and New York City procession, 1600, 1664
- BOGART, DAVID S. (New York City): id., 1296n
- -letters from, 1296, 2175-76
- BOGERT, CORNELIUS J. (New York City): id., 1576n–77n; appointed election inspector, 1494
- —letter from, 1576–77n
- BOLTON, ANTHONY (New York City): and New York City procession, 1638
- BOND, GEORGE (New York City): signs Scotsmen address endorsing Constitution, 1404
- BOOKBINDERS: and New York City procession, 1586, 1600, 1647, 1664; toasts, 1621
- BOOKS. *See* Broadsides, pamphlets, and books BOOKSELLERS: toasts, 1621
- BORROW MONEY. See Money
- BOSTON, MASS.: celebration of Mass. ratification in reported, 771, 1188; celebration of NY ratification in, 2420, 2435–43; celebrates Va. ratification, 1323; described as a truly federal metropolis, 2420; as location of Mass. Convention will aid ratification, 668; newspapers of oppose NY amendments, 2471; procession of surpassed by Philadelphia's procession, 1627; reference to refusing Antifederalists access to press, 74n, 241; supports Constitution, 67–68, 175. See also Massachusetts

- BOSTON CONVENTION (1780): meeting of to strengthen powers of Congress, xxvii; praise of, 2006n
- BOUDINOT, ELIAS (N.J.): id., 62n
- -letter from, 61-62n
- BOUDINOT, ELISHA (N.J.): id., 49n
- -letters to, 47-49n, 1210, 1308
- —letter to, quoted, 1138n
- BOURDIEU, CHOLLET, & BOURDIEU (England): id., 1353n
- —letter from quoted, 1353n
- Bourgoing, Chevalier de (France): id., 2464n
- —letter to, 2464
- BOWDOIN, JAMES (Mass.): id., 1231n; spurious letter from, 1184, 1185
- —letter to, 1231–32n
- BOWMAN, COLONEL (New York City), 1174
- BOWMAN, JOHN (Albany): in Albany procession, 2385
- BOYD, JOHN (Albany): endorses Federalist response to 35 Objections, 1400
- BOYD, ROBERT (New York City): nominated as Convention delegate, 1483, 1487; as sheriff in the New York City procession, 1586, 1652; and Doctors' Riot, 914
- BRADFORD, WILLIAM (New York City): printers, booksellers, and bookbinders celebrate at coffee house of, 1621
- BRADFORD, WILLIAM, JR. (Pa.): id., 62n
- -letter to, 61-62n
- BRASHER, EPHRAIM (New York City): as coroner in the New York City procession, 1586, 1652
- BRASS FOUNDERS: in Albany procession, 2387; and New York City procession, 1600, 1649, 1664
- BRATT, DANIEL B. (Albany): supervisor, 1414, 1415, 1416
- BRECKINRIDGE, JAMES (Va.)
- —letter to, quoted, 927
- BREECHES MAKERS: in Albany procession, 2384; and New York City procession, 1586, 1599, 1626, 1635–36, 1637, 1662
- BRIBERY: charged in Mass. Convention, 584, 671n; of Congress by the President, 315; Constitution will guard against, 652; danger of with small houses of Congress, 223, 314; new government will use to preserve incumbents' power, 351; as grounds for removal from office via impeachment, 874; Senate is open to because of smallness of, 2532; in Westchester elections, 1575, 1578. See also Corruption

- BRICK LAVERS: in Albany procession, 2387; and New York City procession, 1586, 1599, 1640–41, 1663
- BRIGHT, GEORGE (New York City), 2470
- BRINCKERHOFF, ABRAHAM (New York City): appointed election inspector, 1494
- BRINCKEROFF, DIRCK (Dutchess): in Assembly, 516, 1444n
- BROADSIDES, PAMPHLETS, AND BOOKS, 734-35, 971-72; John Adams, Defence of the Constitutions, 91, 91n, 182, 290, 780, 782n, 978-79, 1178, 1820, 1821, 2216n; and reference to the well born, 185, 186n, 236, 244n, 780, 782n, 881; An Address of the Convention of the Representatives of the State of New-York to Their Constituents (1777), 1155, 1167n; Albany Anti-Federal Committee circulars, 734, 753, 1198, 1199, 1363, 1370-73n, 1374-75, 1379-85n, 1385n, 1405-7, 1408-12, 2503; Albany Federal Committee, An Impartial Address, 1388-1401n; Albany Federal Committee circulars, 734, 1364, 1368-70n, 1374-75, 1376-77, 1412n, 2503; Antifederalist, 734-35; Antifederalist anthology, 735, 895, 899, 1357, 1477, 1536, 1540n, 2502; Antifederalists distribute, 736, 776, 894-901n, 965, 1093, 1094, 1198; Aristides (Alexander Contee Hansen), 686n; Baptist Association of Philadelphia circular letter, 332; Cesare Bonesana, Marchese di Beccaria, An Essay on Crimes and Punishment, 110, 115n, 117, 374-75, 375, 377n-78n, 407, 450, 650, 651n, 869, 989, 990-91, 1082, 1082n, 1752, 1762, 1794n; British invasion fleet announced at beginning of Revolution (broadside), 1499; Centinel I-II (Samuel Bryan) and Timoleon, 7, 166; A Citizen of America, An Examination into the Leading Principles of the Federal Constitution (Noah Webster), 160, 380, 380n, 484-85, 619-20, 622n, 787-90n, 830n, 1178; A Citizen of New-York (John Jay), 659-62, 734, 922-42n, 963, 964, 964n, 1086, 1086n, 1119n, 1120n, 1466-67, 1467n, 1509, 1510, 1523, 1536, 1539, 1540n, 2503-4; A Citizen of Philadelphia, The Weaknesses of Brutus Exposed (Pelatiah Webster), 104, 779, 781n; A Columbian Patriot (Mercy Otis Warren), 735, 894-901n, 978, 1357, 1388, 1477; criticism of Antifederalists circulating in Conn., 352, 353; Dissent of Minority of Pa. Convention (Samuel Bryan), 477-78, 484-94n, 735, 790n, 895, 952, 953, 962n; A

Farmer, of New-Jersey: Observations on Government (John Stevens, Jr.), 181-85; Federal Farmer, 6, 203-45n, 976-1086n, 1100, 1477; The Federalist first volume distributed, 1477, 1580, 1582n; Federalists distribute, 736, 1434; A Flat-Bush Farmer, 1472-75, 1475-76; An Impartial Address, to the Citizens of the City and County of Albany, 752; Independent Journal, 28 July (Supplement), 2320n, 2402-3; Richard Jackson, An Historical Review of the Constitution and Government of Pennsylvania, 493, 494n; Richard Henry Lee's letter of 16 October, 2502; The Letters of Junius (Philip Francis), 1081n; Letters from a Farmer in Pennsylvania (John Dickinson), 202n, 237, 245n, 291, 293n, 1449; Luther Martin's Genuine Information printed as a pamphlet, 614-15, 901n, 978; Antifederalists want Luther Martin's speech published as a pamphlet, 898; George Mason's objections, 339; Many Federalists, 1511-12; Mass. Convention Debates, 962n, 1131, 1231-32n, 1232n; Jedidiah Morse's Geography Made Easy, 773, 773n; NY Assembly resolution calling state convention, 691, 707n, 729; NY circular letter done by Nicholas Power, 2337n; NY fourth Provincial Congress slate of delegates, 1500n; NY publications, descriptions of, lxv-lxvii; NY ratification published by Nicholas Power, 2335n; New York City celebration of 23 July by John and Archibald M'Lean, 2285; New York City Election Circular, 1494; New York City Antifederalists handbill during polling, 1525; New York City nomination list broadside, 1481; New York City procession, 1598-1601n, 1601-2, 1632, 1647, 2561; Nine Partners Address published as a handbill, 1455; Ode for the Federal Procession (Samuel Low), 1605-9, 2561; Ode on the Adoption of the Constitution (William Pitt Smith), 1612–14, 2561; One and All, 1513; One of Yourselves, 1516-19n, 1525, 1525n; Pa. Convention Debates (Thomas Llovd), 906, 907n, 913, 1378; Charles Pinckney's plan submitted in Constitutional Convention, 663, 666n; A Plebeian (Melancton Smith?), 103, 478, 753, 942-63n, 978, 1109, 1119n-20n, 2503-4; Richard Price, Observations on the Importance of the American Revolution, 483, 483n; Publius, The Federalist, 140, 141, 149, 346-47, 563-71, 609, 733, 735, 878-81, 890n, 906-7, 907, 1103, 1116-18, 1169, 1177-81 (see also Pseudonyms, Publius); Edmund Randolph's 10 October 1787 letter to Va. legislature, 2502; Remarks on the Address of Sixteen Members of the Assembly of Pennsylvania (Pelatiah Webster), 779, 781n; Remonstrances of an Old New Yorker, 1632; Richmond County election handbill, 1533, 1533-34, 1534; Schenectady Farmer, 1402; Scotsmen address, 1403-5, 1499; von Steuben's Letter on the Subject of an Established Militia, 244n, 637n; Suffolk County inundated with pamphlets, 1536, 1539; A Tenant, 1386-87; Horne Tooke's treatise on language, 1652; Jonathan Trumbull's farewell address as Conn. governor, 919-22; A View of the Proposed Constitution of the United States (John Nicholson), 824, 827, 829n; Noah Webster, A Grammatical Institute, 644n; Va. Form of Ratification burned in Albany, 1265, 1272; Va. Form of Ratification printed in Albany and Poughkeepsie, 1221n, 1266n, 2081n; Va. Form of Ratification printed in NY, 2086-87, 2175n; A Yankee, 1179

- —printings of the Constitution, 3; by Dunlap and Claypoole as six-page broadside, 42; in Dutch language, 46, 734, 1388, 1400n; in German language, 46, 734, 1388, 1400n; by Thomas Greenleaf, 45; by Samuel and John Loudon, 43; by John M'Lean, 43–44; by order of NY Convention, 47, 1681n; Constitution printed in three different languages, 1388, 1400n; by Charles R. Webster, 46, 902n
- See also Political and legal writers and writings; Pseudonyms
- BROADWELL, HENRY (New York City): and New York City procession, 1652
- BRONCK, LEONARD (Albany): id., 1359n; in Assembly votes, 516, 521; nominated for Convention, 1362; supervisor, 1414, 1415, 1416 —letter to, 1359
- BROOKHAVEN, SUFFOLK COUNTY: inhabitants of celebrate NY ratification in Smithtown, 2418
- BROOKLYN, KINGS COUNTY: celebrates Fourth of July, 1275–77
- BROOKS, DAVID (New York City): nominated as Convention delegate, 1501; nominated for Assembly, 1495, 1496, 1500; votes in Assembly, 515, 704, 713, 714

- BROOME, JOHN (New York City): and New York City procession, 1654; nominated as Convention delegate, 1501
- BROSS, JOHN (Albany): in Albany procession, 2384
- BROWN, ANDREW (New York City): signs Scotsmen address endorsing Constitution, 1404
- BROWN, ANDREW (Philadelphia): as printer of *Federal Gazette* sues Eleazer Oswald for libel, 2428n
- BROWN, JOHN (R.I.)
- -letter from, quoted, 1413
- BROWN, JOHN (Ky.): id., 1226n
- -letters from, 1211, 1225-26
- -letter from, quoted, 927
- -letter from, cited, 1222n
- BROWN, MOSES (R.I.): id., 341n
- —letter to, 340–41
- BROWN, NICHOLAS (R.I.): id., 1336n-37n
- —letter to, 1336–37n
- —letter to, quoted, 1337n
- —letter to, cited, 2219n
- BROWN, WILLIAM (New York City): appointed election inspector, 1494
- BROWN & BENSON (R.I.): id., 1524n
- -letter to, 1523-24
- BRUCE, PETER (New York City): signs Scotsmen address endorsing Constitution, 1404
- BRUCE, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- BRUSH MAKERS: and New York City procession, 1600, 1652-53, 1664
- "BRUTUS" (Tobias Lear), 339
- "BRUTUS" (Melancton Smith?), 5, 84, 121, 138, 143, 281, 409n, 575, 583, 606, 625, 667, 670n; authorship of, 103, 160, 191, 306, 312; circulation of, 103; criticism of, 356, 388, 390, 403, 441, 446; effectiveness as a propagandist, 2507; more plausibly written than Cato, 441; praise of, 105, 280, 445; quoted, 339; responses to, 103-4, 177-78, 464-65; Melancton Smith as possible author, 639n; personally referring to author of as a political figure, 667; printing in NY, 1183, 1184; said to be written by John Jay, 160, 306; said to be printed in New York Journal, 659; said to be written by R.H. Lee, 160, 306; text of, 105-15n, 154-60n, 252-57, 313-19, 410-16, 466-73, 566-71, 593-97, 617-23n, 653-58, 680-86n, 756-59, 773-76, 795-98
- "BRUTUS, JUNIOR," 5–6, 84, 186n, 205, 312; text of, 190–95

- BRUWYN, JACOBUS S. (Ulster): defeated Federalist candidate for Convention, 1571
- BRUYN, JAMES (Ulster): votes in Assembly, 704, 705, 713, 714
- BRUYN, JOHANNES (Ulster): nominated as Convention delegate, 1542, 1545, 1571
- BRUYN, JOHN (Ulster): is a Federalist, 1558
- BRUYN, SEVERYN T. (Ulster): id., 1546n, 1570n; John Addison tells him that he supports ratification, 1546n; attends Ulster County Antifederalist meeting, 1544; as candidate for Assembly, 1556; dropped as candidate for Assembly, 1569; criticizes Newburgh meeting nominations for Convention, 1542; as possible Convention candidate, 1564
- -letter from, 1547
- -letter from, quoted, 1545
- -letter from, cited, 1544
- -letters to, 1545-46, 1568-70n
- —letters to, cited, 1544, 1547
- BRUYNSWYCKE, ULSTER COUNTY, 1547n
- BRYAN, GEORGE (Pa.): criticism of as author of Centinel, 444, 561, 562, 563n, 628, 629n; spurious letter from, 1180
- BRYAN, SAMUEL (Pa.): as Centinel, 1183; as author of Dissent of Minority of the Pa. Convention, 477
- BRYCE, MR. (New York City): and New York City procession, 1647
- Bryson, James (Pa.), 590; id., 593n
- BUCHANAN, WALTER (New York City): signs Scotsmen address endorsing Constitution, 1404
- BURGISS, JOHN (Albany): in Albany procession, 2385
- BURHANS, JACOB (Ulster): sent Kingston Antifederalist Circular, 1566n
- BURKE, AEDANUS (S.C.): and NY Federal Republican Committee, 1101n
- -letter from, cited, 1099, 1292n-93n
- -letter to, cited, 1292n-93n
- BURR, AARON (New York City): id., 2433n-34n; declines being a Convention candidate, 1519; nominated as Convention delegate, 1485; nominated for Assembly, 1494 —letter from, 2433–34
- -letter to, quoted, 615
- BUTCHERS: in Albany procession, 2387; and New York City procession, 1586, 1599, 1637, 1662
- CABINET: criticism of Congress' power to invest in President sole power to appoint

some officeholders, 231–32; inappropriate body to advise president on appointments, 1034; will evolve and is dangerous, 197, 277. *See also* Privy council

CABINETMAKERS: and New York City procession, 1586, 1599, 1641, 1663

CADWALADER, LAMBERT (N.J.)

—letter from, quoted, 1252

- "CÆSAR" (Alexander Hamilton?), 4, 58, 59, 61n, 73, 99, 102, 429–30, 600n, 678, 999; attributed to Hamilton, 69; circulation of, 68–69; criticizes Cato, 79; criticism of, 80, 599–600; text of, 68–71, 91–96n; quoted, 422
- CALDWELL, JAMES (Albany): id., 1379n; as a member of the Albany Federal Committee, 1375, 1399; and Albany fracas, 1269n; Federalist praised for role in Albany Fourth of July fracas, 1265, 1270, 1272; suffered minor injuries during Albany Fourth of July fracas, 1268–69; tries to get St. Andrews Society to campaign upstate, 1378
- CALDWELL, JOSEPH (Albany): endorses Federalist response to 35 Objections, 1400; role of in Fourth of July fracas in Albany, 2391n
- CAMPBELL, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- CAMPBELL, SAMUEL (New York City): signs Scotsmen address endorsing Constitution, 1404; sells Federal Farmer, 976
- CANADA: Continental Congress addresses to, 374, 377n–78n, 1752, 1762, 1794n; danger to NY if it rejects Constitution, 438–39, 1688, 1692, 2141; fur trade gone to, 930; may be admitted as a new state, 984; Publius accused of wanting union with, 599; referred to as haughty neighbor to the north of NY, 1399; U.S. army needed to defend against, 565
- CANTINE, JOHN (Ulster, A–N): votes in Assembly, 521, 704, 705, 713, 714; nominated for Assembly, 1566; elected to Assembly, 1571
- —in NY Convention, 1542, 1677; nominated for, 1542, 1545, 1547, 1566; elected delegate, 1571; and movement to keep George Clinton as candidate for Ulster County, 1548; in roll-call votes, 2199, 2210, 2243, 2279, 2281, 2284, 2287, 2301, 2303, 2309, 2319, 2323; and vote of on 25 July report of Committee of the Whole (30 to 25), 2318n

- CANTINE, PETER, JR. (Dutchess): id., 1446; calls Federalist meeting in Nine Partners, 1446, 1455; votes in Assembly, 704, 713, 714
- CAP OF LIBERTY, 2077n; mentioned in R.R. Livingston speech, 2061–62, 2087–68
- CAPITAL, U.S.: amendment to guarantee a republican form of government for, 2089; amendment determining when it shall cease to be a part of a state, 2208; amendment proposed to restrict Congress power to make regulations for, 2093n, 2109-10, 2110, 2124, 2269-70, 2275n; amendment requires Congress to treat residents of the same as residents of the other states, 2238-39, 2314, 2331; amendment says federal city should not harbor criminal or debtors, 2451, 2451n; amendment guarantees immunity to from state laws, 2110, 2124; argument for central location of, 2460; benefits to be derived from location of are questionable, 1309; better for NY to lose than to lose civil liberties, 2291; compared to a king's court, 197, 277; Congress will decide where it will be, 1248-49; Congress will create a complete tyranny over, 2555; criticism of potential corruption in and high cost of, 351, 663; danger from as bastion of the wealthy and powerful, 910, 1837, 1838, 2555; debate in Congress over delayed for NY, 1321, 1323, 1325, 1325n 1326, 1346, 1351; danger from federal jurisdiction over, 1070-71, 1075-76, 1076-77, 1078; discord over location of causes delay in passage of ordinance for putting new government into effect, 2459-60, 2462; Eastern States and location of, 2452, 2453, 2460; will add expenses of federal government, 957; fear in NY that it will be moved South, 1378; final location will be settled later, 1249; hope that federal capital will be settled on, 2461; inhabitants of cannot vote for Congress which has complete power over them, 2555; location will be decided upon, 1343; the longer it is debated, greater the chances are it will have a central location, 2456-57; no congressional jurisdiction in under Confederation, 1080; Middle States would have advantages of proximity to, 215-16, 238; opposition to power of Congress to exercise exclusive legislation in, 2089; Melancton Smith wishes NY to continue as, 2182; plan for departs from every principal of freedom, 2555; praise of Constitution's provision for, 639;

question of amendments will mingle with issue of location of federal capital, 2162; and republican form of government, 1076-77, 1079; residence of will not be subject to any state laws or constitutions, 1077, 1079; should be small, 1076-77, 1078; Southern and Western states would prefer with a central location, 2457; Southern States must be accommodated with respect to location of, 2460-61; Southern States want it moved further south, 2140; uncertainty of new location under Constitution, 1309, 1313, 1316, 1318; and taxes on inhabitants of, 1076, 1079; virtue will be absent from because of vast powers of President, 197; western site should be chosen, 2460; Western States and location of, 2453-54, 2457, 2460, 2460-61, 2461; will be a dazzling city that follows fashion, 1079; will be costly to build, 1383, 1397; will be filled with corruption, 1079; would be an asylum of idle, avaricious and ambitious, 277

- Congress and capital location, 2368, 2371, 2429, 2430, 2432, 2434, 2441, 2451–52, 2453–54, 2456, 2458; Baltimore as, 1251, 1351, 2452, 2453–54, 2456, 2458; Lancaster, Pa., as, 2452, 2453; N.J. as, 2453–54; New York City as, 2452, 2453, 2456, 2465; Philadelphia as, 2429, 2451–52, 2456, 2465; Potomac as, 2453–54; Wilmington, Del. as, 2452; Congress rejects Philadelphia as, 2445
- -New York City as site of: choice of would have kept it from a central location, 2457; desire for in NY convinces some Antifederalists to support ratification, 1333, 2481; first federal government would meet in, 1337; loss of used as a threat by Federalists in NY Convention, 2484-85; New York City anxious to keep, 2437-38, 2441; New York City fears loss of if Convention rejects Constitution, 2372; NY Convention concerned about losing, 1336; NY delegates to Congress and, 2448-50; New York City will lose if NY does not ratify, 736, 1111-12, 1309, 1314, 1319, 1338, 1339, 1342, 1343, 2133, 2134, 2144, 2154, 2290, 2291; New York City procession wants it to remain in, 1629; NY Antifederalists want to keep in, 1332; New York City as potential, 1251; probable that New York City will be, 2433; reasons given why New York City should not be, 2460; some NY Antifederalists want to lose, 1333; value of to New York City, 2133, 2134,

2138–39, 2141, 2466; Western States, 2453– 54

- —Philadelphia as site of: agents soliciting Congress to remove to, 2138–39, 2142n; choice of Philadelphia increases chance it will have a central location, 2457; distress in Philadelphia that NY ratified Constitution before Congress could call for elections, 2422; will remain in Philadelphia until South has balance of power, 2140; reasons why Philadelphia is preferable to New York City as, 2460–61
- CAPTURES: Congress has power to regulate under Articles of Confederation, 984; federal government will legislate for regulating on land and water, 1070. *See also* Admiralty jurisdiction; Piracy
- CAREY, MATHEW (Pa.): id., 783n, 1522n; as printer of the Philadelphia American Museum, 1345
- —letters to, 783, 809, 1317–18, 1522, 1522n —letters to, quoted, 1209n, 1318n
- -The Prayer of An American Citizen, 1178
- See also Newspapers, Pennsylvania, American Museum
- CARLISLE, PA.: riot in, 585, 1189, 1428n; supports Constitution, 175, 180n-81n
- CARMAN, STEPHEN (Queens, A–Y): id., 2183n; and distribution of Antifederalist literature, 896–97; votes in Assembly, 704, 705, 713; elected to Assembly, 1532
- —in NY Convention, 1531, 1671, 1677; elected delegate, 1531, 1532; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; speech of, 2183
- CARMEN: in Albany procession, 2385
- CARMEN, NICHOLAS (New York City): and New York City procession, 1641
- CARMICHAEL, WILLIAM (Md.)
- —letter to, quoted, 916
- CARPENTER, JOHN (Orange): elected to Assembly with vote totals, 1530
- CARPENTERS: in Albany procession, 2384; meeting of in New York City, 1504–6n; and New York City procession, 1586, 1599, 1638, 1663
- CARRINGTON, EDWARD (Va.), 479n, 591; id., 34n; in Congress and debate over Constitution, 57; in Congress on location of capital, 1252; sends volumes of *The Federalist* to Jefferson, 2452, 2452n

- -letters from, 34, 121, 122, 1197, 1211, 2349-50, 2378
- —letters from, quoted, l, 139, 205, 462, 753, 978
- —letter from, cited, 927, 2345n, 2452n
- CARROLL, GEORGE (New York City): and New York City procession, 1647
- CARSON, ALEXANDER (Albany): Scotsman endorses Constitution, 1405
- CARTER, ROBERT (New York City): and New York City procession, 1641
- CARTMEN: and New York City procession, 1586, 1600, 1648, 1664
- CARTOONS. See Illustrations
- CARVERS: and New York City procession, 1600, 1664
- CARVERS AND ENGINEERS: incorrectly reported in New York City procession, 1598
- CARVERS AND ENGRAVERS: and New York City procession, 1598, 1649
- CARY, EBENEZER (Dutchess): defeated as Convention delegate, 1466; nominated as Convention delegate, 1440, 1455, 1456
- "CASSIUS," 1443n; response to, 1452; text of, 1446-49
- CASTLE WILLIAM (Boston): cannon of discharged in celebrating news of NY ratification, 2420, 2437
- CASWELL, RICHARD (N.C.): and Dobbs County, N.C., elections riot, 1106
- -letter to, quoted, xxxix "CATO" (George Clinton?), 5, 73, 74, 104-5, 105, 120, 191, 281, 310, 409n, 583, 606, 625, 678, 816; Americanus responds to, 171-74, 327-31; authorship of, 58-59, 292, 423, 455; circulation of, 58; commentaries on, 59; criticism of, 403; Curtius replies to, 97-102n; defense of, 442-43; effectiveness as a propagandist, 2507, 2537, 2544n-45n; personally referring to author of as a political figure, 667; praise of, 445; printing in NY, 1181; quoted, 206, 290n, 331n, 604, 1794n; responses to, 68-71, 91-96n, 171-74, 177-78, 275, 288-89, 355-60, 388, 390, 392-94, 400, 422, 422n, 423-24n, 429-30, 441-42, 446, 561-62, 575-76; text of, 58-61, 79-83n, 125-30n, 195-99n, 276-81n, 394-97, 416-20, 438-40,
- 572 74
- "Сато": text of, 1302-4n
- "CATO": THE SYREN'S SONGS, 58, 59, 445; text of, 392–94, 429–30

- CAUSE AND NATURE OF ACCUSATION: amendment guaranteeing right to, 2111, 2119, 2200, 2235, 2306, 2327–28
- CELEBRATIONS: Baltimore celebrates Md. ratification, 1191; Charleston procession celebrates S.C. ratification, 1192; ringing of bells said to be irritating, 1240, 1240n, 1323
  —Fourth of July, 734, 1243n, 1264–92; in Albany, 1264–75, 2098–99, 2115, 2117; and Albany fracas, 1269n, 1298, 1306; in Brooklyn, 1275–77; in Fredericksburgh, Dutchess
- County, 1277–78, 1279–80; in Hudson, 1280–81; in Jamaica, NY, 1281–82; in Kingston, 1282–83; in Lansingburgh, 1283–84; in New York City, 1242, 1261, 1277n, 1284–90, 1659n; in Philadelphia, 1193, 1261, 1290, 1310, 1587, 1627–28; in Poughkeepsie, 1290–92, 2081, 2105
- —on Massachusetts ratification: in Boston, 771, 1188; in New York City, 766–72, 1188
- —on New Hampshire's ratification: in New York City, 1213, 1228, 1232, 1235, 1243, 1584; in Portsmouth, 1193, 1297, 1297n
- New York City federal procession, 1193, 1241, 1245n, 1284, 1322, 1323, 1327, 1331, 1334, 1338, 1341, 1347. See also New York City federal procession
- on New York's ratification, 2381; in Albany, 2381–95, 2444, 2445; in Ballstown, 2395– 96; in Boston, 2420, 2435–43; in Dover (Dutchess County), 2396–97; in Flushing, 2397–98; in Half Moon, 2398–2400; in Hudson, 2401, 2427; in Kinderhook, 2402, 2427; in Lansingburgh, 2400–2401; in New Brunswick, N.J., 2420–21; in New York City, 1334, 1335n, 2561, 2562; in Newburgh, 2414–15; in Newport, R.I., 2421–22; in Philadelphia, 2422; in Plymouth, Mass., 2423; in Portsmouth, N.H., 2424; in Providence, R.I., 2424–25; in Red Hook, 2415– 16. See also New York City federal procession
- —on Virginia's ratification: in Boston, 1323; Federalists admonished to be prudent in celebrating, 1215; in New York City, 1167, 1215, 1242, 1243, 1247, 1249–50, 1274, 1618; in Philadelphia, 1169; in Poughkeepsie, 1217, 1218, 2080
- CENSUS: amendment that direct taxes should be apportioned according to, 2090; provisions for in NY constitution, xxiii, 420n, 1160; purpose of to increase size of representation accordingly, 1741; ratio of representation will decrease after, 1782; representation will not be adequately enlarged

by time of first, 2020; some states have provision for to adjust representation, 417; to be used in assessing requisitions on states, 2126–27; to be held in U.S. every ten years, 663. *See also* Population

- "CENTINEL" (Samuel Bryan): criticism of, 783–84; effectiveness as a propagandist, 2507; essays of spread over Albany County, 766; quoted, 583; reprinted in NY Antifederalist anthology, 735, 895, 899, 1357, 1477, 1536, 1540n
- CHAIRMAKERS: and New York City Procession, 1663
- CHALMERS, WILLIAM (Far East): id., 382n —letter to, 381–82
- CHANCERY. See Judiciary, U.S., equity jurisdiction of
- CHAPMAN, HENRY (New York City): id., 54n
- -letters from, 54, 1205-6
- —letter from, quoted, 54n
- —letter from, cited, 2345n
- CHARACTER OF U.S. See Foreign Opinion of U.S.; Public credit
- "Charity," 969; text of, 970
- CHARLES III (Spain): toasted, 1657, 1660n. See also Spain
- CHARLESTON, S.C.: procession in celebrates ratification, 1192
- CHARTERS: have been violated in Pa., 492
- CHECKS AND BALANCES: Antifederalists want to strengthen, 1256-57, 1258; appointments made by courts of law and heads of departments will be, 1035; bicameral Congress will provide some, 1013; Constitution lacks sufficiently, 231-32, 238, 282, 582, 1012, 1068-69, 1071, 1093, 1882, 1885, 2019; Constitution praised for, 52, 54, 64, 174, 887, 1034-35, 1725, 1777, 1827, 1953-54, 1964, 1966; departments of government under Constitution create, 2158: Federal Farmer's checks do not lessen the energy of the federal government, 1011; further needed at the federal level, 2019; needed because of small representation, 1820; needed when granting power to tax, 983; only check states have is that they elect senators, 2144-45; ought to be silent and without public commotion, 1880; power to recall is a good check on Congress by states, 1014-15; praise of, 1389; praised as defense against corruption, 401; President and Senate will not check each other, 572; principle of supported, 917-18, 1773, 1901; provided in state governments, 2019;

Senate appropriately checked by other branches, 1849; should allow power in the central government, 1008–9; states have, 985–86; structure of the bicameral Congress will not provide, 1013; superior to a bill of rights, 747; too many checks will ruin government, 1896. *See also* Balanced government; Bicameralism; Division of powers; House of Representatives, U.S.; Senate, U.S.; Separation of powers; Veto power

CHEW, BENJAMIN (Pa.): id., 1130n —letter from, 1130

CHEW, SAMUEL (Md.): id., 1130n

- —letter to, 1130
- CHILDS, FRANCIS (New York City), 586; id., 2488n; and accusations against Greenleaf for printing false items 2496n; accused of Federalist bias when candidate for state printer, 2489n-90n; accused of bias in recording Assembly debates, 2495, 2496n; believes that Hobart's motion to adjourn will be defeated, 2189; Benjamin Franklin helped to establish as publisher of Daily Advertiser, 2488n; and his use of words federal government, 2559n; as note taker of legislative and convention debates, lvii, lxix, 1700n-1701n, 2252-53; as printer of proceedings of NY legislature calling NY convention, liv, 687; as publisher of Daily Advertiser, lvii, 558, 687, 1318n, 1482, 1486, 1489, 1493, 1505, 1570, 1620n, 1831, 2282n; prints broadside, 1476n
  - -Debates of NY Convention, 180, 186, 191, 192, 213, 1675, 1681-89, 1704-8, 1710-11, 1745-47, 1767-74, 1780-8, 1787-91, 1793, 1794, 1807-8, 1808, 1809, 1822-25, 1827, 1836-38, 1849-51, 1853, 1854-55, 1857, 1858, 1858-60, 1872-73, 1877-83, 1890-9, 1902, 1903, 1904-5, 1905, 1907, 1910, 1910-11, 1914, 1916, 1917-19, 1939-44, 1952, 1952-60, 1977-90, 1998-2002, 2004, 2018-19, 2031-32, 2032-33, 2038-39, 2049-52, 2058-62, 2063-64, 2064-66, 2066-68, 2069, 2077, 2088, 2089-90, 2092, 2099-2101, 2106-7, 2117, 2118, 2118-19, 2130; differ from McKesson's notes, 1738n; accusation that Convention Debates are biased against advocates of amendments, 2489n, 2490, 2549n, 2549-50; criticisms of by "A Real Federalist" read in state Assembly debate, 2492; denial that published Convention speeches of were impartial 2492-94; description of Convention altercation between Hamilton and Lansing,

2490, 2495n; permits Convention speech makers to revise speeches for publication, 2490; and publication of Convention debates by, 2355–56, 2357, 2488–96; and publication of speeches by R.R. Livingston (19 June) and John Lansing, 2356n; and publication of roll-call votes in, 2282n

- -letter from, quoted, 2488n
- -letter to, 1530
- -letter to, cited, 1530
- See also Newspapers, in New York, Daily Advertiser
- CHIN, EDWARD (Columbia): signs Claverack grand jury address, 617
- CHOCOLATE MAKERS: and New York City procession, 1586, 1600, 1650-51, 1664
- CINCINNATI, SOCIETY OF THE, 1236n; will benefit from Constitution, 86; celebrate Fourth of July in New York City, 1284, 1289n, 1659n; and land in the Western Reserve, 367n; meeting of in New York City, 1250, 1251n, 1286, 1287; in the New York City procession, 1597–98, 1599, 1601n, 1609, 1610, 1659n; satirically says not to vote for as a Convention delegate any former member of, 1450; strength of will ensure adoption of Constitution by force if necessary, 1236
- —toasted in; Flushing, 2398; Hudson, 1280– 81; Jamaica, NY, 1282; New York City, 1242, 1287, 1290n
- "CINCINNATUS" (Arthur Lee), 5, 84, 154, 266, 276, 447; authorship of, 160; commentaries upon, 160–61; criticism of, 390, 446; criticism of address to James Wilson, 625, 678, 788, 790n; praise of, 125; text of, 87–91, 160–65, 199–203n, 257–62n, 281–87, 319– 27n, 367–72n
- "CINNA": text of, 2494–95
- CIRCULAR LETTER. See New York Circular Letter
- CITIES AND TRADING TOWNS: have improved under the Confederation, 1925–26; support Constitution, 175
- "A CITIZEN," 340, 390, 456, 582, 793n, 811n; authorship of, 812n; authorship of by George Metcalf, 812n, 830–33n, 851–52n; printing in NY, 1178, 1179, 1180; as similar to Fabius and perhaps same author, 792– 93; text of, 303–6, 652–53n, 674–77, 679– 80, 806–7, 811–12, 838–43, 891–92
- "A CITIZEN" (multiple essays): text of, 1428– 29, 1487, 1488–89, 1492n, 1495, 1519–20, 2355–56; text of quoted, 1421

- "A Citizen, and real Friend to Order and good Government," 1487n; text of, 1489– 93
- "A CITIZEN AND FRIEND OF GOOD ORDER": text of, 1499–1500
- "A CITIZEN OF AMERICA" (Noah Webster), 160, 484–85; authorship of, 7, 790n, 830n; criticism of, 470, 473, 473n, 619–20, 622n; praise of, 380, 380n, 1086, 1086n; printing in NY, 1178; text of, 787–90
- "A CITIZEN OF NEW-YORK" (John Jay), 734, 964, 964n, 1467n; answered by A Plebeian, 942, 959–62; authorship of, 922–23; distribution of, 924–25, 926–27, 963, 1119n, 1120n, 1509, 1510, 1536; effectiveness of, 1440, 1466–67, 1509, 1539, 1540n; lost in the mail, 1523; praise of, 924, 925, 927, 1086, 1086n, 1120n, 2503–4; text of, 927– 42n
- "A CITIZEN OF NEW YORK": text of, 54-55
- "A CITIZEN OF NEW YORK": referred to as author of Publius, 564
- CITIZENSHIP: amendment requiring of President, Vice President, and members of Congress, 2251n, 2312, 2314, 2331; endangered if Constitution is rejected, 939; more pride in American citizenship than state citizenship, 150; not to be restored to Loyalists, xxxii
- CITY ISLAND, NY: efforts to develop as a port challenging supremacy of New York City, 2488n
- CITY TAVERN, NEW YORK CITY: and planning New York City procession, 1589, 1590, 1591n
- CIVIL ENGINEERS: and New York City procession, 1586, 1599, 1643, 1664
- CIVIL GOVERNMENT: there will be adequate revenue for, 1962
- CIVIL LAW: Constitution will establish instead of the common law, 1051; does not protect liberty as does the common law, 995. *See also* Judiciary, State; Judiciary, U.S.; Jury trial, Justice
- CIVIL LIBERTIES: America is freedom's hallowed home, 2439; America has more than any other country, 356; American commitment to, 60, 974, 982, 2338; American Revolution fought for, 15, 23, 25, 26, 51, 79, 80, 95, 98, 176, 421, 611, 680, 930, 974, 982–83, 1201, 1280–81, 1283, 1305, 1836, 1861, 2338, 2390, 2397, 2402, 2414, 2417, 2555, 2557; Americans must not surrender their dear bought liberties and come into

Union, 2557-58; Americans possess under the Articles, 193, 967, 984-85, 1410; Americans deserve and should never surrender, 176, 245n, 841, 1058, 1259, 1722; Amphyctionic Council loses, 1726; annihilation of the states will destroy, 1924, 1927; Articles of Confederation drafted to protect, 1154, 1861; Articles of Confederation praised as defending, 803, 804; based on union of interests between rulers and people, 739; benefited by bicameralism, 837; biennial elections in Constitution does not endanger, 400; cannot be given up by ordinary laws alone, 983-84; better for NY to lose federal capital than to lose, 2291; certain rights should not be controlled by government, 617; Clinton said to threaten, 2166; in confederations remain with state governments, 213; conflict over amendments before adoption of Constitution, 948; Congress may not abridge or modify rights of the people, 2205; Constitutional Convention could never have proposed anything detrimental to, 680; could be subverted by state legislatures but they are not, 1952; debate over Constitution important to, 603, 957; Declaration of Independence quoted on equality of men, 2484; defended when people rule themselves, 791; definition of, 983; depend on security, 127; espousal of by Dickinson, 291; federal government will have power to pass all laws affecting, 107; Federalists as friends to, 14, 1366, 1434; free press is palladium of, 133, 135, 136, 163, 164, 199, 555, 755, 809, 995, 1053, 1059, 1060, 1381, 2205, 2409, 2410, 2414n; gift of God, 1155, 2437; given away to rulers are seldom recovered, 1757, 1758, 1759; goal is to create a government amenable to, 1754; government to secure blessings of liberty, 2472, 2533; Great Britain and, 553-54, 643, 873, 993-94, 994-95, 1059; great men never advocated for, 62, 997; handed down from our forefathers as sacred as our bibles, 2553; hope that whichever party prevails it will protect great rights of mankind, 2522; if lost poor will lose and rich will gain, 1781; jealousy is bane of, 145-46, 176; liberties are a deposit in hands of individuals to be passed on to future generations, 2557; liberties of people not secured by bill of rights, 2532; Mass. Federalists are not supporters of, 668; may freedom of America be perpetual, 2423; misunderstanding

of, 1241; Montesquieu tries to make monarchy compatible with, 397; more important than Union, 1688, 1707, 1709, 1712, 1802, 1804, 1805; need to be individually listed, 1053, 1057-58; NY act concerning rights of NY citizens, 2559n; no fear of violation by government unless people neglect, 435; Northern States have more, 128; not the same as allowing every man to do as he pleases, 87; not usually lost by government inactivity, 1827; now called anarchy, 118-19; our freedom is secured, a motto in Albany procession, 2386; people are jealous of liberties and strongly attached to freedom, 2550; political liberty is a tranquility of the mind, 129n; President does not endanger, 358-59; radical legislation of states and, 57; remain the same despite division of power in new Union, 150; rest on custom and opinion and explicit protections in state constitutions, 1058; rulers should be trusted with (satire), 404; Senate's power to amend money bills violates principle of, 283; should be secured according to Preamble to Constitution, 294, 295; should not be sacrificed to any level of government, 1691; slave trade clause inconsistent with, 292; some Americans willing to trade liberty for coercive power, 1059; some cannot be explicitly ascertained and fixed, 216; some must be given up to preserve the rest, 39, 83, 129n, 155, 188-89, 426-27; Southern States respect less, 128; state judiciaries have protected, 1044; state legislatures have sometimes abused, 177-78, 189, 1044; states have protected, 1153-54; state officeholders will affect, 1959; states will be unable to guarantee, 2146, 2147; still respected in U.S., 1774; and submission to power, 188; Union is palladium of American liberty, 313; Union is not as important as liberty, 1671, 1688, 1707, 1709, 1712, 1720; U.S. best country for understanding jurisprudence and civil liberty, 66; George Washington saved for America, 654; will be lost if NY Convention ratifies unconditionally, 2147; will exist if laws cannot bind people without their consent, 2019; would exist under new requisition system, 1999

—Antifederalists: described as friends to, 1798, 2366; described as over zealous for, 1303; favor preserving, 1441; less favorable to, 1256; and the love of, 1101; needed to attend Congress to preserve, 1258; NY Antifederalist Society formed by those who had regard for constitutional liberty, 2479; not really concerned about, 492; will save state and country from despotism, 2116

- -endangered by: amending Articles of Confederation, xlvi, 1725; in America, 483; Antifederalists, 788, 931; Articles of Confederation, 362, 756; executive and legislative powers are combined, 285; combining purse and sword, 1065-66; Congress' power over military, 1008; congressional taxation power, 2058-60, 2062; a consolidated government, 466, 1707; U.S. Constitution, 1, 53, 79, 82, 104, 105, 108, 109, 114, 126, 127, 154, 156, 161, 164, 165, 168-70, 192, 196, 207, 210, 217, 219, 223, 232, 233, 238, 239, 252, 256, 257, 270, 273, 278, 282, 283, 284, 286, 293, 297, 304, 306, 308, 313-19, 323, 336, 336-37, 345, 351, 371, 405, 413, 419, 420, 421, 426, 427, 458, 458-59, 480, 521, 574, 582, 598, 611, 615, 636, 649-50, 653-55, 661, 673, 708, 709, 753, 803, 828, 854, 855, 881, 888, 891, 899, 903, 943, 952, 953, 967, 968, 970, 979, 1005-6, 1057-58, 1058-59, 1064, 1066, 1093, 1099, 1100, 1109, 1134, 1155-56, 1167, 1241, 1263, 1330, 1371, 1372, 1373, 1373n, 1379-80, 1380, 1382, 1384, 1387, 1410, 1424, 1448, 1458, 1487, 1501, 1503, 1539-40, 1554, 1561, 1628, 1671, 1709, 1742, 1746, 1753, 1755, 1757, 1758, 1759, 1765-66, 1780, 1798, 1799, 1807, 1840-41, 1871, 1872, 1877, 1903, 1918, 1924, 1926, 1929, 1931, 1936-37, 1979, 2115, 2220, 2293, 2294, 2295, 2433, 2449, 2532, 2533, 2537, 2552, 2553, 2555, 2556, 2557, 2558; disunion, 41; Hartford Convention, 1979; lack of separation of powers, 1262; military execution of laws, 218; necessary and proper clause, 233; NY not ratifying Constitution, 2226; not listing in Constitution, 1056; selfinterest, party spirit, and corruption, 801; some delegates to Constitutional Convention, 25; standing armies, 38, 41, 112, 128, 261, 321, 321-22, 326n, 427, 618; strong federal government, 170; those who govern, 116, 156; too large a legislative body, 464; weak government, 1403
- —preservation and protection of, 1622, 2554; amendments needed for, 119, 242, 784, 948, 973, 1093, 1708, 1754, 1799, 2200, 2234, 2305, 2322, 2326, 2338, 2433, 2439,

2476, 2479, 2510, 2514, 2526; because legislators are subject to the law, 739; bill of rights needed for, 170, 2299; by combining interests of governors and governed, 486; consolidation is only security for, 2531; U.S. Constitution will not endanger, 1730, 1962, 1964, 1966, 2196, 2294; Constitution will protect, 15, 37, 41, 50, 51, 63, 64, 66, 87, 88, 89, 90, 94, 124, 125, 145-46, 146, 148, 172, 174, 179, 358, 391, 391-92, 402, 432, 439, 560, 561, 581, 606-7, 616-17, 628, 652, 770, 815, 860, 932, 1152, 1214, 1306, 1349, 1362, 1367, 1369, 1403, 1434, 1446-49, 1455, 1514, 1515, 1533, 1578, 1604, 1609, 1613, 1643, 1647, 1658, 1661, 1741, 1777, 1778, 1805, 1961, 2392-94, 2398, 2426, 2488; by the democratic branch, 1011; depends on government taxation power, 490; division of power under Constitution for, 1777; and the ends of government, 126, 436, 617, 1442; by free and frequent elections, 330, 371, 432-33, 486; express declarations and reservations needed for, 168; in extended republics, 73, 329-30, 1967; hope that God inspires NY Convention delegates, 1138; by House of Representatives, 1013, 1856; jury trial as bulwark of, 169, 202, 375, 378n; majority of Americans favor, 240-41; navy and, 313; necessity of, 1971-72; needs government that will protect from without, 72-73; needs stable well-ordered government for, 145-46, 983, 1197, 1688, 1869; new government for U.S. should advocate for the, 110, 950, 1372; NY Convention charged with, 1877; not the real reasons for proposing the new Constitution, 1154; other states that have ratified are just as devoted to the, 2131; people secure if representative government is established on republican principles, 2221; ratify conditionally for a number of years for, 1097; representation and relationship to, 280; by representation in state assemblies, 257; state constitutions (bills of rights) and, 202, 2531, 2559n; state governments and, 1717, 2059, 2135, 2221; by states resorting to arms to fight congressional despotism, 1936; by states under Articles, 1008; strong constitution needed for, 1854, 1855; under a partially consolidated federal government, 214; by Union, 1773, 2545n; when government is mild, 357; when people are adequately represented in legislatures, 330; by yeoman farmers, 1753

- —toasted: in Brooklyn, 1276; in Hudson, 1281; toasted in Hurley celebration of NY ratification, 2402; in Kingston, 1283; for the enjoyment of sweets of liberty, 2419; friends of freedom throughout world, 2395, 2417, 2423; to all rulers of the free, 2423
- *See also* Amendments to Constitution; Bill of rights; Convention, second constitutional; Government, debate over nature of
- CIVIL WAR: Amphyctionic Council ended in, 1725–26; Clinton will be obstinate even if conflict occurs, 1340, 2166; fear of as reason why Convention ratified unconditionally, 2481; greatest evil, 980; requisition system could lead to, 1724, 1986–87; use of threat of by Federalists in NY Convention, 2484–85; weakness in central authority of republics causes, 1726
- -danger of, 98, 365, 487, 1136, 1256, 1345, 1488; because of jealousies and suspicions among states, 2545n; because some Antifederalists were so obstinate in Convention, 2432; conditional amendments if insisted on will lead to in NY, 2148; if Congress uses force to get NY to pay its arrearages of funds, 1338; if Constitution is rejected, 177, 245, 438, 762, 853, 867, 904, 980, 1303, 2376; if Constitution is ratified, 210, 225, 306, 636, 1236, 1871; if a second convention rises without obtaining amendments, 2518; from Mass. non-compliance with federal requisition, 1724; if NY rejects Constitution, 1114, 1148, 1223, 1241-42, 1318, 1319, 1334, 1340, 2163, 2195-96, 2197; over NY's refusal to adopt Impost of 1783, xxxvii; because of NY's territorial claims, 1337; as only recourse to loss of rights under Constitution, 1871; between ratifying and non-ratifying states, 1255; if Union is dissolved, 1225; under a system of requisitioning taxes, 1942, 1986-88; without union, 13
- —unlikelihood of, 947, 948; Constitution will prevent, 134, 271n, 817; denial that it will occur if Constitution is rejected, 191, 193, 194; even if NY does not ratify, 948–49; no support for in Mass., 1131–32; ratification

of Constitution has prevented, 2393; ratifying states will not foment civil war, 1255; will not be fomented by NY, R.I., and N.C., 1255

- See also Insurrections, domestic; Shays's Rebellion; Violence
- "CIVIS": text of, 1362, 1515
- CLARK, ABRAHAM (N.J.): id., 1336n; and bribe from Gov. Clinton to get N.J. to oppose Constitution, 444n; as congressional committeeman rejects Supt. of Finance Morris' report, 372n; did not attend Constitutional Convention, 244n; proposes resolution in Congress sending Constitution to states, 56 —letter from, 1336
- CLARK, EBENEZER (Ulster, A–N): votes in Assembly, 515, 521; campaigning to come up with candidates for Assembly, Senate and Convention, 1564; elected to Assembly, 1571, 1572
- —in NY Convention, 1542, 1677; as candidate, 1564; elected, 1571; nominated, 1542, 1543, 1545, 1547, 1566; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2223
- CLARK, JEREMIAH (Orange): elected to Assembly with vote totals, 1530; votes in Assembly, 510, 515, 521, 704, 705, 713, 714
- CLARK, RICHARD (New York City): and New York City procession, 1645
- CLARKE, CAPTAIN, 2430
- CLARKSON, MATTHEW (New York City): as delegate to general convention of the Cincinnati, 1287; and doctors' riot, 915
- CLASSICAL ANTIQUITY: Actæon and his hounds, 778, 781n; Aesculapius, 964; Agricola, 975, 976n; Alexander the Great, 1607, 1609n; ancient republics were democracies, 328; ancient republics were small, 1927; Apelles, 153, 153n; Apollo, 1642; Bacchus, 1589, 1626, 1636, 1640, 1659n, 1662, 2384; Battle of Pharsallia, 396; Bellona, 1306; Brutus (as attacker of Julius Caesar), 453; Cadmus, 1654, 1660n; Carthaginians, 787, 790n, 1039, 1167, 1168n; Cæsar, 278, 396, 453, 596, 654, 2079, 2081 (See below Julius Cæsar); Caligula, 278; Cappadocia (Syria), 258, 261n; Carneades of Cyrene, 168, 170n; Catiline, 396, 1303, 1303n; Cato, 69, 71n; Cato the Censor, 69, 168, 170n; Ceres, 1608, 2394; Charybdis, 2230; Cicero, 118n, 187, 190n, 287n, 1239, 1239n, 1659n, 2496n, 2359; Court of Areopagus, 267,

267n; Delphic Oracle, 1347; Demosthenes, 574, 1239, 2079-81, 2495, 2496n; Diocletian, 333; Domitian, 278; Ephialtes, 267n; Fame, 1638, 1640, 1642, 1644, 1645, 1647, 1649, 1655, 1662; George Washington not like Julius Caesar, 654; Gorgon-headed anarchy, 52; Gracchi, 2496n; Hannibal, 364-65, 366n; Hercules, 2495; Hermaphrodite, 1347; Hermes, 1654, 1660n; Homer, 251, 364, 480; Horace, 404, 405n, 975, 976n; Hydra head, 51; Icarus, 189; Janus, 1121, 1122n, 1303, 1303n; Jove, 1311; Julius Cæsar, 596, 653, 654, 975, 976n (See above Cæsar); Jupiter, 78, 79n; Lewis Morris compared to an old Roman going off to the Senate, 672; Liberty, 1647; Lycurgus, 172; Marius, 2543, 2545n; Mark Antony, 826, 829n; Mercury, 1655, 1660n; Minerva, 78, 79n, 1642, 1659n; Nero, 278, 333; O Fortunati Agricola (O fortunate farmer), 1633, 1659n; orators, 1239, 2495; Ovid, Letters from Pontus, 188, 190n; Pandora's box, 134; Pericles, 267; Philip of Macedonia, 574, 1725-26, 1726, 1731, 1739n; Plato, 607, 1300, 1302n; Pliny the Elder, 153n; Plutarch, 97, 101n, 2080n; Polybius, 645, 650; Pomona, 1608; Pompey the Great, 69, 71n; Proteus-like, 314; public speaking reminiscent of Greece and Rome, 1437, 1438n; Publius Sulpicius Rufus, 2543, 2545n; Pyrrhon, 481, 482n; Pytheas, 2080n; Quintilian, 2496n; Quintus Ennius, 118n; the Rock of Ajax, 1239, 1239n; Roman fix your mark (Horace), 1549, 1550; Roman wisdom, 1283; Romans critical of Carthaginian faith, 787, 790n; Rome was once as free as Americans, 840; Rome is always on the lips of Americans, 1344; Rubicon, 73, 211; St. Crispin, 1659n; Sallust, 649; Scylla, 2230; sevenheaded serpent, 279; the Shoemaker should not quit his last, 152, 153n; Silenus, 1636, 1659n; Socrates, 1300, 1302n; Solon, 2415; Solon's Laws, 97, 101n; Spartan virtue, 1283; syren voice, 1448; Taaut, 1654, 1660n; Tarquin, 649; transmigration of Souls puts ancient orators in NY Convention, 1239; Tully (Marcus Tullius Cicero) (See above Cicero); Tyre, 1170, 1171n; Venus de Medici, 1834, 1835n; Veritas, 1300, 1302n; Virgil, lxii, 16, 367n, 1659n, 2442n; Vulcan, 1639, 1659n. See also Biblical references; Governments, ancient and modern; Greece; Rome

CLAVERACK, COLUMBIA COUNTY: Antifederalist nominating meeting in, 1200n, 1424, 1425, 1426, 1431; Antifederalists win a majority vote in, 1422; Federalists nominate Convention and Assembly delegates, 1421, 1422–23, 1423; Federalists support for Peter Van Schaack in, 1432; grand jury address from Columbia County court supporting Constitution, 616–17; population of, 1421

- CLERGY: can hold public office under Constitution, 668; chaplains thanked for their services in NY Convention, 2325; Constitution might endanger, 167-68; criticism of those who favor politics more than divinity, 480; criticism of lack of prohibition on civil or military officeholding in Constitution, 1166; Delaware constitution prohibits from executive and public officeholding by, 955; duty is to exercise benevolence to all men, 332; influence they have over the people, 668; in Mass. Convention, 668, 670n; and New York City procession, 1600, 1601n, 1617, 1629, 1630n, 1665; NY constitution prohibits civil or military officeholding by, xxv, 503, 985; prohibited from serving in state office, 670n; should stay out of man's affairs, 332-33, 334-35, 335, 480; sought by NY Convention to give daily opening prayer, 1678, 1700; support Constitution, 22, 23, 86, 174-75, 186, 186n, 668, 878, 1301; have a great influence in government, 991-92; will benefit from a peaceful ratification of Constitution, 238. See also Religion; Religion, freedom of
- CLERMONT, COLUMBIA COUNTY (R.R. Livingston's estate): id., 1088n; Federalists win a majority vote in, 1422, 1436; large turn-out for elections, 1437; opposition to Claverack slate, 1421; population of, 1421
- CLINTON, CATHARINE (New York City): id., 1286n
- -letter to, 1286
- CLINTON, CHARLES (Ulster County): id., 2471n
- —letter to, 2470–71
- -letter to, cited, 2506
- CLINTON, CORNELIA (New York City): daughter of Gov. Clinton defends against hissing mob, 2411, 2413n; description of, 1173
- CLINTON, CORNELIA TAPPEN (New York City), 1261; description of, 1173; health of, 881; wife of Gov. Clinton asked to leave New York City, 1318; and New York City celebration, 1286
- CLINTON, DE WITT (New York City), 1152; id., 372; carries letter, 1244; as A Countryman,

6, 69, 143, 149, 372–78n, 406–10, 447–52, 597n, 597–600, 600n, 603–25, 1794n; sends Thomas Greenleaf information from NY Convention, 2356n

- -Journal of NY Convention, 1739n, 2082-83, 2183-84, 2185n, 2190-91, 2218n, 2219-20, 2356n, 2489n
- -letters from, 964-66n, 1744-45n, 1975n, 2085, 2150
- -letters from, quoted, 915, 2470-71, 2489n
- -letters from, cited, 1698n, 1921n, 2506n
- -letters to, 763, 2150-51
- —letters to, quoted, 149, 372
- CLINTON, GEORGE (brother of De Witt) (Ulster)
- -letter from, quoted, 149, 372
- CLINTON, GEORGE (New York City and Ulster, A-A), 397n, 636, 1416n-17n, 1417, 1418, 1419, 2085; id., 495, 2084n; arrives in New York City from legislative session, 881; attempts to bribe N.J. to oppose Constitution, 444; celebrates Fourth of July in Poughkeepsie, 1291; friends of in Assembly oppose instructions to NY congressmen to call for Constitutional Convention, 520; and George Mason's objections, 338; invites Abigail Adams Smith to dinner, 1173; involved in reprinting Luther Martin's Genuine Information, 615; letter from Robert Yates to be shared with, xlviii; role of in ratification debate unclear, 688; said to favor ratification, 53, 54, 916, 1174; sent copies of Va. responses to Federal Republican Committee letters, 1198; allegedly seeks protection from Congress, 1335; hope he leads in ratification, 1247; might seek an alliance with Britain if NY does not ratify, 1340; Samuel Jones as a tool of, 1468, 1470-71; says NY will ratify, 1204; accuses Federalists of refusing to compromise, 2166; as clerk of Ulster County, 2084n; disapproved plan of for a dictator during Revolution, 1981, 1990; as example of democracy thwarted by rotation in office, 1846, 1847; and opposition to Impost of 1783, xxxvi, xl, lii, 39, 1977, 1980, 1981-82, 2007n; and positive relationship with George Washington, 2007n; Revolutionary War speeches and messages read to NY Convention, 1979; treats Charles Tillinghast with kindness, 1796; and Treaty of Paris, 2084n; wants a federal republic, 1801n; wants strong central government but will not describe particulars of it, 1981

- --Yates and Lansing's letter to, l, liii, 8, 454-59, 816, 1738n; suspected of role in the writing, 578; response to, 674-77, 815-18, 830-33
- --letters from, 882, 1090-92n, 2341-42, 2357, 2357-58, 2530
- —letters from, quoted, xxvi, xxviii, xxix, xxix-xxx, xxx, xxxiii, xxxviii-xxxix, 139– 40, 1198, 1797, 1798–99, 1876, 2335n, 2405n
- -letters from, cited, 1261, 2006n, 2357
- —letters from Va. Antifederalist Convention delegates, 1795, 1796n, 1796–1801n
- -letter from to Gov. Randolph on second convention, quoted, 1089-90, 1090
- —letters to, quoted, xxvi, xxvi–xxvii, xxvii, xxix, xxxii, xxxiii, xxxiv, xxxiv–xxxv, xxxv, xxxviii, 1592, 1671, 2007n
- -letters to, cited, 1090, 1797, 2232, 2513, 2531n, 2534
- -speech of as governor, quoted, 2006n
- --speech to legislature advocating paying state creditors, 846, 846n
- --speeches to NY legislature, xxvii, xxviii, xxviii, xxxix, 507, 2006n
- —speech to NY legislature calling state Convention, 652n, 692–94, 813, 814n, 888–89; NY Assembly's response to speech of, 697–98, 701, 703; NY Senate's response to speech of, 698–99, 701; responds to NY Senate's response to his speech, 701
- —toasted: at Poughkeepsie Fourth of July celebration, 1291; in Fredericksburgh, NY, 1278; in Kingston, 1283; in New York City, 1288
- -as an Antifederalist: as leader, 100, 102n, 608, 609, 611, 636, 672, 730, 843, 916, 1092, 1104, 1110, 1111, 1112, 1112n, 1129, 1169, 1173, 1209, 1345, 1352, 2379; as chief of the state party, xxx, 10, 58, 58-59, 384; difficult to determine why he opposed Constitution so vigorously, 2432; endangers Union, 9, 1103, 1104; Federalist mob goes to his New York City home to hiss him, 2411, 2413, 2413n, 2441; if he gives in Constitution will be adopted, 1205, 1230; he and his party oppose Constitution, 35, 360-61, 444; openly Antifederal, 68, 78, 308; opposition of him and his party to Constitution interests and angers people throughout America, 853, 853n; as possible author

of Brutus, 103; as possible author of Cato, 58, 292, 423, 455; as possible recipient of Federal Farmer letters, 205; praise of that he is not an aristocrat and is an Antifederalist, 636; said to oppose ratification, 21, 688, 1137, 2084, 2283; and stance on Constitution, 736; supporters of are Antifederalists, 843; declared he will stay opposed to ratification, 1340; has declared himself an Antifederalist, 1197n; moderating his objections, 1232; newspaper article believed to have been written by (A Republican), 16-20; obstinacy of, 1102, 1104, 1110, 1230, 1341, 1342n; accused of premature opposition to Constitution, 1206; supporters are Dutchmen, 1242

- -attitude toward: broadside attack upon, 1525; said to threaten civil war, 2166; defense of against Hamilton's attack, 16-20; hostilities toward, 1319n, 1331, 1345; life allegedly threatened by disgruntled Antifederalists, 1335; life would not be safe in New York City if NY does not ratify, 1314; might be tarred and feathered, 1241, 1345; mob plays the Rogue's March in front of his house, 1335n, 1626, 2438, 2441; not honored when he left New York City or arrived in Poughkeepsie, 1232; is popular and has a large majority, 1323; praise of, 24, 31, 35, 636, 846, 846n; praise of in satirical piece, 32; southern part of NY greatly incensed with him and his party, 1316; told that any opposition of his to Constitution would cause loss of support for, 75; yeomen farmers represented in NY Convention support him, 1241
- -as candidate for Convention: as Antifederalist in New York City, 1092, 1108n, 1129, 1241, 1243, 1481, 1481-82, 1509, 1510, 1518, 1522, 1523, 1524, 1525-26, 1526, 1529n, 1557; discusses Ulster County nomination list with Peter Van Gaasbeek, 1542; dropped from Ulster ticket, 1542-43; elected, 1355, 1356, 1571, 1572n; nominated from Ulster, 1483, 1495, 1500, 1502, 1503, 1506n, 1542, 1543, 1545, 1547, 1548, 1554, 1555, 1556, 1557, 1563, 1566, 1580; nominated on tricky Antifederalist ticket, 1518; opposition to running from a Long Island County, 1548; as possible candidate from Kings County, 1408, 1468, 1470, 1543, 1555, 1556; will be elected 1436, 1566
- -described as: Cato and said to be in Poughkeepsie, 696; as a man of great wealth,

1517; the great Goliath of their party, 1506n; a mercenary man, 1112; the pendulum of Antifederalism, 1506n; the Pharaoh of the Antifederalists, 1323; "thickskulled and double-hearted Chief," 10; the Republican, 100, 102n; an Excellent Politician, 1436

- -as governor: signs NY act ratifying Articles of Confederation, xxvi; does not entertain much, 1173; delivers Annapolis Convention report to Assembly, xlv; delivers Constitution and related documents to NY legislature, xlvi, 1, 455, 508, 688; description of, xxx-xxxi, 384; and difficult times to raise money during Revolution, 2039; elected, xxvi, 1811, 1814, 1874n; and the British occupied forts, xxxiv-xxxv; and the election of Hamilton to Congress, 670n; endorses Hartford Convention proposals, xxviii; gets act from Va. calling for second convention, 1089; issues proclamation calling legislative session, 687, 691, 691-92; will not be reelected if Constitution is rejected, 1092; criticism of, xlix, li, 9-36, 38, 423n, 444, 1102-3, 1205, 1323, 1353, 1517; criticism of his appointments to office, 766; and doctors' riot, 914, 915, 964, 965n; Impost of 1783 stance of attacked, xxxvi, xl, xlv, lii, 39; and Mass. land claim against NY, xxxiii, xxxiii-xxxiv; issues proclamation concerning apprehension of arsonists, 49n; attendance in Poughkeepsie while legislature sits, 688, 691; salary of paid by state impost, 610; and Shays's Rebellion, 16, 16n; supports an issue of paper money, xlii, xliii; will be reelected, 1436; and December 1788 legislative session, 2509, 2511, 2512-13, 2513, 2516
- -in NY Convention, 1542, 1669-70, 1677; is among Antifederalists in, 1322, 2378, 2432, 2469; appears to be against Smith motion of 17 July on ratification, 2232; asked to send Convention proceedings to state legislature, 2505; attending and is hard at work, 2362; and compensation for NY Convention delegates, 1675, 2325, 2498, 2501; leaves Convention in mid-session for Kingston and is enthusiastically received, 2348; motion in, 2024, 2243; ordered that he sign ratification document as Convention President, 2323; elected president, 1670, 1678, 1702, 1703; as president of, 1676, 1799, 2219, 2219n, 2325, 2343, 2344, 2345, 2345n, 2346-47, 2350-51; promises to

help keep peace and order among opponents of ratification, 2324; reacts negatively to Hamilton speech, 2166; report that he has not yet spoken in Convention, 1830, 1831n; resolved that he transmit ratification to Congress, 2323; returns to New York City from Convention and is saluted by cannon, 2405; in roll-call votes, 2210, 2243, 2256, 2257, 2259, 2260, 2261, 2267, 2268, 2270, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2313, 2319; says Convention was called to consider amendments to the Constitution, 2324; says ratification of Constitution will mean higher taxes, 2379; signs NY circular letter as Convention President and sends it to state executives, 2505; as a speaker in, 1671, 1833, 2252; speaks seldom in but praised, 2360; and transmittal of Circular Letter to the states, 1674, 2324; transmits NY's ratification to Congress, 1674; traveling to, 1173, 1232, 2342; votes on 25 July report of Committee of Whole (31 to 28), 2318n; votes against ratification, 2438, 2441, 2442; votes against motion changing "upon condition" to "in full confidence" in form of ratification, 2282n

- —speech of, praise of, 1796
- -speech of, cited, 1743
- —speeches of, responses to, 1744, 1790–91, 1792, 1793, 1907, 1977–78, 1978, 1979–80, 1990, 2358n
- -speeches of, quoted, lii, 2006n
- CLINTON, JAMES (Ulster, A–N), 2252–53; id., 965n; as candidate for Senate, 1556, 1566; votes in Assembly, 704, 705, 713, 714
- —in NY Convention, 1542, 1554, 1566, 1571, 1677; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- —letter to, 964–66n
- -letter to, quoted, 915
- CLINTON COUNTY: election of Convention delegates from, 1573-74; population of,

NEW YORK

550; represented in NY Convention along with Washington County, 894

- CLINTONIANS: accused of favoring disunion, 438; denigrated, 22–23, 160; oppose Constitution, 67, 78, 85, 122, 148, 360–61; oppose Constitution because it will lessen their power, 395; oppose NY legislature's call of a constitutional convention, xlv–xlvi; power of, 122, 521; program of, xxxi, xlvi, 520–21; some agree Confederation Congress needs more powers, xlv; support commerce, xliv; try to discredit Alexander Hamilton. 34. See also Antifederalists
- CLOCK MAKERS: in Albany procession, 2385
- CLOTHIERS: in Albany procession, 2385
- CLOTHING: in the Federalist fashion, 837
- COACH HARNESS MAKERS: and New York City procession, 1649
- COACH MAKERS: in Albany procession, 2386; and New York City procession, 1600, 1649, 1664
- COACH PAINTERS: and New York City procession, 1600, 1664
- COCK, WILLIAM (New York City): appointed election inspector, 1494
- COE, JOHN D. (Orange): defeated for Assembly with vote totals, 1530
- COERCIVE POWER: confederation governments usually do not have, 959, 1709; Confederation Congress lacks, xxvi, xxvii, 88, 125, 354, 364, 403, 929, 1693, 1703; Confederation Congress needs, 40, 1696, 1709, 2006n; Confederation Congress can only use military force to make states comply, 1690; Confederation Congress should have to force states to pay requisition, xxvii, xxviii, 489-90, 883; new Constitution provides over individuals, 1709; equals do not have right of coercion, 364; federal government must have, 213; government created by Constitution provides energy, 124; Hartford Convention proposes to give Confederation Congress, xxvii-xxviii; in confederations should not reside in federal government, 213; need for, 40, 73, 88, 125, 176, 190, 1693; needed over individuals not only over states, 440; need security from federal government's power of, 1968; opposition to partial granting to federal government only to be used when states fail to pay requisitions, 1710–11, 1711; praise of for federal government, 626; some Americans willing to trade liberty for, 1059. See

- also Articles of Confederation; Government, debate over nature of; Militia; Requisitions
- COINING. See Money
- Colden, Henrietta Maria (New York City): id., 479n
- —letter from, 478–79
- Colles, John (New York City): and New York City procession, 1643
- COLLIN, PETER (New York City)
- -letters from, 1595-96n, 1596
- -letters from, quoted, 1129n, 1585, 1595n
- Collins, John (R.I.): id., 2362n; favors Constitution, 1174–75; as governor asks legislature to call state convention, 1193
- —letter to, 2362
- —letter to, cited, 2362
- Collins, Stephen (Del.), 1279
- Collins, Stephen (Pa.): id., 54n
- -letters to, 54, 1205-6
- —letter to, quoted, 54n
- -letter to, cited, 2345n
- COLONNADE: constructed for Albany celebration, 2389, 2445; constructed for Flushing celebration, 2397; constructed for New York City procession, 1655–57; constructed for Waterford celebration, 2400. *See also* Federal bower
- COLUMBIA COLLEGE, 2061; and New York City procession, 1586, 1600, 1609, 1654, 1665
- COLUMBIA COUNTY: Antifederalists of addressed, 891-92; Antifederal delegates from could vote in favor of ratification, 1299; Antifederalists elect Convention delegates from, 1422, 1437, 1581; Antifederalists in stay unified, 1568; Antifederalist nominating meeting in, 1200n, 1424, 1425, 1426, 1431; Antifederalists win Assembly elections in, 1438n; elections to state Convention favorable to Antifederalists, 965, 1121, 1123; creation of, 1421; debate in over Constitution, 1198; and distribution of Antifederalist literature, 896-97, 898; divided over Constitution, 763; election of Convention delegates, 1421-38; Federalists campaign in Ancram, 1435; Federalist politics in confused state in, 1429; Federalist support in, 1422, 1436; Federalists in support Peter Van Schaack, 1432; Federalists in hold nominating meeting in Claverack, 1421, 1422, 1423-24n; give too many powers to a handful of leaders, 1198; grand jury's address to court supporting Constitution, 616-17; increased balloting in for

Convention delegates, 1354; majority of Antifederalists in vote for Silvester for senator, 1436; population of, 550, 1421; pressure exerted on tenants in on election of Convention delegates, 1422, 1436–37; reported election in favor of Federalists, 1436, 1437; vote totals for Convention and Assembly, 1438. *See also* Hudson; Kinderhook

- A COLUMBIAN PATRIOT (Mercy Otis Warren): distribution of throughout NY, 894–901n, 978, 1357, 1388, 1536, 1540n; reprinting of in NY, 735
- COLUMBUS, CHRISTOPHER (Spain), 1605, 1605n; and New York City procession, 1599, 1633, 1659n, 1661; praise of as founder of New World, 1606, 1609, 1610
- COMMERCE: acceptance of two-thirds majority to pass legislation for, 633; acts of to pass by simple majority, 2073; advantage of Hudson River and intra-state commerce in NY, 1684; amendment to prohibit granting monopolies under commerce power, 2110, 2121; amendment proposed to the Articles of Confederation to give Congress power to regulate, xliv, 210, 1475n, 1706, 1738n; amendment proposed to Articles of Confederation creating appellate court with jurisdiction over, 1699n; America needs protection for, 72; America's imports and duties from will diminish, 325; America's is diminished and restricted, 12, 88, 361, 362, 366, 765, 854, 877, 1304, 1359, 1683, 1686, 1688, 1691, 1695; American needs for surplus agricultural goods, 931; Americans have a commercial enterprise, 833; British restrictions on with U.S., 1693, 1696, 1699n; broad knowledge to write legislation concerning, 1760, 1818; between China and U.S., 381, 833; cities and trading towns support Constitution, 175; Clintonians support, xliv; Clintonians fail to give Congress power to regulate, 1473; commercial towns have imprudent life styles, 1064; compromise in Constitutional Convention over commercial acts and foreign slave trade, 2078n; conducted by Great Britain before the Revolution, 930; Confederation Congress can enter into treaties concerning but cannot enforce, 930; Confederation Congress lacks power over, 2545n; Confederation has exercised sovereign power over regulation of, 363; Confederation Congress unable to extend, 1685; Congress needs

power to regulate, 12, 211, 424, 1686, 1690, 1694, 1705, 1709, 1756, 1955, 1967; Constitution allows regulation of commerce, 2159; Constitution will help promote, 85, 89, 124, 134, 151, 175, 391, 557, 736, 815, 817, 819-20, 860, 864, 956, 1224, 1276, 1305, 1307, 1308, 1353n, 1396, 1402, 1474, 1539, 1608, 1614, 1962, 2393; countries need certain things concerning, 1696; creating an appellate court over treaties and commerce, 1699n; criticism of importation of luxuries, 277, 694; danger from Congress' power to regulate, 1158, 2456; defense of Congress' power to regulate, 134, 631, 736, 784, 815, 983, 1113, 1473; denial it is languishing, 945, 946, 1622, 1925; denial that Constitution would destroy freedom of, 402; difficult among states if Constitution is rejected, 939; will worsen for NY if it does not ratify, 1225; disturbed by Revolution, 1064; drooping in Eastern States, 1108; endangered by Barbary pirates, 892; federal government will legislate for regulating, 1070; federal judiciary needed to rule on, 1690; Federalists promise too much for under Constitution, 955; fluctuation of will cause revenue to vary, 863; foreign nations might fear U.S. gaining strength in, 938; between France and U.S., 1316; French and British seize American vessels for imaginary reasons, 877; if war breaks out with France, Britain will seize control of American commerce, 378-79; free trade in motto of chairmakers in New York City procession, 1641; importance of to American economy, xliv, 1898; improvement in will benefit agriculture, 85; importance of New York City as the federal capital to NY commerce, 1314; importance of to NY that it will ratify Constitution, 1150; interest of to be represented in Congress, 1817; interests of need to be represented in government, 1770-71; knowledge of not necessary for representative, 1810; lack of congressional power to regulate hurts U.S., 609; manufactures will benefit from regulation of with duties and imposts, 1308; much trade is provided because New York City is capital, 2134; navy will protect when needed under Constitution, 917-18; merchants and emblems of commerce in NY procession, 1655, 1665; improving in NH, 1333; Mason's objection to passage of nav-

igation acts by simple majority in Congress,

338-39; may it flourish, 2399; necessary for representatives to understand, 1750, 1776; NY dominance over N.J. and Conn., xxxi, xxxvii, 247, 439, 444, 482, 577, 610, 954, 963n, 1113, 1143-44, 1149n, 1295, 1339, 1339n, 1348, 1684, 1688, 1691; NY gives Congress power to regulate, xliv; NY is a carrying state and thus subject to impost, 1994; NY is primarily a commercial state, 1949, 1994; NY favored with New York City port, 1691; NY's could be re-channeled if New York City were independent, 1170; NY will lose its impost under Constitution, 903; NY might be excluded from trade with U.S. if NY rejects Constitution, 1225, 1338, 1348; of NY would suffer if NY does not ratify the Constitution, 940, 1113, 1147, 1148, 1225; North will benefit under new government, 2460; Northern States want Congress to pass navigation laws with simple majority, 1727, 1732; opposition of farmers to policies of Bank of New York, xli; other nations are restricting U.S., 930; port of NY controlled by British during Revolution, xxvi; power of Congress to regulate and ratify treaties of commerce, 48, 1019-20; power to regulate and levy imposts too extensive and permanent funds, 1067; praise of Constitution's provisions for, 48; problems during Revolution, xxix; praise of Congress' powers over foreign and interstate in Constitution, 637; protection of as objective of Union, 1696; regulation of a sovereign power of government, 189; regulation of as reason for calling Constitutional Convention, 211, 304; regulation of by simple majority benefits Eastern States, 238; restricted abroad, 972; restrictions on American trade to other nations, 877; revitalized in NY, xliii: satirical statement wishing it to end. 383; secondary to Americans after agriculture, 38; should be left to federal government, 213, 223; some inconveniences but will have a balance in our favor, 1088; Southern States want Congress to pass navigation laws with two-thirds majority, 1727, 1732, 2072, 2074; states divided between navigating and non-navigating, 1727, 1732, 1807; succeeds as reputation of a nation is high, 866; and taxation, 1737; treaties for have not been beneficial and will not be under Constitution, 960; Union will promote, 302; Union will promote and lead to a navy, 302; northern NY dependent on

New York City, 1131; U.S. buys more than it sells, 956; U.S. has limited under Confederation, 761–62; U.S. imported excessive amounts after end of Revolution, 1706; U.S. relies too heavily on foreign shipping, 1113; well-founded concern among merchants, 239; will be reduced under Constitution because of high import duties, 417– 18; will decay if Constitution is not adopted, 842; will find its natural level, 1067; will flourish, 2439; will grow for U.S. as will tariff revenue, 570; would be overtaxed if Congress alone had tax power to levy impost, 1067

- -toasted in, 2365, 2396, 2399; Albany celebration of NY ratification, 2390; Ballstown Fourth of July celebration, 2395; Hudson Fourth of July celebration 1281; Jamaica, NY, Fourth of July celebration 1281; Kingston Fourth of July celebration, 1283; Lansingburgh Fourth of July celebration 1283; Newburgh celebration of NY ratification, 2414; New York City Fourth of July celebration, 1288; New York City celebration of anniversary of Constitution, 2470; New York City procession dinner, 1658; by New York City prisoners, 1620n; Plymouth, Mass., celebration of NY ratification, 2423; Poughkeepsie Fourth of July celebration, 1291; Schenectady celebration of NY ratification, 2418; Smithtown celebration of NY ratification, 2419
- *See also* Duties; Economic conditions under the Articles of Confederation; Exports; Merchants; Slave trade; Treaties
- COMMISSIONS. See Officeholders, U.S.
- COMMITTEE ON ARRANGEMENT, 1584, 1589– 91, 1601, 1603–4n, 1614, 1616, 1632, 1647; thanks mechanics, 1611. *See also* New York City federal procession
- COMMON DEFENSE, 623; all taxing power necessary to provide, 2044; as a reason for forming a confederation, 984; central government can provide without being vested with total power to tax, 569; central government responsible for, 1955; Congress needs more power to provide, 920, 921; Constitution will provide for, 411–13, 917–18, 1960, 1962; Constitution will provide revenue for, 2159; Constitution's power to control will give broad powers to federal government, 758; criticism of Congress' power to tax for, 1159, 1163, 1935–36; entity of government charged with should not have

all power, 1065; federal government will have power to pass all laws affecting, 107; as object of federal government, 1964, 1967, 2038; government charged with protecting should not have all the revenue, 2018, 2020; militia necessary to be called up for, 1073; if national government has this responsibility it must have power to tax, 2052; power of lacking under Confederation, 1689; power to provide for gives broad tax powers to Congress, 470, 1973; Preamble to Constitution says it is to be provided for, 294; states under Articles have nothing to do with, 2041; unclear how taxes will be assessed under provision for, 231; U.S. expense for is very small, 2040; U.S. needs an energetic federal government for, 1071. See also Army; Military; Militia; Preamble to the U.S. Constitution; Taxation

- COMMON GOOD. See Public good
- COMMON LAW: amendment proposed stating that all appeals at must be by writ of errors, 2202, 2236, 2307, 2328; Americans entitled to protections under, 1057; between 1776 and 1784 Conn. fails to provide for reception of, 2245, 2252n; between 1776 and 1784 R.I. fails to provide for reception of, 2252n; differs from the civil law, 1238; incorporated in NY constitution, xxv, 474, 502, 961, 963n, 1057; differs from the civil law, 1238; judge decides the law while the jury decides the facts, 1238; not justiciable on appeal except by habeas corpus, 823; as part of British constitution, 740; principles of should be established for federal capital, 1076-77; protects under the NY constitution but not under the new Constitution, 1162-63; provision of NY constitution limiting new courts to proceed according to, xxv, 504; traditions of protected in the Northwest Ordinance, 1085n. See also Judiciary, U.S.
- COMPACT THEORY. See Social compact theory COMSTOCK, LIEUTENANT (Albany): and Al-
- bany fracas, 1271
- "CONCILIATOR": text of, 784-85
- Concurrent Powers: arguments concerning recapitulated, 2159; will cause clashes to be settled by federal judiciary, 1927; argument that federal and state governments are supreme, 2065; cannot be equal, 2036; criticism of, 218, 226, 467–73, 1938, 1968, 1973–74, 2023, 2025–26, 2049; defense of, 1942, 1943–44, 1959–60, 1962, 1963–64,

1965-66, 1966, 1982-84, 1990, 1995, 2025-26, 2039, 2045, 2046, 2047, 2051-52, 2052, 2053, 2055; distinguished from exclusive powers, 1952; export duties as an exception to concurrent power to tax, 2059; Jay wants Smith's opinions concerning, 2023; national government would have controlling power, 2033-34, 2035, 2048; not guaranteed to states by Constitution, 1936; only one supreme power, 2034; overtaxation criticized, 673, 1930-31, 1936-37, 1973; over-taxation defended, 565, 1946, 1948, 1949, 1950, 1956, 1966, 1973, 1991-92, 2042; questionable interpretation of, 2027; state and general governments have except in imposts, 1933; and supremacy clause, 1966, 1967, 1969; taxation and, 108, 1034, 1926, 1930, 1952; uncertain whether states will continue to have power to legislate for bankruptcy, 1075

- CONFECTIONERS: and New York City procession, 1640, 1665
- CONFEDERATIONS. *See* Government, debate over nature of, confederations
- CONFRONTATION OF WITNESSES. *See* Witnesses, right to confront
- CONGRESS, FIRST CONTINENTAL: and Continental Association (1774), 438n; good opinion of, 373; powers of are weak, 1990; recommendations of received as laws, 928; recommends states erect courts concerning captures that have jury trials, 2252n; secret committees of, 474–75, 476n
- —letter from to inhabitants of Quebec, 374, 377n–78n, 989, 1082n, 1752, 1762, 1794n See also American Revolution
- CONGRESS, SECOND CONTINENTAL: address to Quebec, 1752, 1762; and Declaration of Independence, xxii; declares independence, 1285n; needs more powers, 1731, 2006n; and New York City procession praises, 1652; only gave advice during war but states obeyed because of patriotism, 1730; proposes Impost of 1781, xxviii; regional conventions seek to strengthen, xxvii–xxvii; and resolution of 15 May 1776, xxii, 1155, 1168n; said to possess many implied powers, xxviii; weaknesses of, xxvi–xxvii
- -address to the states submitting the Articles of Confederation, quoted, 1154, 1167n
- See also American Revolution; Declaration of Independence
- Congress under Articles of Confederation, 250; acts directly without consent

from states, 1737; admits they may not be able to call a second convention, 2154; amendments to Articles of Confederation can only originate from, 350; army marches on, 1085n; soon it is said about to borrow money to pay interest on debt, 2070; and British occupied Northwest forts, xxxivxxxv; and location of capital, 1252-53; many checks upon it, 1818, 1820-21; said to be checked by states but they must comply with Congress, 1818; civil list is hard to pay, 1986, 1993; considers Annapolis Convention report, xlvi; Constitutional Convention called to increase powers, 211, 2533; Constitutional Convention violates resolution of 21 Feb. 1787, xlviii, 56; a convention was better method than Congress proposing amendments to the Articles, 13; more corruptible than under Constitution, 1812-13; no instances of corruption in, 1766, 1850, 1852, 1890; uncertain whether corruption has occurred under, 1882; corruption is possible under, 474-75, 476, 1721, 1753, 1783, 1788, 1826, 1850, 1852, 1882, 1884, 1885, 1890, 2060, 2062, 2070; debased by a group of men in the states, 13; defective, xxvi-xxvii, 13, 92, 144, 189, 365, 366, 854, 930, 993, 1064; defective in that it has only state representation, 993; a diplomatic corps not a government, 1696; displeasure with appointments of department heads, 373; dual appointments prohibited, 984; encourages states to cede their western lands to it, xxxiii; equal state voting in, 176, 424, 778, 984; factions existed in over foreign affairs, 1897; factions in based on local interests, 1790, 1896; first federal elections will be called by, 1213-14, 1227-28n, 1231-32n, 1248-49, 1250-53, 1261, 1263, 1294, 1308-9, 1317-18, 1320, 1321, 1334, 1334-35, 1340-42n, 1343, 1346, 1349, 1351, 1352; and Impost of 1783, xxxv-xl, 568-69, 571, 2217n; and Ky. statehood, 1229, 1229n; little is expected from it in matter of federal debt, 369; hears about NH ratification and individual delegates are occupied with the news, 1228; NY cedes some of its western lands to, xxxiii; and New York City procession, 1347, 1586, 1601, 1603, 1611, 1615, 1615-17, 1626, 1628, 1629, 1640, 1646, 1657; party spirit in, 1703, 1790, 1841, 1853, 1901; peacemaking power of, 363, 984, 1812-13, 1817,

2054; and pension provision for army officers, 1794n; Philadelphia abandoned as capital, 1076, 1085n; population amendment approved by (1783) to Articles of Confederation, xxxvi; as primarily an executive body does not have to be large, 1008; and post office, 591, 2472; restrained by states in raising a standing army, 621-22, 1690; and requisition for 1787, 102, 102n: rotation in office requirement of, 984, 1008, 1016, 1017, 1816, 1836, 1838, 1839, 1841, 1842, 1843, 1850, 1852, 1873, 1874n, 1878, 1886, 1887, 1901; recall of in, 1816, 1820-21, 1822, 1860, 1874n, 1886, 1888; salaries paid by states, 1401n, 1787-88, 1816; too large for an executive body, 1696; too small, 1703; voting in, 1795n; expect to receive in Va. plan for putting new government into operation, 2458; wasted money, 1758; sale of western lands, 77-78, 78n, 193, 209, 369, 947, 1684, 1688, 1691; some delegates believe NY was trying to scuttle calling a constitutional convention in, xlvi; unable to raise revenue, 568, 1928; refuses to intervene in question of Vt., xxxii -attendance in: difficult to get men to serve in, 1865; annual term a restraint on delegates, 621-22; cost of sending delegates kept them away, 1819; problems with, 1824; all thirteen states attending, 1308, 1313, 1321, 1323, 1325, 1340-42n; hard to maintain even a quorum, 13, 578, 1092-93, 1102-3; representation in, 984, 1083n

-and Constitution: approval of not required, 56; George Clinton ordered to transmit ratification to, 2323; conditional amendments cannot be accepted by, 2138, 2156-62, 2291, 2296, 2297n, 2298, 2300, 2373-74, 2443-44; debated in, 56, 57, 462-63; delivered to by Constitutional Convention, 55-56, 59; does not have power to determine whether NY ratification is valid, 2155; does not have power to dictate how ratifying conventions should operate, 2137; does not have power to call a second constitutional convention, 2154, 2211; did not approve when it was sent to the states, 94-95; power of Congress is "transmissive" of Constitution, 2138; ratification procedure of Constitution violates Article XIII of Articles, 2109, 2112n, 2153, 2155, 2222-23, 2292, 2297n, 2534, 2535n; reads NY ratification

document on 30 July, 2334n, 2405n; receives NY ratification document from Hamilton, 2334n, 2335, 2404, 2405; sent to state legislatures by, 44, 55–57, 68, 76, 82, 193, 274, 463, 646, 651n, 702, 703, 703–4, 705, 708, 709, 717, 1157, 1250; will consider conditional ratification imposing conditions, 2162; will not accept conditional ratification, 1342, 2153, 2155, 2161, 2179; will accept conditional ratification, 2222–25

- —election and term of: defense of one-year term, 1860; annually elected, 1816, 1820– 21, 1822; considered an honor to serve in, 1850–51, 1852; delegates only to represent the state legislatures not the people in the states, 1690; election of, 984, 1401n; method of appointing delegates to, 1698n; NY constitution provision for appointment of, xxv, 502; NY appoints delegates to, 671– 72, 688, 692, 698
- —lacks: ability to regulate common concerns of Union, 176–77; authority to raise a military force, 428; coercive power, xxvi, xxvii, 88, 125, 354, 364, 403, 929, 1693, 1703; lacks power, xxvi, xxvii, 88, 125, 354, 364, 403, 929, 1693, 1703; honesty, 877; power, 651, 1650; power to raise armies, 428, 930, 2054; power to enforce treaties, 12, 88, 424, 458, 930, 1402, 1690, 1694, 1696; power to make treaties, 1094, 1817; power to lay and collect taxes, 116, 364, 403, 458, 930; power to regulate commerce, xli, xliv, 12, 72, 88, 424
- powers of, 984; had large number of, 1819; has many of the same powers as Congress under Constitution, 1685, 1793, 1812-13, 1815, 1816; can ask states to raise and regulate army, 984; comes from the people, 2138-39; should have power to levy an impost, 1709; better position than if it had complete tax power over the people, 1063-64; compared to British king, 959; considers itself a shadow until new government is formed under Constitution, 1092-93; conspiring to increase its power, 855; danger of giving it power to tax, xxxvi; denial it has same power to raise standing army as Congress under new Constitution, 621-22; has exercised sovereign powers at times, 363; extra powers would endanger liberty, 1725; has only some attributes of sovereignty, 363-64; ineffectual in putting down domestic insurrections, 151; has exercised sovereign power over money, 363, 984; lacks

coercive power, xxvi, xxvii, 88, 125, 354, 364, 403, 929, 1693, 1703; are ministerial, 2138-39; needs coercive power, 40, 1696, 1709, 2006n; needs implied powers, xxxix; needs more power, xxvi, xxix-xxx, xlv, xlviii, 39, 40, 72, 88, 105, 309, 341, 574, 877, 920, 1001, 1685, 1693, 1694, 1696, 1754, 1757, 1979, 1990, 2545n; needs more power to raise money, 960; needs vote of nine states to raise troops, 621-22; needs vote of nine states to borrow money, 594, 2069, 2070, 2078n; needs power to regulate commerce, 1686, 1694, 1705, 1709, 1738n, 1756; nine states necessary for important matters, 594, 621-22, 1018-19, 1788, 1816, 1821, 1824; NY gives power to regulate commerce, xliv; over foreign affairs, 176-77, 363, 984; overly restricted by the Articles, 574; has powers of purse and sword, 1816, 1819; powers differ from Congress under Constitution, 1821-22; has power to coin money, 984; principal problem has been raising revenue, 1925; on raising a navy, 428, 984, 2054; recommendations ignored, 176, 883, 928–29; requisition system of, 236, 364, 883, 1005, 1067, 1068, 1731, 1973, 2047-48, 2060, 2545n; said to be strong enough, xxix, 39, 100; settle territorial disputes between states, 984; too numerous to be trusted with executive powers, 1703; war power, 363, 930, 948, 1690, 1812-13, 1817, 2054; will only raise money in a crisis, 1945

- —letter from Washington to president of, 42–47, 51, 83, 432, 437n, 526–27, 2335n; quoted, xxix, xxxviii–xxxix, 560, 561n, 645; cited, 659, 936, 940, 1497, 1498n
- -letter from president of NY Convention, 2405n
- —and 21 February 1787 resolution calling Constitutional Convention, xlvi, 12, 81, 304, 366, 454, 507–8, 520, 649, 711
- —and 28 September 1787 resolution, 646, 651n, 702, 703, 703–4, 705, 708, 709, 711, 717; broadside received and turned over to NY legislature by governor, 688, 693, 698; called for conventions to consider Constitution and adopt or reject, not amend, 2160, 2161; debated in secrecy in Congress,

57; in NY Assembly, 702, 707; read in NY Convention, 1680; read in NY Senate, 715; refuses to consider R.H. Lee's amendments, 2502; placed in preamble to resolution calling NY Convention, 728; as a violation of Articles of Confederation, 1157. *See also* Amendments to Articles of Confederation; American Revolution; Articles of Confederation; Impost of 1781; Impost of 1783; Requisitions

- and Ordinance of 13 September 1788: debate on and adoption of ordinance for putting new government into effect and locating federal capital, 2093–94, 2368, 2369, 2371, 2372, 2429, 2430, 2432, 2434, 2441, 2445, 2448–50, 2451–52, 2453–54, 2456, 2459–60, 2462, 2465–66, 2471, 2474, 2481, 2486n; questions that Congress has power to alter Confederation or organize new government, 2137, 2138
- See also American Revolution; Articles of Confederation; Impost of 1781; Impost of 1783; Requisitions
- Congress under Constitution, 574, 1917, 2110; better equipped than a convention to procure amendments, 2517-19; can be restricted only by Constitution, 2165; can for a limited time suspend certain powers, 2136; cannot abrogate or annul provisions of the Constitution, 2152; cannot amend Constitution, 1142, 2169, 2170, 2170-71, 2171, 2173; cannot be restricted by states, 2165; cannot prevent amendments to the Constitution from passing, 1142–43; checked by state legislatures, 174, 486, 1794; compared to second constitutional convention on recommendatory amendments, 2517-19, 2523-24; not susceptible to corruption, 1769, 1805, 1812, 1817, 1819, 1863, 1943, 1945, 1945-46, 1947, 1949, 1955, 1961, 1964, 1967; susceptible to corruption, 223-24, 256, 257, 279-80, 314, 1006, 1820-21, 1882, 1886, 1889, 1889-90; could not accept conditional ratification, 2136-37, 2165, 2179, 2280; covets NY impost, 2183; criticism of its being paid by federal government, 374-75; criticism of lack of representation in, 104, 198, 223-24, 279-80, 315, 416, 626, 629n, 952, 1067; criticism that it could limit judiciary's appellate jurisdiction, 232; danger it will be aristocratic, 250, 317-18; danger of bribery of, 223, 314, 315; decision not to ratify

would exclude NY from organization of government, 2138-39; denial that it will procrastinate, 627; described as unkindred legislature composed of too many different interests, 126; difficult to find people to serve in, 1784; does not need to know of minute local matters, 1823, 1825; the great fountain of power after the people, 1032; has same interests as people, 2531; large majority should be required for important bills, 1068-69; larger than Confederation Congress and safer for the people, 2534; lives, property, and consciences at the mercy of, 2555; may agree not to exercise power for a time, 2154; may not abridge or modify any rights of the people or states, 2205; may receive information from private individuals, 1825; may receive instruction from state legislatures, 1825; meeting of is delayed, 1332; must govern under terms of Constitution, 2136; must publish receipts and expenditures, 1943; NY representatives in will attempt to get amendments ratified, 2237, 2313, 2330; no guarantee that it will be capable of reorganizing post office, 2472; Northern interest would be weakened in without NY and R.I., 1316; only those elected by the people should determine what the Constitution means, 876; party spirit will also exist in, 2514, 2520-21; potentially too weak, 1896; presents no danger to people because it is elected by them, 554-55; president can convene, 572; president will not check, 285; president's veto power over, 1961, 2158; qualifications of electors not to be set by, 1145; quorum needs to be enlarged, 1068-69, 1753; refusal of to accept NY into Union would be 2283; representation devastating, in praised, 396-97; responsible for general concerns of the people, 2060; restraints on are too limited, 412; rotation in office will not keep good men out of office, 1017-18; should legislate supplying juries on appellate cases before Supreme Court, 230; should represent the national sovereignty, 1856; spirit of compromise will be present in, 1791; states will no longer serve as barrier between people and, 106; states will not be able to withstand oppressiveness of, 1006-8; toast calls for wisdom for, 2419; two houses of described, 253; will appoint friends to offices, 1003-4, 1006; will be able to take away jury trials, 375; will be bigger than Confederation Congress, 993; will be divided by different interests of states, 1850; will be imperfect and unequal, 304; will consider amendments to preserve peace and good order, 2450; will decide elections to and expulsion of members from, 1071; will have control over existence of state legislatures, 414; will interpret Constitution broadly, 2035, 2035–36; will not act quickly on amendments, 2523; will perpetuate itself, 1914; will properly represent the people, 396, 486; will set succession after president and vice president, 1041

-amendments: on borrowing money on U.S. credit, 2069-72; conditional cannot be accepted by, 2135-36, 2137, 2148, 2160, 2161-62, 2169, 2181; conditional could be accepted by and adhered to, 2136-37, 2138, 2148; denial that it will be too busy to consider, 2524-25; to exercise enumerated powers only according to proposed amendment, 2547; fixing term of official appointed by to replace president, 2206, 2236; fixing term of official appointed by to replace vice president, 2206, 2236; on holding federal office, 2251n; limiting suspension of habeas corpus to no more than six months, 2089-90; making exceptions and regulations concerning appellate jurisdiction, 2100; on power of over federal capital, 2109-10, 2269, 2269-70, 2275n; preventing from regulating elections to Senate, 2122; prohibiting the granting of monopolies under commerce power, 2110; prohibiting members from holding other offices, 1917, 1975n, 2031, 2113, 2133, 2260, 2325, 2332, 2339, 2353, 2546; on publication of journals, 2208, 2239, 2273, 2276n, 2315, 2332; regulating appeals from Supreme Court, 2106-7; requiring consent of for president to grant pardons for treason, 2123; requiring that both houses keep doors open, 2239, 2315, 2332; requiring that yeas and nays be recorded if required by two members, 2239, 2315, 2332; requiring that members of be natural born citizens of U.S. and freeholders, 2251n, 2312, 2314, 2331; requiring two-thirds of to approve borrowing on credit of U.S., 2069, 2080; requiring two-thirds of to declare war, 2109, 2124, 2268-69, 2276; restricting power of over duties, 2206; restricting

power of over elections, 2206, 2237; restricting power of over excise tax, 2237; restricting power of over militia, 2088-89, 2125, 2237; restricting power to make regulations for forts, magazines, etc., 2110, 2124; restricting salaries for members of, 2208, 2239, 2276n; on salaries of congressmen, 2273; stating clauses in Constitution on powers of are to be construed narrowly, 2121, 2202, 2234; stating it may only exercise powers expressly given to it, 2089, 2201, 2305, 2326-27; stipulating that commissioners of treasury be appointed, 2098; stipulating that Congress should conform to spirit of amendments, 2122; stipulating that no standing army be raised in peace time without consent of two-thirds of, 2088, 2122-23; text of B. Livingston's resolution on introduced, 2519-20

- —Antifederalists: in Convention propose an amendment preventing federal interference, 2353; hope to elect Antifederalists to, 2444; main interest of in Harrisburg Convention is elections to, 2471; rumors of efforts to elect to new Congress to embarrass government, 2462–63; should attend, 1258; want strong restrictions on, 2264
- —laws: judiciary's interpretation of a check on, 2158; laws of are supreme law, 2531; should be able to pass and enforce where states were insufficient, 1686; sole power of to pass praised, 606
- -members of: criticism of being able to serve in multiple capacities, 222; forbidden to hold appointments created during their tenure, 1028; knowledge required of, 1018; liable to all laws, 488; part of natural aristocracy, 990; who cannot divest themselves of local interests are not fit to serve, 2468; will be governed by their own laws, 433; will be unacquainted with details of various states, 1785, 1786; will find ways to avoid harsh laws affecting themselves, 1003; will have connections in home states which will influence, 1868; will not be sufficiently acquainted with country to draft appropriate laws, 1932; will not be virtuous, 1009-10; will receive favors and extend them to friends, 1003-4
- —powers of: absolute in areas in which it has authority to act, 156; all legislative powers belong to, 661; to appoint all courts, 2034; over bankruptcy, 228, 1075; as safe to lodge

tax power in Congress as in state legislatures, 490; to borrow criticized, 2067; to call out militia in cases of invasion or insurrection, 1474; can tax differently in NY and Ga., 2136; cannot be abridged by Congress itself, 2154, 2171, 2173; checks on, 1769; constitutional provisions for will take much time in debate, 2353, 2354-55; to declare war, 1686, 1783, 1849, 1853, 1872, 1874n, 2073, 2075-76, 2076, 2115, 2276, 2547; defense of, 432, 487, 627, 631, 993, 1339, 1390; to determine size of House of Representatives, 1733, 1757, 1815, 1816; delegated powers are few while rest reserved to states, 131, 787, 816, 857, 983, 993, 1823, 2160, 2161-62; difference between internal and external powers, 223; to establish inferior courts criticized, 1381; extend only to matters general in nature, 2531; to fix time, place, and manner of elections criticized, 753, 1041, 2532; Hamilton's form of ratification recognizes limited extent of, 2309-10; has no implied powers, 2533; has no power over elections, 2531; immediate command of militia criticized, 2533; indefinite and unlimited, 120, 131-32, 217, 231, 293, 296, 315, 369, 410-16, 425, 467-73, 491, 573-74, 574, 615, 753, 945, 953, 961, 999, 1007, 1052-60, 1064, 1067, 1068, 1372, 1380, 1539-40, 1758, 1759, 1780, 1785, 1786, 1793, 1821, 1918, 1936, 2213; justified in possessing more power than king of Great Britain, 917; lengthy Convention debates on, 2357; to limit appellate jurisdiction of federal judiciary, 1048; to make requisitions, 2135; may be exercised differently in different states, 2154-55; must be delegated, 2137, 2160, 2161; need to be limited, 1717, 1720, 1721, 1757, 1929; needs militia power, 1686, 1690; needs power to regulate commerce, 1686, 1756; objections to, 2531; question whether total power of the people belongs to, 738-45n; to raise armies, 594, 655, 917-18, 1010, 1074; to ratify treaties of commerce, 1019-20; to regulate elections defended, 798; restriction of, 2200-2202, 2202, 2203, 2206-7, 2207, 2208, 2215, 2228, 2234-36, 2236-37, 2237, 2237-42, 2305-7, 2307, 2313-17, 2328-29, 2329, 2330-34; same as given to Confederation Congress, 1685; to set its own salaries defended, 632, 1450; should have necessary powers, 217, 1688, 1690;

should have power to regulate commerce, 1690; should not have sole power to raise revenue, 184; specifically defined, 2533; to tax as called for by conditional amendment cannot be abdicated, 2162; to tax in certain ways criticized, 1004-5, 2042, 2063-64, 2064-67; to tax in ways conformable to NY amendments, 2152; those extending to citizens' lives, liberties, and property criticized, 2532; too great, 574, 1756, 1785, 1786, 1821; when many think it has too much power how can it govern, 2455; whole of has power to declare war, 1853; will be enlarged under Constitution by judicial decisions, 757; will have power of purse and sword, 1372, 2082; will not be abused, 174

- —and second general convention: does not have power to call, 2172, 2211; less likely than a second convention to be divided by party spirit, 2514, 2518–19; might call to propose amendments, 2505; must provide for to consider amendments, 2153, 2162, 2211, 2236, 2338, 2340; never considers applications to call, 2516; no reason to hope for unless NY is represented in, 2140; obliged to call if requested by two-thirds of the states, 1201; Smith's resolution of 17 July requests for Congress to call, 2215; Va. and NY motions on calling read and filed, 2516
- See also Bicameralism; Checks and balances; Civil liberties; Delegated powers; Elections, U.S.; House of Representatives, U.S.; Reserved powers; Senate, U.S.; Separation of powers; Taxation; Veto power; Entries for individual powers
- CONNECTICUT: amendments to the Constitution favored in, 955; assembly of elected twice annually, 985; boundary dispute with NY, 1699n; charter creating colony of, 433-34; charter of and representation, 740-41, 921, 922n, 1921n; colonial bill of rights of, 434, 437n; common law not provided in, 2245, 2252n; not in attendance in Congress, 1263; election of delegates to Congress in, 984, 1401n, 1698n; election of governor of, 2265, 2274n; and election of state representatives, 1915; elections and tenures of colonial and revolutionary governors of, 2276n; equality of property in, 2018; favors equal state representation in Constitutional Convention, 1735: a free state vet has no

bill of rights creating compact between people and government, 433-34; governorship of not passed from father to son in, 2265, 2274n; jury trial in admiralty cases in, 2245-46, 2252n; legislature of reads NY Circular Letter but takes no action, 2508; as a manufacturing state, 1988, 1994, 1998, 2042; as a manufacturing state will benefit if Congress cannot lay excise tax, 1998, 2255, 2263; number of delegates in House of Representatives of, 244n; NY's commercial advantages over, xxxi, xxxvii, 245n, 247, 482, 858-59, 939, 1113, 1149n, 1204, 1295, 1340, 1697n, 2551; NY endangered by, 867, 1241-42; NY not endangered by, 947, 1712; might get caught in convulsions over southern NY seceding from NY, 1320; and opposition to NY's rejection of Impost of 1783, xxxvii; payment of requisitions by, 14n; will not elect democratic members of U.S. House of Representatives, 220; House of Representatives and representation in, 744n, 1730, 1808; will receive its share of impost under new Constitution, 238; legislature of could have adopted or rejected the new Constitution, 741; method of electing councilors, 986, 1025; process of election incorporated into U.S. Constitution, 634; respect for in northern counties of NY, 602; Revolutionary War financial burden, 2545n; satirical praise for urbanity of, 640; special court can overrule supreme court, 1050; stability of, 741; Governor Jonathan Trumbull's farewell address, 919-22

- —Antifederalists in: acquiescence of, 771; circulation of literature in, 166, 206, 352–54n; Convention minority praised, 771, 1187; are intimidated, 193–94, 194n-95n; still strong in, 949, 1187
- --Federalists in: petitions used to intimidate Antifederalists, 193–94, 194n–95n; criticism of speeches by in state convention, 610; men of information, 353; victories in spring 1788 elections in, 2195, 2216n
- —ratification in, 578, 603n, 608, 609n, 672, 687, 746, 785, 867, 891, 903, 919, 937, 949, 954, 1087, 1358, 1398, 1471n; convention of was overbearing, 611; expectations of, 602; favorable, 67–68; news of arrives in New York City, 608; ratified precipitately, 1373n; toasted, 771, 1281, 1283, 1287
- See also Eastern States; New England; Newspapers; Northern States

- CONOLLY, PATRICK (Ulster): and creating an Antifederalist slate in Ulster, 1569
- Conscience, Freedom oF: Antifederalists limit, 1335; Constitution endangers, 167, 168, 258, 336, 475, 528, 917–18, 1263; an essential right not to be cancelled or abridged by authority of U.S., 2205, 2533– 34; exists in U.S., 334; provision of NY constitution concerning, 502, 917–18; should never be given up to government, 155; should have been protected in Constitution, 624. See also Bill of rights; Religion, freedom of
- Conscientious Objectors: amendment proposed exempting from military service, 2112, 2120, 2127n, 2201, 2234, 2246–47, 2305, 2327; Constitution will protect, 1393; criticism of no provision to exempt from military duty, 1381; proposed bill of rights provides protection for, 2110, 2112, 2127n; lukewarm support for notion of, 2247; Quakers as legitimate ones, 2247; Quakers are allowed by NY constitution, xxv, 503
- CONSTABLE, WILLIAM (New York City): id., 382n; nominated as Convention delegate, 1482, 1496
- -letters from, 381-82, 602, 762-63
- —letter from, quoted, 139
- CONSTITUTION, U.S.: adoption of should be quick, 75, 89, 124, 194, 194n-95n, 240, 323, 326n; adoption of impossible if unanimity is required, 1096; ambiguities of will not be explained by a second convention, 630; ambiguous and unclear, 277, 630, 663, 663-64, 684, 2035, 2035-36, 2552; Americans are ruined people if it does not take place, 2487; Antifederalists disapprove of, 1543-44; Antifederalists favor a new constitutional convention to consider, 2183: Article VII quoted, 1250, 2555; Articles of Confederation are better than, 198-99, 1199; Articles of Confederation are part of, 634; Articles of Confederation violated by, 1382, 1899, 1900, 2109, 2153, 2155, 2222-23, 2292, 2297n, 2534, 2535n; affords best method of altering Articles of Confederation, 979; does not provide balanced government, 223, 1005; will provide balanced government, 72, 246, 397, 1450; will begin a new epoch, 395, 1397-98; and bill of attainder, 2221; as a bill of rights, 158, 234-35; best practicable system for U.S., 66,

276, 297, 304, 380, 432, 492; British Constitution similar to, 49-50; burned by residents in Ulster and Orange counties, 734, 783, 802-8n, 888n, 1188, 1451, 1451n, 1542, 1545; burned in Albany, 1264, 1265, 1266n, 1269n, 1272-73, 1274; calls for complete acceptance or rejection of, 2291; catholic spirit of, 2460; combines virtue with energy and wisdom, 6; compared to NY constitution (1777), 49-50, 90, 146, 380, 1153, 1156-68n, 1199, 2049; as a complex government with states as components, 2022; compromise of jarring interests, 52, 91, 93, 182-83, 212; is not a confederated republic, 1719; Congress cannot abrogate or annul provisions of, 2152; Congress reads, 42, 56, 462; Congress debates, 56, 57, 462-63; Constitutional Convention delivers to Congress, 55-56, 59; consonant with John Adams's principles of government, 91; copy sent by McGregor to Jamieson, 78; criticized for having express reservations in favor of the people, 2552; had created a very imperfect government, 2504; if changes are needed in, President, Senate, and legislatures have power to make, 2487; danger from war if not ratified, 1207, 1685, 1701, 2135; debate on should be wise and temperate, 48, 59-60, 64-65, 78-79, 90, 106, 136, 145, 146, 186, 187, 212, 241, 628; decision over affects all of humanity, 1697; defective because it operates on people rather than states, 1734; does not measure up to expectation that was raised while Convention sat, 825; is an experiment, 1757, 1759, 1780; given by governor to NY legislature, 688, 693, 698; God approves, 765, 768; great men support, 626; has a spirit of honesty running through it, 58; has seeds of jealousy and discord sewn in it, 83; as the immediate act of the people, 1561; imperfect, 432, 815, 934, 945, 1067, 1088, 1459, 1754; imperfect but better than anyone expected, 51, 814-15, 1475; importance of ratification of, 773, 1697; improper to use state constitutions to interpret, 1056; improves on a reading, 885, 1746; is a well-organized confederation with adequate powers, 439; is an original compact, 91, 411, 474, 1081; keeps some attributes of a confederacy and some of a consolidation, 440; liberty should be the goal of, 1561; list of objections to, 2532-33; R.R. Livingston's annotations of his copy of, 2545-48; made for the future, 154, 2040, 2042, 2052; many less-significant parts of are well formed, 252; may those who govern Americans be governed by it, 2423; meaning and intent of is to be collected from its words, 412; as mere matter of accommodation between Northern and Southern states, 292; has neglected the weighty matters of the law, judgment, mercy, and faith, 2553; NY Assembly makes order of the day, 702; NY Convention reads, 1680, 1700, 1702, 1703, 1741, 2343, 2344, 2345; NY Senate reads, 715; no proper restrictions of power, 2555; objects of are peace, liberty, and happiness to mankind, 2398; obligatory by the will of the people since nine states have ratified, 2172, 2173; opposed by a great proportion of people in its present form, 2232, 2338; organization and administration of government under will be critical, 746; the people are the creators, 2160; as perfect as could be expected but could be improved, 2527; as perfect as reasonably could be expected, 1954, 2517; attempted to make too perfect, 2103; posterity will mark it as an exalted instance of American genius, 63; praise of for proper balance and proportion, 72, 1778; praised as balanced, firm, and free, 2447; praised that it has been approved, 2447; Preamble of will be interpreted to give federal government broad powers, 758-59; principles of have been sanctioned by experience, 1768; prohibitions built into body of, 618; ratification of a triumph of reason and good sense, 2466; response to list of objections to, 2533-35; ratified by nine states, 1213, 1223, 2172, 2173; reign of reason, triumph of discretion, virtue, and public spirit, 51; rejection of will be dreadful, 52; not a religious compact criticized, 2222-23; read in Scatakoke, 862; signers of, 538; some of most unpopular parts were most unexceptionable, 2472; speaking against is satirically said to be treason, 405, 405n-6n; spirit of will be interpreted broadly, 758; study of engrossing best minds, 379; supported in New York City, 67; as a supreme fundamental law, 631-32, 757, 1056; ten states have ratified it in violation of original compact, 2222-23; text of, 527-37; tranquility will be disturbed if Constitution is not adopted, 763, 843, 1148-49; will lead to tranquility, 941,

2615

- is greatest curse that ever befell a free people, 2481; unauthorized can only be approved by assent of the people, 305; unequalled in ancient or modern history, 70; unique event in history, 1597; universally allowed to be defective, 246, 306, 2338; upsets America's fundamental principles, 50; uses the democratic language of the state Hugh Williamson constitutions, 238;praises as more free and perfect than any form of government, 814-15; will allow America to be established on basis of liberty, honor, and virtue, 51, 179; will make America a great, happy, and powerful people, 391, 391-92, 1304, 1307, 1316; will vacate state constitutions, 158-59; world will applaud it, 63; will not satisfy needs of U.S. but will be a transition to a better system, 746; will put government in the hands of few men, 1000-1001
- -and aristocracy: Constitution will lead to, 61, 105, 161, 198, 212, 222, 237-38, 240, 257, 277, 285, 322, 635, 636, 899, 957-58, 1000, 1001, 1151, 1263, 1344, 1372, 1382, 1496, 1501, 1746, 1747, 1748, 1751, 1761, 2146, 2497, 2532, 2533; Constitution includes in it idea of, 2146; Constitution will increase distinction between classes, 1756; if Constitution is rejected, 52; denial Constitution will end in, 174, 246, 395, 628, 1450, 1814-15; will occur if Constitution is rejected, 52
- -and congressional resolution sending to states, 44, 55-57, 68, 76, 82, 193, 274, 463, 646, 651n, 702, 703, 703-4, 705, 708, 709, 711, 717, 1157, 1250
- -described as a metaphor: only bar that can keep us from sinking into political destruction, 1204; beautiful fabric, 1249; this brat, 83; a building, 154, 252, 1867; cat out of bag, 249; christening of the first born, 483-84; the collected wisdom of the nation, 64; a deep and wicked conspiracy, 82, 308; [an edifice] built upon a foundation so securely laid, that if the superstructure does not please us, we may enlarge or diminish it at pleasure, 1114; eleven columns, 2439; eleven federal pillars for grand edifice, 2421; eleven stars, 2439; eleventh pillar, 1204, 2371, 2395, 2403n, 2424, 2426, 2436, 2437, 2438, 2441, 2442n, 2454; eleventh pillar in support of the new roof, 2371; eleventh pillar to fabric of liberty, 2424, 2426;

eleventh pillar to grand federal edifice, 2421; an entire new fabric, 288; the fabric, 252, 1351; this fair, this stately edifice of liberty, 179; fair and wise fabric of government, 72; fair bosom of liberty, 2557; the fair fabric of American liberty, 95; fair shelter, 885; federal edifice (eleventh pillar), 2390, 2439; federal pillars, 2447; federal structure, 2393; the gilded pill, 252, 1446; the gilded trap, 165, 308; as a Goliath, an uncircumcised Philistine, 2558; the glory, the pride, and the felicity of free Americans, 906; grand federal dome, 2403, 2403n; Grand Federal Edifice (pillars), 2421, 2424, 2436; a grand machine constructed by wise men, 1334; great national dome, 2438; the harbor attainable, 892; having given birth to a revolution, 51, 65, 97, 136, 175; important new edifice, federal structure, 2393; the infamous scheme of tyranny, 1448; our Intended, 1310-11; instrument proposed to that Union, 1171; an iron trap, 257; machine, 1475; this Magna Carta of American liberty, 78, 432; a mere experiment, 1067; monster, 885, 1477; that MONSTER the CONSTITUTION, 902; a Monster with open mouth and monstrous teeth ready to devour all before it, 50; a new church (allegorical story), 376-77; the new created Animal, 1130; the NEW Edict, 426; the new Fabric, 54; this new fangled Constitution, 1446; new important edifice, 2393; the new political Machine, 1229; the new scheme, 1442; new-erected edifice, 1284; a new house, 450-51; the new idol, 370; this new plan of power, 161; a new political fabric, 82, 100; this new God, 881; the New Roof, 771, 772, 772n, 1317, 1318n; the new ship, 211; the new system, 1447; the New wheel will revolve, 1102; as firmly fixed as the North Star, 1253; an odd jumbled kind of business, 624; a Pandora's box, 134; perfect and sent from God, 1034; pillars, 2435-43; pillars of the glorious fabrick, 2437; political fabric, 277; political machine (new government), 2462; poor paper, 1301; this preposterous and newfangled system, 134; proposed plan of Despotism, 2115; a rebuilt house, 917; the revolution that is brewing, 1131; sacred temple of freedom, 2553; this salutary Expedient, 1230; Saturnian Age, 2439; this Savior of America from low born freedom.

and every of its concomitants, 881; this second Child, 54; solid fabric, 73; the solid fabric of American Liberty, Prosperity and Glory, 770; a spacious, goodly and well proportioned building, 885–86; Stars of the Western World, 2436–37; that system of tyranny (satirical), 1450; thirteen pillars, 1277; unorganised embrio, 1233; vile system, 854; wandering comet, 50; this young Lion, fostered by so many States, and permitted to run rampant trampling under foot all our Bulwarks of Liberty, 1099; your idol, 162

- -printings of, 3, 1182; ad for sale of, 978-79; still left for sale in Albany, 902n; as an appendix to Antifederal anthology pamphlet, 895; by Dunlap and Claypoole as sixpage broadside, 42; in Dutch language pamphlet, 46, 734, 902n, 1388, 1400n; in German language pamphlet, 46, 734, 902n, 1388n, 1400n; by Thomas Greenleaf, 45; by Samuel and John Loudon, 43; by John M'Lean, 43-44; copies sent to Montgomery County to be dispersed, 901-2, 902n, 1477; printing of in NY, 3, 42-47, 1399n; by order of NY Convention, 47, 1680, 1681n; will be printed in book edition of Publius, 565; Stoddard reprints Constitution, 1422, 1434; in three different languages, 1388; by Charles R. Webster, 46, 902n
- —toasted and celebrated in: Albany procession, 1264, 2383, 2386; Ballstown, 2395; Half Moon District celebration of NY ratification, 2399; Plymouth, Mass., celebration of NY ratification, 2423; New York City celebration of anniversary of Constitution, 2470; New York City procession, 1634, 1642, 1643, 1647, 1648, 1652; Saratoga celebration of NY ratification, 2417; carried in Saratoga procession, 2416
- See also Ratification, process of; Ratification, prospects of; Republican form of government; Union
- CONSTITUTIONAL CLUB OF NEW YORK CITY: celebrates Mass. ratification, 768, 771–72
- CONSTITUTIONAL CONVENTION, 2094, 2095; acted without knowing what people thought of its plan, 240; adoption of too many amendments will destroy work of, 2456; all good honest men will accept plan of, 51; amendments are possible in, 2504; American people should supervise its work, 60; Antifederalists look upon as means of justifying their opposition, 2472–73; Antifederalists should have offered advice when

it was meeting, 70; applications of Va. and NY to Congress to call second convention never considered, 2516; attack and defense of George Clinton for allegedly criticizing, 9-36; attendance of NY delegates in, xlviii, xlix, l; overthrows Articles of Confederation, 1, 274, 425-26, 645, 2222-23, 2552; violates Articles of Confederation, 56, 273, 274, 462, 891; belief that proceedings of will be binding, 2526; certain powers of Congress not to be discussed in, 2504; changes principles of government, 645; cannot be reassembled, 92; Clintonians oppose call of, xlv-xlvi; committee of on representation, 1727, 1732, 1740n, 1828n; Committee of Style report on representation, 1828n; compared to a second constitutional convention, 938, 950-51, 951, 2501, 2503-4; compromise in, 1728, 1767, 1774, 1778, 1791, 1802, 1807, 1808, 1823; compromise over commercial acts and foreign slave trade, 2078n; compromised on representation or would have broken up, 1735; Connecticut favors equal state representation for Congress, 1735; considered and rejected rotation in office, 1846, 1847, 1848; considers election of president, 196, 1039, 2094, 2095, 2097n; and consideration of the slave trade, 341n; Constitution should not be ratified just because it was proposed by, 239; debate over in NY before meeting of state Convention, 2502-4; defense of, 492; defense of against charges of conspiracy, 99; delegates aware of local vs. national issues, 935-36; defense of creating a new Constitution, 677, 710; delegates to support amendments to the Constitution, 1309; delegates elected who did not attend, 212, 244n; delegates of ignore Hamilton's plan, xlix; delegates to are honored by the Constitution, 63; delegates to meant the Constitution to have implied powers, 200; delegates to should be impeached for breaking trust of people, 350; delegates had no idea of radical change until it was first proposed, 951; delegates to would have opposed ratification without amendments, 981; different interests in, 1009, 1807, 1850; difficulties faced by, 601n, 608; directs that Constitution be submitted to conventions for assent and ratification, 2160, 2161, 2293, 2297n; disturbed domestic tranquility, 350-51; divisions in between large and small states, carrying and non-carrying states, and states more and less democratic, 222; proposal for monarchy in, 678, 678n; debate in over size of representation, 1001-2; failure to adopt Impost of 1783 begat, 2197, 2217n; forebodings of by Yates and Lansing, xlviii; framers thought it safe to require super majorities in several cases, 2071; gave too much tax power to Congress, 1929; gave too many extensive powers to federal government, 217; God's influence felt by, 333; Great Compromise adopted, 1740n; Hamilton denies that he opposed states in, 2004; Hamilton opposes states in, 2004; Hamilton and Lansing conflict over in NY Convention, 2009-14; idea of calling second convention began in, 2501; incorrect confidence that they would do their duty, 81; justified in proposing a new Constitution, 456, 1389; Mason and Gerry want bill of rights and refuse to sign Constitution, 338; might increase powers of state governments, 2506; motivation for their omission of a bill of rights is suspect, 158; motivation in designing the Senate, 1865; no one thought it would write a new Constitution, 386; NY act to pay its delegates to, 509; NY Convention can call on NY delegates to for information, 2005; only proposed the Constitution, 258-59, 1727, 1732; opposed by Antifederalists, 16, 16n; opposition of to states, 2004; preparing public to accept whatever is proposed by, 25-26, 646, 652; proposes a new Constitution without authorization, 430; proposed an adequate replacement for the Articles, 905; public good sought by, 931-32; questions whether its power was binding on the people, 2138; Edmund Randolph proposes to obtain amendments, 2502; Edmund Randolph presents Va. Plan, 1874n; recall defeated in, 1874n; renounced all allegiance to the U.S., 425; report of ordered printed by NY Convention, 1680; report of read in NY Convention, 1680; representation considered, 1083n, 1807; resolution requesting Congress to call for elections after nine states have ratified, 2142n; resolutions of, 538-39, 1250; resolution on public defaulters, 1107-8n; resolution on ratification of Constitution, 973n, 1250, 2293, 2297; R.I. not represented in, 14n, 153, 153n, 244n, 627, 1258; some delegates to were great but not a reason to ratify the Constitution, 1109; satirical praise for, 404,

405; as a preferable method of revising Articles of Confederation, 13; sends Constitution to Congress, 55-56, 59, 285; separation of powers created by, 1734; should have confidence in delegates to, 15; should have remained in session four months longer, 200; should not be pre-judged by prominent officeholders, 14; sought to destroy Union, 350-51; speech in by Gouverneur Morris that quick ratification of Constitution was necessary, 323. 326n: unanimity of, 66, 70, 333, 394, 480, 931-32, 933, 1109, 1301; uncertain prospect for, 1088n; used defective population figures but nothing else available, 773; unique in the world, 66; used NY Constitution as a model, 90; was an imperfect representation of the people, 305; was only a beginning since Constitution can be improved, 240: wisdom of not doubted but it may have erred, 136; wish that it had never existed, 272

- appointment of delegates to: NY, xlvi-xlvii, 81, 454, 507–25n, 689–90, 708, 721, 1156– 57; Pa., 211, 320; Va., xlv, 211; was illadvised, 30; shows problems existing, 12, 366
- -call of: appointed to increase powers of Congress, 2533; Congress' call of, 1970n; early calls for, xxix; reasons for, 12-13; by Annapolis Convention, xlv, 507; by NY Assembly, xlv, 507, 519-20, 520, 2007n; only to revise and amend Articles of Confederation, 25, 81, 211, 304, 2534, 2535n; derived its existence from state legislatures, 350; to give Congress power to regulate commerce and enforce requisitions, 304; first proposed by Alexander Hamilton, 1283, 1284n; insuring compliance with requisition system as a reason for calling, 304: praised, 680; to preserve the Union, 147n, 457, 816; by Congress was a violation of the Articles of Confederation, 1156; necessity of, 51; by NY was a violation of the state constitution, 1156; shows problems existing, 12, 366; Va. legislature hopes for, 65-66
- --criticism of: by Antifederalists, 625-26, 679-80; created a national government in secret, 2503-4; failed to include Article II of Articles of Confederation, 2552; Hamilton voting alone in from NY, 665; Hamilton attacked for monarchical statements in, 11; propaganda praising before it adjourned,

825; lack of sense of duty and a want of power, 425; not made up of the first characters of America, 1485; deceptive minority of who tricked others into surrendering fundamental principles, 323; delegates who become delegates to state conventions, 194, 241, 285, 321, 780, 782n; its call of state conventions, 424–25; some members of, 25; for drafting new Constitution, 477; for not protecting jury trials in civil cases, 202; satirical praise of for omitting a bill of rights, 659

- -exceeded its instructions, xlviii, 1, 25, 56, 81, 82, 99, 100, 100-110, 211, 273, 304, 343, 350, 407, 425, 457, 480, 625, 629, 634, 649, 661, 690, 703, 708, 709, 710-11, 717, 719, 728, 789, 790n, 803, 813, 814n, 816, 855, 891, 903, 917, 1157, 1371, 1373n, 1380 -praise of, 9, 15, 25, 51, 52, 58, 64, 66, 69, 87, 89, 90, 92, 97, 120, 151, 186, 192, 247, 265-66, 266, 392, 394, 431, 431-32, 440, 457, 608, 625, 634, 652, 675, 788, 885, 931-32, 934-35, 940, 977, 982, 2447, 2487; delegates to called patriotic, 25, 52, 69, 87, 92, 120, 151, 301, 1283, 1402, 1403, 1455, 2426; as accommodating and compromising body, 52, 322, 432, 440, 933, 937, 950, 1301, 2503-4; for its virtue, wisdom and firmness, 151, 770; compromise in over equal state representation in Senate, 439; for discarding Articles of Confederation, 288; for going beyond their commissions to solve the country's problems, 94-95; for proposing a completely new form of government, 394; method of appointing delegates to, 40-41; as an experiment, 13; called prudent and proper, 717; should not be censured, 1823 -secrecy of, xlviii, 33n; criticism of, 81, 305, 431, 477, 626, 640, 645, 660, 951, 1154, 1382, 2503-4; defense of, 99, 1455; injunction of removed by, 2010; proceedings of were no longer secret after publication of the Constitution, 2005
- —some delegates described as: a band of patriots and saviors of their country, 2426; greatest and most enlightened characters, 1455, 1507; demagogues, 192; deputies of states, not representatives of the people, 350; illustrious sages, 2393; intriguers, 192; public defaulters, 192, 476; young, ardent and ambitious, 192; having high aristocratic ideas, 192, 212, 285; having monarchical ideas, 192; having personal interest in mind, 69, 475–76; contemptuous of

common people, 192; wise men most competent for the job, 885; a handful of men who seized control and proposed a radical new Constitution, 212; not both wise and honest, 624–25; not all were great, 1108– 9; flawed (public defaulters), 982; usurpers (satirical), 1450; favoring a standing army, 620; having self-interested motives, 69, 475–76; mainly merchants and lawyers and many advocates of a republic, 212, 305; ablest political artists of the nation, 183

- -letter from to president of Congress, 42-47, 51, 83, 432, 437n, 526-27, 1497, 1498n
- toasted in: Ballstown, 2395; Half Moon District, 2399; Jamaica, NY, 1281; Lansingburgh, 1283; New York City, 1657, 2470; Red Hook, 2416; Schenectady, 2418
- CONSTITUTIONS, STATE: amendment proposed that all federal officers must take oath not to violate, 2108, 2124; amendment proposed that treaties should not alter constitutions or rights of states, 2108, 2202, 2236, 2307, 2329, 2548; Constitutional Convention violates, 273; criticized for having express reservations in favor of the people, 2552; danger from British caused writing of, 1154, 1167n; democratic branches of legislature elected annually (with few exceptions), 985; everything given that is not expressed except for natural rights, 2037; Federalists deceive by comparing U.S. Constitution with NY constitution, 198-99; fix state elections, 371; founded on same great principles, 322-23; limit rulers and legislatures in what they can do, 617-18; Montesquieu's democracies differ from, 355; necessity required the drafting of (not corruption), 1154; not to be violated by empowered Confederation Congress, xxxvi; origins of, 743n; have no power to pardon in cases of treason, 889; praise of dominance of legislatures in, 182; no property qualification for officeholding, 1795n; provide adequate representation in assemblies, 257, 420n; revisions needed because of difficult conditions in which they were written, 264; rotation in office requirement in some, 1016; set qualifications for electors in federal elections of representatives, 1772, 1776, 1779; should be read, 1438; state legislatures could not authorize delegates to Constitutional Convention to violate, 304;

standing armies in, 621; more time and effort put into than into Articles of Confederation, 930; veto power only in Mass. executive, 285

- and rights: annihilation of will kill liberties, 1924; and bills of rights, 154, 156-57, 202, 234; should be considered as a bill of rights, 1155; supposedly have no bills of rights, 859; contain expressly stipulated rights, 168; are the guardians of people's rights and interests, 1925, 2531; guarantee jury trials in civil cases, 157; have held jury trials sacred, 202; some fully protect freedom of the press, 487; some prohibit quartering soldiers, 1058; rights of people specified in, 154; similarity of concerning rights, 216; no discrimination against religious sects in (except in N.C. and S.C.), 985; guarantee freedom of religion, 334; supremacy clause endangers long-held rights in, 202, 232, 234, 334
- —and U.S. Constitution: called superior to proposed Constitution, 274; denial of similarity between, 277; improper to use in interpreting U.S. Constitution, 1056; Preamble proves that state constitutions are annulled when in conflict with U.S., 2144; provisions of should be specifically protected in U.S. Constitution, 234; satirical piece saying new Constitution would not affect, 405; U.S. Constitution will exist in harmony with, 72; will be supplanted by new Constitution, 158–59, 334, 1925; subordinate to federal Constitution, 1059
- Contee, Benjamin (Md.): id., 1353n
- —letter from, quoted, 1352, 1353n
- CONTINENTAL ASSOCIATION, 438n
- CONTRACTS, OBLIGATION OF: debate over meaning of word "impair," 2092–93; debtors avoid payments, 57–58, 207, 239, 247– 48, 492; faithful performance of needed for paper money to maintain value, xl; federal government also should be prohibited from violating, 624; no protection for contracts under Confederation, 90; praise of Constitution's prohibition of impairment of, 850, 860, 1307, 2053, 2159; states prohibited from impugning, 2054, 2055; violated by the states, 1146–47. See also Debts, private; Paper money
- CONVENTION, SECOND CONSTITUTIONAL: many Antifederalists in NY had expected only six states to ratify and the calling of a,

2141; can easily be called to amend Constitution or draft a new one, 60; compared to Constitutional Convention, 938, 950-51, 951, 2501, 2503-4; Confederation Congress does not have power to call, 2154, 2211; Congress must call if requested by two-thirds of state legislatures, 1201; danger of and poor chances of success, 760, 780, 782n, 973, 2451, 2455, 2463, 2503-4, 2505, 2506, 2514, 2518, 2519; delay in calling is supported, 2454, 2473, 2474-75, 2506, 2507; difficult to get called before Constitution is ratified, 70-71, 1398; Federalists and calling of, 625, 2503, 2506-7, 2510; George Mason believes Va. Convention will recommend calling of, 2502; might be necessary, 85n; no peace until one is called, 2514-15, 2522, 2527; N.C. Convention supports calling of, 2456, 2457n; should be called to propose amendments, 305-6, 1089, 1326, 2433, 2510; NY Circular Letter calls for new Congress to call to consider amendments, 2335-36, 2337-39, 2339-40, 2504, 2514, 2515, 2525-26, 2528-29, 2546; NY Convention requires meeting of, 1336, 2135, 2136, 2137; NY Antifederalist Society and calling of, 2475-80; NY legislature will probably call for to consider amendments, 2336; NY representatives in Congress will be instrumental in calling, 2140, 2150; nine states must call for one, which may mean perpetual delay, 2160, 2162, 2172; one is needed because several states have recommended amendments, 2336n-37n; opposition to, 633, 924, 1143, 2503, 2525; proposition can be modified to permit calling of according to provisions of Constitution, 2152; Edmund Randolph recommends calling, 2501; should be called in accordance with Article V, 1384; support for, 2183, 2211-13, 2505, 2515, 2522, 2523, 2527; George Washington opposes calling of, 2503; will be acceptable to most states, 955; will not be able to explain ambiguities of Constitution, 630; will not be willing to accommodate and compromise, 936-37; unlikely to be called, 2131, 2133, 2134, 2507; Va. and call of, 1089, 2309, 2459, 2508, 2509, 2513-16

—call for in NY Convention, 1670, 2477, 2515, 2522, 2522–24; NY Convention requests state legislature to cooperate with other states in calling, 2324; conditional amendments to limit Congress until second convention is called, 2150; debate on Lansing's motion giving NY the right to withdraw is an attempt to call, 2290–99; defeat of Lansing's motion allowing NY to withdraw from Union if NY's amendments not considered, 2310, 2430n; Form of Ratification and, 2504, 2514, 2520; Smith moves for ratification with condition that one be called to consider amendments, 2309; Smith motion of 17 July provides for calling to consider amendments, 2213–15, 2215, 2229, 2230, 2309; would not have ratified without promise of, 2322, 2476, 2478–79, 2485, 2510, 2511, 2514, 2514–15, 2521

- -New York legislature and calling of, 2501-30; text of resolution for, 2528-29
- -compared to new Congress on recommending amendments: Congress better equipped to procure, 2517–19; should be called before Congress meets, 2524; will act faster than Congress, 2523–24
- See also Amendments to Constitution; Bill of rights
- CONVENTIONS, CONSTITUTIONAL: should have no more authority than an ordinary legislature, 739-40
- CONVENTIONS, STATE: amendments should be gotten as other states have done, 2134; cannot make amendments to Constitution, 1915; called to consider Constitution, 305; Constitutional Convention's resolution proposing, 538, 1250; criticism of Constitutional Convention delegates serving in, 285, 321; deception in reporting call of, 646-47; importance of as expressing will of the people, 742; looked upon as revisers of Constitution, 240; members of described as best men of every state, 2133; must decide whether amendments should be prior to or after ratification of the Constitution, 980: NY resolution calling gives only power to accept or reject Constitution, 2161; said to be no reason for calling them, 424-25; should propose amendments to Constitution, 239, 240, 305-6; those ratifying toasted, 2365; will act responsibly in considering the Constitution and proposing amendments, 241-42; will consist of between 1,500 and 2,000 delegates, 240; will reject or approve the Constitution which was proposed, 258-59; will represent the political character and all the classes of the country, 240. See also Ratification, process of: Entries for individual states

- Соок, Mr. (New York City): quoted, 764
- Cooke, Jacob E., 69
- COOPER, CAPTAIN: Hudson River sailor, 1744
- COOPER, MR. (Columbia): and town officers' election in Clermont. 1423
- COOPER, CALEB (Suffolk), 1538; and distribution of Antifederalist literature, 896–97
- COOPER, CORNELIUS (New York City): and New York City procession, 1652
- COOPER, GILBERT (Orange): in Assembly votes, 516, 521
- COOPERS: in Albany procession, 2387; and New York City procession, 1586, 1599, 1626, 1636–37, 1662
- COPPERHEADS: NY Antifederalists referred to as, 1138n
- COPPERSMITHS: and New York City procession, 1586, 1600, 1649, 1664
- COPYRIGHTS AND PATENTS: Congress given power over, 132; praise of Constitution's provision for, 266, 639
- CORBIN, FRANCIS (Va.): id., 2364n
- —letter from, cited, 2363–64
- -letter to, 2363-64
- -letters to, quoted, 2083n-84n, 2085
- CORDWAINERS: in Albany procession, 2387; and New York City procession, 1586, 1638, 1663, 1665
- CORNWALL, WHITEHEAD (Queens): elected to Assembly, 1532
- CORRUPTION, 1952; American character does not seem susceptible to, 1824, 1826; Antifederalists said to be wielding the engines of corruption, 1428; Confederation Congress has not succumbed to, 1721, 1753, 1783, 1826, 1850, 1852, 1882, 1884, 1885, 1890, 2060, 2062, 2070; Congress will not be susceptible to, 1805, 1812, 1817, 1819, 1863, 1943, 1945, 1945-46, 1947, 1949, 1955, 1961, 1964, 1967; of Congress by the president, 315; Congress under Constitution will be susceptible to, 223-24, 256, 257, 279-80, 314, 1006, 1820-21, 1882; Constitution will protect against, 64; under Constitution endangered from abroad, 1753; in Continental Congress secret committees, 474-75, 476n; corrupt people lead to a corrupt government, 248-49; criticism of, 801, 812, 838; danger senators will seek their own interests, 1842, 1843; every man has his price, 1759; federal government under Constitution not subject to, 401; few federal offices available to bribe, 1897; in

filling offices is common, 1028; fixed governments can become, 1016; in Great Britain, 250, 401; has done more to destroy republican forms of government, 1757; House of Commons had been corrupted even though it was large, 1783, 1784; House of Commons not corrupted, 1792; and influence of foreign states on Confederation Congress, 1788; less likely in a bicameral than unicameral legislature, 1824-25, 1826; less likely in large election districts, 1772; less likely with large representation, 1729; men succumb to money, influence, and office, 1852; money corrupts legislators, 1886; more likely in a small body, 1717; more likely under Articles of Confederation than new Constitution, 1787, 1824-25, 1826; not likely in general government, 1952; not likely in NY Assembly, 1839; not present at state level, 1947; not yet found but could have among finances, 1885; office will not be used to, 1759, 1894; party spirit ever united with, 841; possibility of exaggerated by Antifederalists, 1787; possibility of in declaring war, 2074, 2075, 2076; potential for in House of Representatives, 419, 1746-47, 1783, 1784, 1815, 1816, 1824, 1943; president not to have influence over members of Congress by appointing them to offices, 1916; president will not use offices for, 1894; reference to charges made against Federalists in Mass. Convention, 584; representation should be large enough to avoid, 1764, 1954; representatives do not vote will of the people, 1906; security against, 1816; Senate will be susceptible to, 1857, 1868; should be prevented, 486; some people will interpret Constitution for their own benefit, 1093; to be dreaded from foreign influence, 2072; true and permanent interest of members of Congress are opposed to, 1769; uncertain whether it has occurred under the Confederation Congress, 1882; unlikely in state legislatures because too many legislators and too few jobs, 1914; U.S. officeholders will be guilty of, 1753; usually intervenes to prevent a reclamation of liberty, 791; where possibility of exists, Constitution calls for two-thirds majority, 2071; will be detected in published financial records, 1943; will not occur in Senate, 1845, 1846, 1847, 1849. See also Bribery

- COUNCIL OF APPOINTMENT: proposed amendment establishing to assist President, 2547. See also New York Council of Appointment
- COUNCIL OF REVISION: amendment proposed creating, 183. *See also* New York Council of Revision
- Counsel, RIGHT TO: amendment guaranteeing, 2111, 2119, 2200, 2235, 2306, 2327–28; available in America, 985; Constitution should have guaranteed, 157; guaranteed by NY Constitution in civil and criminal cases, xxv; men entitled to, 1057; state bills of rights guarantee, 156. *See also* Bill of rights; Civil liberties
- COUNTERFEITING: Congress will make supreme law of the land for, 294; federal government will legislate for defining and punishing, 1070; NY's paper money and, 1392
- "A COUNTRY FEDERALIST" (James Kent), 4, 142; text of, 430–38n, 581–82n
- "A COUNTRYMAN" (two items), 1179, 1188; text of, 805–6, 808n, 844
- "A COUNTRYMAN" (De Witt Clinton), 6, 149; criticizes "Cæsar," 69; text of, 372–78n, 406–10n, 447–52, 597n, 597–600, 600n, 623–25, 1794n; quoted, 143
- "A COUNTRYMAN" (Hugh Hughes), 6, 96, 312, 597n, 600n, 670n, 1794n; distribution of newspaper publication of, 667; printing in NY, 1183; questions authenticity of a published George Washington letter, 2503; text of, 271-74, 291-93, 347-52n, 424-28n, 634-37, 776-82n; quoted, 138, 143, 204-5, 243n, 244n, 245n
- "A COUNTRYMAN" (Roger Sherman), 5
- COVENTRY, ALEXANDER (Columbia): id., 1435n
- -diary of, 1434-35
- -diary of, quoted, 1422
- COXE, TENCH (Pa.): id., 1110n; and A Pennsylvanian, 943, 1110n, 1138, 1139n, 1139–50n, 1181; an address to the Va. Convention, distribution of, 1109, 1110, 1110n; An American, 463, 1181; An American Citizen, 4, 74–75, 123–25; A Freeman, 1177
- —letter from, 1138–39
- -letters from, quoted, 307, 463, 1140
- —letter from, cited, 1139–40
- -letters to, 1109-10, 1150, 2367, 2434
- —letters to, quoted, 74, 463–64, 800, 924, 2380n
- -letters to, cited, 697n, 927, 1252
- Coxe and Frazier (Pa.)
- -letter from, quoted, 1129n

- COZINE, JOHN (New York City): and New York City procession, 1652
- CRAIGIE, ANDREW (New York City): id., 1326n —letter from, cited, 2428
- -letters to, 1325-26, 2428-29
- CRANE, A. (Ulster): campaigning, 1564
- CRANE, JOSEPH (Dutchess): accuses Akin of being a monarchist, 1440, 1459–65; defeated as Convention delegate, 1466; directed to sign an address to accompany nominations, 1455; moderates Nine Partners meeting, 1440; nominated as Convention delegate, 1455, 1456, 1460; Philander criticizes, 1461–62, 1464–65
- CRANE, JOSIAH (Montgomery): id., 1478n; in Assembly votes, 515, 521; nominated as Convention delegate, 1440; votes for as Convention delegate, 1480
- -letter from, 1478-79
- —letter to, 1478
- —letter to, quoted, 1478
- -letter to, cited, 1479
- CRANE, THADDEUS (Westchester, F-Y): elected to Assembly, 1578, 1579
- —in NY Convention, 1575, 1677; elected delegate, 1578, 1579; as Federalist voted for ratification but did not sign circular letter, 2337n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- CREDIT, BILLS OF: prohibition on states issuing as an advantage, 2159
- CREDIT, PRIVATE: and bankruptcy legislation, 213, 1070, 1075; denial that it is lost, 945; expired, 877; is low, 1996; low in some states but not in NY, 1985, 1992; problems with caused by the American Revolution, 1064; under Roman law, 2028n; will be lost if Constitution is not adopted, 842; will benefit from ratification of Constitution, 2393; Constitution will extend between citizens of different states, 1307–8. See also Creditors, private; Debts, private
- CREDIT, PUBLIC: Constitution will restore, 1353n; U.S. has none, 1341. *See also* Debt, U.S.; Public credit; Public creditors
- CREDITORS: alarmed by state actions, 210; cannot obtain payment of their debts, 1260; harmed by demagogues, 85–86; may confederated states do justice to, 2414; well-founded concern among for payment

of public and private debts, 239. See also Debts, private; Property, private

- CREDITORS, PRIVATE: Constitution protects against debtor relief legislation, 850; have suffered from debtor relief granted by state legislatures, 849. *See also* Credit, private; Debts, private
- CREVECOEUR, ST. JOHN DE (France, New York City): id., 1231n
- —letter from, 1231–32n
- -letter from, quoted, 1197n
- CRISPIN (ship): and New York City procession, 1638
- CROSBY, DR. (Richmond), 1327
- CROSSKEY, WILLIAM WINSLOW: on authorship of Federal Farmer, 205
- CRUEL AND UNUSUAL PUNISHMENT. See Punishment, cruel and unusual
- CRUGER, NICHOLAS (New York City): id., 1569n; and New York City procession, 1633; nominated as Convention delegate, 1482
- CUMPSTON, EDWARD (Albany): and Albany celebration, 1268, 1269n; endorses Federalist response to 35 Objections, 1400
- CUNINGHAME, WILLIAM (New York City): signs Scotsmen address endorsing Constitution, 1404
- CURRIE, ARCHIBALD (New York City): signs Scotsmen address endorsing Constitution, 1404
- CURRIE, DAVID (New York City): signs Scotsmen address endorsing Constitution, 1404
- CURRIERS: in Albany procession, 2387; and New York City procession, 1599, 1637, 1663. See also Oswald, Eleazer
- CURTENIUS, PETER T. (New York City): nominated as Convention delegate, 1507
- "CURTIOPOLIS," 4, 104, 206, 478, 629n; text of, 625–29
- "CURTIUS," 4, 58, 59, 104, 125, 142, 599, 600n; criticism of as bombastic, 275; criticizes Cato, 79; praises "Cæsar," 69; text of, 63– 67, 97–102n, 174–81n
- CUSHING, THOMAS (Mass.): as delegate to First Continental Congress, 1082n; is qualified to be president, 54
- CUSHING, WILLIAM (Mass.): is qualified to be president, 54
- CUSTOM AND OPINION: rights rest one upon, 1058
- "A CUSTOMER" (multiple authors), 31, 143, 353, 837, 921; quoted, 11, 206; text of, 272, 293, 1831

- "CUSTOMERS": text of, 1495–96
- CUTLERS: and New York City procession, 1599, 1640, 1663
- CUTTING, JOHN BROWN (Mass.): id., 1352n
- —letters from, 1352–53n, 1353
- CUYLER, ABRAHAM (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; campaigning with Antifederalists, 1367
- CUYLER, CORNELIUS (Montgomery): as potential Federalist candidate for Convention, 1478
- CUYLER, JACOB (Albany), 1420; id., 833n; in Albany procession, 2388; as supervisor, 1414, 1415, 1416; endorses Federalist response to 35 Objections, 1400; nominated as Convention delegate, 1368; votes for as Convention delegate, 1418, 1419; said that he will attend the NY Convention, 1121, 1122n
- -letter from, 833
- -letter from, cited, 893
- CUYLER, JOHN (Albany): in Albany procession, 2383
- CUYLER, JOHN, JR. (Albany): praised as an assistant marshal of Albany federal procession 2390

"D-": quoted, 307; text, 402-3

DAN, CAPTAIN, 1174

- DANE, NATHAN (Mass.): id., 1094n; as an Antifederalist, 669, 671n; on post office committee of Congress, 591; sent NY Convention amendments, 2015–16
- --letters from, 1093–95n, 1168–69, 1171–72, 1254–59, 1313–14
- -letters from, quoted, 153, 153n, 388n, 1172, 2016n
- -letters from, cited, 1259, 1339, 2015-16
- -letters to, 1229, 1339, 2015-16
- —letters to, quoted, 140, 1172, 1251, 1254, 1313, 1876, 2028
- -letter to, cited, 2031n
- DAUGHTERS OF AMERICA. See Women
- DAVIS, CALEB (Mass.): id., 1112n
- —letter to, 1111–12
- DAVIS, R. B. (New York City): and New York City procession, 1649
- DAVIS, RICHARD (New York City): and New York City procession, 1649
- DAWSON, JOHN (Va.): id., 2458n

-letter from, 2458

DAY, LUKE (Mass.), 1540, 1540n

- DAYTON, HEZEKIAH (Columbia): vote of challenged in Hudson, 1422, 1435
- D'CANTILLON, RICHARD (Dutchess): defeated as Convention delegate, 1466; nominated as Convention delegate, 1440, 1455, 1456
- DEAN, GAUIS (Columbia): signs Claverack grand jury address, 617
- DEBT, U.S., 116; aggregate state debts almost equal, 1067; being paid in various ways, 947; carried over from Confederation to new government under Constitution, 474; call for making provisions for payment of, 2544; Confederation Congress proposes way to pay (April 1783), xxxvi; Congress cannot pay, 12, 88-89, 193, 208, 361, 1146, 1472-73, 1941; Congress must borrow money to pay interest on, 1986, 1993, 1997, 2070; Constitution will enable payment of, 134, 391, 447, 627, 736; criticism of failure to pay, 788; danger Congress under Constitution will saddle U.S. with huge debt, 594; danger that foreign creditors will not remain patient, 938; danger of foreign nations seizing U.S. land, 37; danger from interest on, 2021; denial militia will be sent to France as payment for, 439; denial that it will be paid under Constitution, 451; described as enormous, 369; domestic debt could be paid, 1684, 1688, 1691; domestic debt less than anticipated, 569; Dutch bankers loan to U.S., 88, 1199n, 1392, 1986, 2008n; estimate of, 325, 327n; federal government will have power to pass all laws affecting, 107; federal impost will help repay debt to France and Holland, 1392, 1949, 2006n; Federalists promise too much for lowering under Constitution, 956; good thing to have, 1957; Hartford Convention proposes tariff for Congress to pay interest on, xxvii; Impost of 1781 proposed to pay, xxviii; interest is being paid on domestic debt with paper money, 369; is being paid under Articles of Confederation, 956; large holdings of in NY, xliii; middling people want it paid off justly, 447; much of principal paid from sale of western lands, 569, 947; must be paid, 475; national bankruptcy causes private misery, 1683; national bankruptcy threatens public measures, 1683; need to raise money to pay, 1968; NY will be forced to pay its portion of public debt, 1242, 1338; paper money issued to defraud public creditors, 446-47; power to pay gives broad tax powers to Congress,

470; public creditors will benefit from a peaceful ratification of Constitution, 238; public defaulters will escape payment of their obligations to U.S., 474-75; and ramification of ratification by fewer than thirteen states, 236-37; refutation of argument that tax power needed to guarantee, 2066; remains undiminished with interest, 931; sale of western lands will pay foreign debt, 78n, 193, 209, 369, 947, 1684, 1688, 1691; should pay its foreign debt, 672; should stay the same under Constitution, 1080; speculation in, 369, 764; tariff needed to pay, 568-69; U.S. is indebted to France, Spain, and Holland, 88; well-founded concern among creditors, 239; when paid expenses of government will be small, 1991; will need direct taxes to pay, 1942; will take a long while to pay off even under the Constitution, 786, 1341; will not be paid if Constitution is not adopted, 904

- —and public securities: fate of federal securities tied to ratification, 78, 786, 843, 1248; impact on of NY ratification, 2465; market for in NY, 2428–29, 2465; impact of Va. ratification on federal securities, 1128, 1129n; NY has purchased federal securities owned by its citizens and become creditor of U.S., xxxi, xlii, xlii–xliv, 846; effect of N.C. rejection of Constitution on sale of in NY, 2465; and politics of country are much connected, 2466
- See also Public credit; Requisitions
- DEBTORS, FEDERAL: still owe federal government their debt, 1080; Constitution meant to protect, 1107–8n; ex post facto prohibition screens them from law, 624; Senate will serve as a screen to in not convicting them on impeachment, 572; some delegates to the Constitutional Convention were, 962
- DEBTS, PRIVATE: Antifederalists accused of being dishonest debtors, 562–63; are lessening, 193, 209; caused by consumption of foreign luxuries, 1745–46; Constitution will expedite collection of, 1259, 1260, 1449; credit has expired, 877; danger of federal trials in debt with foreign diplomats or their servants, 821; debtors avoid payment, 57–58, 207, 239, 247–48, 492; debtors in N,J. and Conn. have creditors in NY, 1113; debtors oppose Constitution, 1346; debtors unable to pay, 847; debtors will be thrown

into debtors prison, 89; demagogues appeal to debtors, 85-86; denial that middle and upper class endangered by, 945; disgraceful laws passed to help, 421; failure to pay blamed on defects of Confederation, 1720; failure to pay unjustly blamed on the Articles of Confederation, 1722; Federalists promise too much of a reduction of under Constitution, 955; foreigners have difficulty collecting from Americans, 378; if war breaks out with France, Britain will have no trouble collecting debts from Americans, 378-79; immense amount of, 88; impediments to collection of must be removed before British will evacuate western forts. xxxy: London merchant does not want to press his debtors too hard, 378; national bankruptcy causes private misery, 1683; NY legislature repeals insolvency law, 820; owed to Europeans, 946; under Roman law, 2018, 2028n; states have given various forms of relief to, 849; states provide means of avoiding proper payments, 1146-47; vote for those in embarrassed circumstances for the Convention (satirical), 1450; were a problem after French and Indian War, 947; were accumulated during the war and create a burden now, 946. See also Bankruptcy; Contracts, obligation of; Credit, private; Paper money; Public credit; Tender laws; Stay laws

DEBTS, STATE: aggregate almost equals federal debt, 1067; Antifederalists speculate in NY securities and do not wish to surrender state impost, 424; caused states difficulties meeting requisitions, 1935; danger of states being sued over in federal courts by citizens of other states, 796-98; estimate of, 325, 327; federal government must assume because it will take state resources away, 325-26; Federalist nominees are speculators in, 1500; impact of NY ratification on, 2465; large, 1993; less than federal debt, 2040; many violations of countenanced by state legislatures, 57-58; middling people want them justly paid, 447; NY debt funded under Clintonians, xxxi, xlii; NY debt would collapse if NY does not ratify the Constitution, 1148; NY has paid its debt, 1473; NY has many ways to pay, 1128-29; NY using state impost to pay interest on, 845, 846; NY will be able to pay much of, 699; NY's securities rising in value as they are being paid, 786; not being paid, 787, 1146; provisions for payment of in NY, 693; securities of will rise under Constitution, 86; should be paid, 846; states need to raise as much as federal government to pay, 1968; states should be left with sources of revenue to pay, 226, 415–16, 472, 569, 796–98; states using depreciated paper money to pay interest on, 1146–47; value of securities vacillates with ratifying states, 1248; will be paid, 2040; will not be greatly affected by action on Constitution, 1128–29; will take many years to pay off, 796–98

DECLARATION OF INDEPENDENCE (1776),

1785n; anniversary of celebrated, 734, 1243n, 1264–92; cited for condemning King for restraining immigration to America, 409, 410n; cited for valuing jury trials, 409, 410n; Constitution is fulfillment of, 1283; Continental Congress and, xxii; formed a permanent federal compact, 1652; NY abstains from voting on, xxii; NY votes for, xxii; quoted, 409, 1155, 1168n, 2484. *See also* American Revolution; Celebrations

DECLARATION OF RIGHTS. See Bill of rights

DEFENSE, COMMON. See Common defense

- DEFERENCE: American society will always be in state of, 1756; exists toward wealthy in U.S., 1752; in American society, 1758; society afflicted with, 1751
- DE HART, MR. (Dutchess): delivers letter, 1445n
- DELAWARE: and Confederation Congress on location of capital, 1253; not in attendance in Congress, 1263; Constitution of excludes clergy from executive and military office, 985; declaration of rights of, 159n, 160n; has ratified the Constitution, 672, 903, 919, 937, 1087, 1358, 1398, 1471n; legislature of refuses to consider NY circular letter, 2509; many in favor amendments to the Constitution, 955; opposes increase of representation in Congress, 1730; payment of requisitions by, 14n; ratified precipitately, 1373n; sets the base for representation in the House of Representatives, 1803-4, 1804-5, 1807, 1813, 1827, 1828; violence in during ratification debate, 2507; will not go to war with NY if ratification is delayed, 947 -toasted: in Jamaica, NY, 1281; in Lansingburgh, 1283; in New York City, 771, 1287

- DELEGATED POWERS, 759; all given to states except natural rights, 1995; all powers under Constitution should be precisely defined, 1929; amendment proposed that no power to be exercised by Congress but such as is expressly given, 2121; Article II of Articles of Confederation specifies, 131, 165n, 1382; can neither be increased nor diminished, 2160, 2161; Congress has only a few while the rest are reserved to the states, 131, 787, 816, 857, 983, 993, 1823, 2160, 2161; opposition to, 1921-35; powers should be specified, 154, 921, 1052-53; include only those powers expressly given, 1055; praise of Constitution for its powers, 1953; report that Va. explanatory amendment states that whatever power is not expressly given shall be reserved to the states, 2083-84; should be strictly defined, 1922; should be examined, 1561; should be quite limited in a federal republic, 1066; and James Wilson's speech on, 1085n; theory of, 1982-83. See also Implied powers; Reserved powers; Wilson, James
- DELEMETER, MR. (Columbia): jailed for challenging voter in Columbia County, 1422, 1435
- DEMAGOGUES: Antifederalists described as, 10, 1088, 1364; appeal to debtors, 85–86; beware of, 52, 61, 94; Cato accused of being, 70; will be only challengers to natural aristocracy, 1761; Constitution will suppress, 85–86; danger from, 14–15, 15, 173, 314– 15; danger they will misuse power to recall, 1844–45; espouse idea that rulers are the servants of the people, 738; often end as tyrants, 146; often stand for election, 1000; people are frequently misled by, 1869; rich and middle class will support, 1751; some delegates to the Constitutional Convention described as, 192; strong and numerous representation best weapon against, 315
- DEMEROY, J. (New York City): and New York City procession, 1648
- DEMOCRACY: advantages of, 1748; as aim of American Revolution, 1869; America has abused it but it is still preferable to keep a properly-sized House of Representatives, 238; ancient republics were democracies, 328; Antifederalists want to strengthen democratic features of the Constitution, 1256–57; aristocratic supporters fear democratic state governments, 210–11; ascendancy over aristocracy in Rome, 1776; Athens as, 19, 267; biennial elections depart

from democratic principle, 278, 279; can be divided between pure and representative, 399; can exist in its pure form without representation only in small territory, 1957, 1965; changeableness of, 990-91; Constitution threatens, 1628; Constitution destroys in favor of rule by the few, 635; Constitution endangers in matter of Senate, 283; Constitution will prevent a lawlessness of, 52; danger from, xlix, 365, 397, 1880; defined by Federal Farmer, 605, 990-91; defined by Rousseau, 2162n-63n; definition of, 2157, 2162n-63n; democracies have split because each man had a right to a personal vote, 173; democratic elements will not be elected to House of Representatives, 219-21: develops in Great Britain, 995-96; difference between Montesquieu's ideas and American state governments, 355; fall of in Athens and Rome, 19; few democratic phrases in Constitution mean nothing, 217; good in books but subject to passions in real world, 1242; Hamilton accused of despising common people, 11; House of Representatives described as democratic branch, 87-88, 219, 236, 254, 284, 320; important for people to serve on juries, 235-36; in democracies people should have sole power to enact laws, 327; in pure democracy people are sovereign, 111; jury trials and assemblies are the democratic parts of government, 1049; large republics are better than small democracies, 338; legislature is supreme in, 182; licentiousness of is more oppressive than aristocracy, 396; Montesquieu says people alone enact laws in, 354; much to fear from the passions of the people if NY does not ratify, 2132; must be confined to small territory, 111, 395; needs a democratic branch of government, 1753, 1757; one of worst forms of government, 1778; the opulent and ambitious would not accept in America, 19; the people are the democratic part of the community, 237; plebeians can attain highest offices under Constitution, 64; praise of, 279, 1747; preserved by strong democratic branch, 1011, 1753; representative democracy is best, 182; represented by middle and lower classes of Americans, 220; rotation in office requirement violates, 1845, 1846, 1848, 1849; satirical criticism of by Federalists, 794; should be a broad democratic branch in Congress, 1767; should be properly represented in a government, 989-90; some delegates to Constitutional Convention conspired to end, 273; some delegates to Constitutional Convention were contemptuous of common people, 192; sovereignty only by suffrage in, 745n; state governments more dependent on the people, 2018; traditional description of, 398–99; underrepresented in Constitutional Convention, 212. *See also* Aristocracy; Despotism; Government, debate over nature of; Monarchy; Republican form of government; Tyranny

- "DEMOCRITUS," 6, 388, 389, 575, 963n; criticism of, 441, 465; response to, 559–60; text of, 421–23n, 459–62n, 479–82n
- DENNING, WILLIAM (New York City): in Assembly votes, 515, 516, 521; nominated as Convention delegate, 1500, 1502; nominated for Assembly, 1494, 1496, 1500, 1502; voting results for in New York City, 1525– 26, 1529n
- DENNISTON, GEORGE J. (Ulster), 965; id., 966n DEPAUW, LINDA GRANT, 59
- DE PEYSTER, WILLIAM (New York City): appointed election inspector, 1494
- DESIGNING MEN: danger of, 1755
- DESPOTISM: amendments to Articles of Confederation might end in, xlvi; America toasted as dread of tyrants, 2365; American Revolution saved county from, 2116; Antifederalists said to favor, 788, 892, 1429; any ruler can become, 433; beginnings of arbitrary government are always light but grows fast, 791; bill of rights is best defense against, 276, 304; Constitution will end in, 83, 105, 135, 136, 218, 309, 452, 611, 655, 657-58, 678, 753, 965, 972-73, 988, 1068, 1383, 1387, 1442, 1447, 1746, 1751, 1754, 2115; Constitution will end in if amendments are not adopted, 972-73; Constitution will not end in, 64, 145-46, 175, 176, 177-78, 605, 1457, 2197, 2217n; Constitution would protect from, 1440; danger from ambitious men, 60; defeat of Constitution will result in, 842; defined by Montesquieu, 398; despotic governments are most vigorous, 2537; fear is the principle of, 398; few nations have been able to secure a free government, 62; fickle and ardent people are the proper tools for establishing, 210; framers accused of creating a despotic government, 431; governments over any large extent of country must be, 1927; influence of office is great as offices are less defined in despotic government,

2540, 2545n; in Great Britain under Charles I and Cromwell, 653; having power of purse and sword in one body, 1725, 1731; history shows that rule by one man ends in, 277; history shows too little firmness in government leads to, 146; immigrants will leave in Europe to come to U.S. after ratification, 89; in NY Senate Yates states danger of, 520; is an absolute not given in nature, 129n; occurs when government can draw on all powers, 1967; occurs when territory is too large, 117, 893; only kind of rule for a large country, 1932; a poll tax will be despotic, 1938; of Rome, 649, 653; of stadtholder in The Netherlands, 117; as one of two types of government, 987; poll tax is offspring of despotic governments, 419; preferred in some countries, 1053; use standing armies for control, 112; wealthy few work to create despotic government, 62; is what happens in most governments, 791; tax power of Congress will lead to, 2003, 2022; will not survive freedom of the press, 136; will of one is law, 111; prediction that proposals from Constitutional Convention will cause, 521. See also Aristocracy; Democracy; Government, debate over nature of; Monarchy; Republican form of government; Tyranny

- "Deтестов," 74n, 96, 186n, 270n; text of, 298–302, 969–70
- DEWAAL, WILLIAM (Ulster): and John Addison, 1559, 1560
- DE WANDELER, PETER (Albany): endorses Federalist response to 35 Objections, 1400
- DeWitt, Charles (Ulster): votes in Assembly, 704, 705, 713
- —letters from, quoted, xxxii, xxxiii, li
- DE WITT, JOHN, JR. (Dutchess, A-Y), 2357; nominated for Assembly, 1458; elected to Assembly, 1466; carries letter, 1245n; votes in Assembly against Impost of 1783, 1444n; votes in Assembly on electing delegates to Constitutional Convention, 516, 521
- —in NY Convention, 1439, 1441, 1458, 1459, 1676, 2497, 2498n; elected Convention delegate, 1466; in roll call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2303, 2308, 2311, 2313, 2323
- DEWITT, SIMEON (New York City), 612, 613n
- DICKINSON, DANIEL (Albany): supervisor, 1414, 1415, 1416
- DICKINSON, JOHN (Del.), 349; id., 1232n; as an example of ability of Americans to govern

themselves, 975; as delegate to First Continental Congress, 1082n; criticized for inconsistency, 274, 347; defense against charges against him, 99, 101n; is qualified to be president, 55; signer of Constitution, 2216n; speech in colonial Pa. Assembly, 351n; supports Constitution, 2196, 2197

- -letters to, 1232, 1318-19n, 1345-47n
- -letter to, cited, 2355n
- -Letters from a Farmer in Pennsylvania, 237, 245n; quoted, 202n, 245n, 291, 293n, 1449

DIRECT TAXES. See Taxation, direct

- "DISSENT OF THE MINORITY OF THE PENNSYL-VANIA CONVENTION" (Samuel Bryan): criticized by "America," 484–94n; believes Constitution will create a consolidated government that will annihilate the states, 952, 962n; reprinted in NY, 477–78, 735, 790n, 895; shows Antifederalists are in agreement, 953, 962n
- DISTILLED SPIRITS: defense of excise tax on, 2042
- DISTILLERS: and New York City procession, 1599
- DIVISION OF POWERS: Americans only concerned with internal colonial matters before the Revolution, 929-30; both state and federal governments must be supported, 2025, 2027; central government will have major responsibilities, 1946; central government will only have general powers while states have local power, 1789; as check on federal government, 857-58; defense of Constitution's provision of, 178-79, 887, 1696, 1955, 1966, 1982, 1996, 2046; each level supreme within its sphere, 2051, 2055; federal government has too much power, 566-71, 636, 1006-8, 1066-67, 1070, 1746, 1926; federal government should not have all taxing power, 1998; federal system needs, 983; must take place in U.S., 472; need better between federal government and states, 597-98, 1034, 1071, 1071-72, 1929, 1933; people do not care where powers lie, 1690; provides best security to the people, 1777; questions about, 1691, 1967; safeguards liberty, 1779; said to be irrelevant where power lies, 1695; state and federal governments each should have its own source of revenue, 1034; states control local matters while central government controls national concerns, 1926: taxes will be collected by different officers with different

courts, 2003; always interference and clashing of powers, 1034, 1933, 2002; general government should rest on state governments as its foundation, 1034; states deserve more because they are better represented, 1705; states probably still have too much power under Constitution, 919; states retain many powers, 1142. See also Delegated powers; Federalism; Government, debate over nature of; Sovereignty; States, impact of Constitution upon; States under the Articles of Confederation

- DOBBS COUNTY, N.C.: election riot in, 1106-7, 1191
- DOCTORS: have a great influence in government, 991–92; having hard times because of general health prevailing, 764
- DOCTORS' RIOT, 971, 1326, 1326n; description of, 914–16, 964–65; Samuel B. Webb injured during, 916, 1510, 1522
- DODDS, ROBERT (New York City): and New York City procession, 1652
- DOMESTIC INSURRECTIONS. See Insurrections, domestic
- DOMESTIC TRANQUILITY: America needs at home, 72, 73, 866; army needs to maintain in large republics, 128; assured by Va.'s ratification, 1297; Confederation Congress cannot provide security for, 1705; Constitution will promote, 85, 134, 175, 356, 397, 941, 1276, 1334, 1523; Constitutional Convention guilty of disturbing, 350-51; defense against as objective of Union, 1696; energetic federal government needed for, 362; exists in U.S., 208, 305; if state conventions will restore, they should be called, 425; militia necessary to be called up for, 1073; needs to be fostered, 1359; in Poughkeepsie Fourth of July celebration, 1291, 1292; Preamble to Constitution says it is to be insured, 294, 295, 660; threatened by debate over recommendatory amendments, 1343; toasted in Jamaica, NY, 1282; Vt. independence as an example where Congress cannot preserve, 1693, 1696; will be disturbed if Constitution is not adopted, 763, 842, 1148-49
- DONGAN, JOHN C. (Richmond): as Antifederalist Assemblyman, 1533; in Assembly votes, 514, 516, 521, 1533
- DOUBLE JEOPARDY: amendment against, 2111, 2119, 2127n, 2235, 2306, 2327; criticism of lack of protection for in Constitution, 821– 22. See also Bill of rights; Civil liberties

DOUGHTY, CHARLES (Kings): id., 1471n; as an Antifederalist Assemblyman should not be chosen Convention delegate, 1468; criticism of under influence of Samuel Jones, 1468, 1470–71; votes in Assembly, 515, 521, 704, 705, 713; and distribution of Antifederalist literature, 896–97

- —letter to, cited, 1582n
- DOUGLAS, CAPT. (N.J.): in New Brunswick celebration of NY ratification, 2421
- DOUGLASS, GEORGE (New York City): signs Scotsmen address endorsing Constitution, 1404
- DOUGLASS, GEORGE, JR. (New York City): signs Scotsmen address endorsing Constitution, 1404
- DOUW, JOHN D. P. (Albany): endorses Federalist response to 35 Objections, 1400
- DOUW, PETER W. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; nominated for Convention, 1365
- DOUW, VOLKERT A. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- DOUW, VOLKERT P. (Albany): endorses Federalist response to 35 Objections, 1399; nominated for Convention, 1362; supports Federal Committee slate, 1375
- DOVER, DUTCHESS COUNTY: celebration of NY ratification in, 2396–97
- Dow, UDRIAN (New York City): and New York City procession, 1641
- DRAKE, JOHN (Dutchess), 2365; nominated as Convention delegate, 1443, 1455
- DRAKE, SAMUEL (Westchester): as defeated Antifederalist candidate for Assembly, 1579; as defeated Antifederalist candidate for Convention, 1579; votes in Assembly, 704, 705, 713, 714; and distribution of Antifederalist literature, 896–97, 898
- DRUM MAKERS: and New York City procession, 1642, 1665
- DUANE, JAMES (New York City, F-Y), 612, 613n; id., 495, 1433n, 1491; appointed agent to represent NY against Mass. land claim, xxxiii, li; appointed to Annapolis Convention, xliv; celebrates Mass. ratification in New York City, 770; and doctors' riot, 914, 915; as draftsman of NY constitution, xxii; asked to help calm Federalist politics in Columbia County, 1421, 1429– 30; depicted in New York City procession,

1635; as mayor of a great city wishes for peace, 2186; as potential NY delegate to Constitutional Convention, xlvii, 509, 515– 16, 522, 523; is qualified to be president, 54

- —in NY Senate, 716, 728, 730, 865; moves to concur in Assembly resolution calling state convention, 715; votes, 715, 720, 727; speeches of, 716, 717–18, 718–19, 719–20, 720, 721, 722, 723, 724, 725, 725–26
- -in NY Convention, 1104, 1169, 1232, 1339, 1481, 1659n, 1677, 1977; on committee to arrange amendments, 2128, 2129, 2250, 2252, 2254, 2281n; congratulated on his role, 2448; nominated as delegate, 1481, 1482, 1484, 1486, 1487, 1489, 1493, 1496, 1497, 1498, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; elected a delegate, 1356, 1522n, 1524, 1526; agrees with Madison against limited-term ratification, 1674; asks to get clergy to open with prayer, 1678, 1679n; expenses of for attending, 2499; and Hobart's motion to adjourn, 2186, 2189, 2230; hopes to have conciliating talents, 2044; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2319, 2323; manuscript history of 17 July motion of, 2218n; motion of that a circular letter be prepared, 2311, 2312; motion presenting Form of Ratification (includes amendments), 2205-8; moves to consider Hamilton's form of ratification that includes recommendatory amendments, 2309-10, 2442n; opposes Lansing's motion calling for NY to recede if a convention is not called, 2298; returns to New York City from Convention, 2404; roll-call vote on motion of to postpone consideration of M. Smith's proposition, 2210; appointed to rules committee, 1676, 1678-79, 1703, 2343; submits variant version of ratification, 1673; as a supporting speaker, 1671, 2352, 2353n; wants end to Hamilton-Lansing conflict, 2009n; speeches of, 1909-10, 1910, 1911-12, 1914-15, 1915, 1977-78, 1978, 1980, 2038-44, 2064, 2174, 2180, 2187-88, 2188, 2189, 2190, 2192, 2203, 2209, 2255, 2277, 2296, 2302; speeches of, response to, 1912, 1915, 2046-47, 2047-49; speech of, described, 2081; speeches of, cited, 1936; travels to NY Convention, 2342
- -letter from, quoted, xxvii

Doughty, John

-letters to, 893-94n, 1367-68, 1412, 1413-14n, 1420, 1435, 2448, 2473-74

-letters to, cited, 767, 1357, 1432

-daybook of, 2499

- DUANESBURGH, ALBANY COUNTY: Federalists campaigning in, 1367; population of, 1421
- DUBOIS, LEWIS (Dutchess): in Assembly votes, 516, 521, 522, 523, 1444n; and distribution of Antifederalist literature, 896–97; nominated for Assembly, 1458; not nominated for Convention or Assembly delegates, 1445; nominated as Convention delegate, 1443, 1455; withdraws his nomination as Convention delegate, 1451–52, 1452, 1453n
- DUE PROCESS OF LAW, 2305, 2327; amendment guaranteeing right to, 2111–12, 2119, 2200, 2235; guaranteed in NY act concerning the rights of its citizens, 504; replaces "law of the land" in NY amendments, 2127n
- DUER, WILLIAM (New York City): id., 149; criticized as a war profiteering Federalist, 912n; as Philo-Publius, 137, 138, 148–51, 267, 313, 341–42, 372, 565, 565n; as potential author of Publius, 137; Fourth of July speech, 1242, 1243n, 1250, 1251n, 1284, 1285, 1286, 1287; nominated as Convention delegate, 1482
- —letter from, 1209–10
- -letter to, cited, 2373
- DUER, WILLIAM ALEXANDER (New York City)
- —Address of, 1659n
- DUMOND, EGBERT (Ulster): campaigning in Ulster, 1556, 1558–59
- Dumond, John B. (Albany): supervisor, 1414, 1415, 1416
- -letter to, 1566-67
- -letter to, cited, 1547n, 1565n
- DUMOND, PETER (Ulster)
- -letter from, 1566-67
- -letter from, cited, 1547n, 1565n
- DUMONT, EGBERT (Ulster): and creating an Antifederalist slate, 1569
- DUNCAN, JOHN (Albany): id., 1237n; elected to Assembly, 1415; nominated for Assembly, 1370, 1384
- -letter to, 1236-37
- DUNCAN, THOMAS (Pa.): writes "An Old Man," 1177
- DUNLAP, JOHN (Pa.): as official printer for Congress, 44

- DUNLAP, WILLIAM (New York City): and New York City procession, 1654
- DUNLAP AND CLAYPOOLE (Pa.): and six-page printing of Constitution, 42
- DUNSCOMB, DANIEL (New York City): in chair at mechanics and tradesmen's meeting, 1511; and New York City procession, 1637
- DUNSCOMB, EDWARD (New York City): as assistant treasurer of NY Society of the Cincinnati, 1287; as assistant in New York City procession, 1601
- DUPONT, PIERRE SAMUEL DE NEMOURS (France): id., 1242n
- -letters from, cited, 1587, 1593, 2403
- -letters to, 1240-42, 1344-45, 1602-3, 2403
- —letters to, quoted, 139, 914, 916, 965n
- -letter to, cited, 1587, 1593, 1630n
- DUPONT, VICTOR MARIE (France; New York City): id., 1242n; and Doctors' Riot, 914
- —letters from, 1240–42, 1344–45, 1602–3, 2403
- -letters from, quoted, 139, 914, 916, 965n
- —letter from, cited, 1587, 1593, 1630n
- DURIE, THOMAS (New York City): as assistant in New York City procession, 1601
- DUTCH: Constitution printed in, 46, 734, 902n, 1388, 1400n; in NY fear higher taxes, 2379; support George Clinton, 1242
- DUTCH REFORMED CHURCH, xxv; synod of sets day of humiliation, fasting, and prayer, 1138
- DUTCHESS COUNTY: Antifederalist literature not being printed in newspapers in, 62; Antifederalist strength in, 72, 1439, 1444, 1447; Antifederalists active in, 1580; Antifederalists will win elections in, 1108, 1437. 1581; Constitutional Society of meets in, 1458-59n; and distribution of Antifederalist literature, 896-97, 898, 899; elections of Convention delegates, 1439-67; election returns in, 1440; Federalist meeting to nominate Convention candidates, 1446; Federalist not working hard in, 1427, 1451; Federalist strategy in, 1439, 1451, 1562; Federalist strength in, 62, 1444, 1466-67; Federalists in celebrate news of NY ratification, 2080; Federalists in use deception in Convention elections, 1439, 1451, 1459, 1562; Federalists in prefer subsequent amendments, 1440; Federalists in are gloomy about potential results, 1451; Fourth of July celebrated in, 1277-78, 1279-80; impact of John Jay's pamphlet on

<sup>—</sup>letter to, quoted, 1368n

election of convention delegates in, 924; no word yet about election results for state convention, 1121; northern part will be Federalists, 62; population of, 550, 1453, 1453n; Quakers in oppose Constitution, 1445; toasting of delegates from who voted to ratify, 2416

- "A DUTCHESS COUNTY ANTI-FEDERALIST," 1544, 1549–50; supports New Paltz ticket, 1543; text of, 1560–63
- DUTCHESS COUNTY CONSTITUTIONAL SOCI-ETY: meeting of, 1458–59n
- "A DUTCHESS COUNTY FARMER": criticizes Yates-Lansing letter to governor, 455, 456; printing in NY, 1178; text of, 815–18
- "A DUTCHESS COUNTY FRIEND": printing in NY, 1179
- DUTIES: amendment proposed that residents of federal district should pay same duties as, 2124; amendment to prohibit on interstate movement of ships, 2091; broad knowledge to write legislation concerning, 1760, 1818; conditional amendment on restricts power of Congress, 2206; Congress has exclusive power to tax, 1926, 1930; criticism of Congress' power over, 109, 1380; criticism of prohibition on states to levy without consent of Congress, 108; on exports, 235, 416, 571, 1034, 1930, 1969, 2025, 2059; Federal Farmer calls for complete power over imports for federal government, 213; federal government will have power to pass all laws affecting, 107; no danger from, 448; NY state tariff on China goods, 381; NY will lose its impost under Constitution, 903; powers of Congress over should not be amended, 2456; revenue from to states before new federal government is established, 1252; will be sufficient for federal expenses under Constitution, 1474, 1476. See also Commerce; Impost; Impost, New York; Impost of 1781; Impost of 1783: Taxation
- Dyers: and New York City procession, 1586, 1600, 1652, 1664
- EAST CHESTER, WESTCHESTER COUNTY: Antifederalists busy and successful in, 1575; will stay in Union if NY rejects Constitution, 1353
- EASTERLY, THOMAS (Albany): in Albany procession, 2384

EASTERN STATES: benefited by regulation of commerce by a simple majority, 238; claim fisheries, 2074; are democratic with few rich and no slaves, 221; federalism of will carry weight in NY, 85; had practice of appealing cases from one court to another,

- pealing cases from one court to another, 847; heavily in debt and economy suffering, 1108; preponderance of and question of location of federal capital 2460; role of in Congress debate on federal capital, 2452, 2453; as section that might clash with others in treaty making, 2070; want small House of Representatives for an inexpensive government, 1749; Southern States might recall senators if Eastern are attacked, 1855. *See also* Connecticut; Massachusetts; New England; New Hampshire; Northern States; Rhode Island; Vermont
- ECONOMIC CONDITIONS UNDER THE CONFED-ERATION: American vessels will be seized by foreign nations because merchants cannot pay debts, 89; Articles' defects causes problems, 1723; caused by idleness and extravagance and not weakness of Articles of Confederation, 1718; Constitution will bring prosperity, 65, 67, 75, 89, 100, 148, 175, 617, 652, 763-65, 770, 789-90, 815, 817, 819-20, 877, 878, 963-65, 1093, 1143, 1175, 1209, 1224, 1429; debtors will lose property and be thrown into debtors' prison, 89: defeat of Constitution will ruin chance of prosperity, 842; depression in Schenectady, 1402; difficult for public and private creditors, 1145-47; difficult times draw relief from NY legislature, xl-xliv; economy needed in U.S., 1748; finances deranged, 2531; fur trade lost to NY, 2029; are generally good, 193; hardships and soldiers certificates become means of speculation, 929; impoverished by war and high taxes, 209, 475; merchants and monied men are understandably uneasy about, 209; NY is continuing to recover from Revolution, 693-94, 697, 1706, 1928, 1932, 1935; not as bad as some would make out, 9, 209, 428, 1064; poverty almost non-existent in U.S., 1088; poverty if Constitution is not adopted, 124, 1429; private individuals suffering, 1691; prosperity dependent on foreign opinion of U.S. and commerce, 866; prosperity requires states to pay their requisitions, 693; speculations in finance during war, 1978; states have hard time raising

taxes, 1932; terrible, 88, 90, 175, 176, 1688, 1696, 1774, 1978, 1978–79, 2545n; Treasury deranged under Confederation, 361; U.S. still suffering, 560–61, 761–62, 877, 878, 931, 1108; will worsen if NY does not ratify Constitution, 1225. *See also* Agriculture; Commerce; Debt, U.S.; Debts, private; Farmers; Manufactures; Merchants; Paper money; Political conditions under Articles of Confederation; Public credit; Requisitions

- EDGAR, MRS. (New York City): and New York City procession, 1646
- EDMONDS, WILLIAM (Dutchess), 2396
- Educated Men: should support Constitution,  $86\,$
- Education: needed for good government, 859
- EGBERSEN, BENJAMIN (Stephentown, Albany) —letter to, 1407–8
- EIGHTS, ABRAHAM (Albany): endorses Federalist response to 35 Objections, 1400
- ELECTIONS: free and fair elections are a fundamental right, the root of all rights, 157, 317–18, 330, 359–60, 371, 419, 432–33, 435, 607, 739; frequency of determines whether rotation in office requirement is necessary, 1016; frequency of is only safeguard against abuse of power in government, 917; importance of annual, 278, 279
- ELECTIONS, NEW YORK: of Convention delegates, 1354–1583n; described, 2142n; free elections guaranteed in NY Bill of Rights, 505; method by which manor lords know what ballot was cast, 1387n; poor favor ballots which keep their vote secret, 1386; potential vote fraud in Albany, 1407–8; representatives, 1794n; and universal manhood suffrage for state convention election, 718, 722–23
- ELECTIONS, STATE: are frequent, 1882; Mass. representatives, 1794n; opposition to majority vote needed to win election, 1914, 1915; state laws concerning election of representatives, 2546
- ELECTIONS, U.S., 2307, 2328; ambiguous for Senate and Representatives, 1020; amendment proposed by Mass. concerning regulation of, 752, 1401n; amendment proposed in Convention on regulation of, 2361; annual are abolished, 2532; annual elections favored for senators, 1860; annual for Confederation Congress praised, 1873; annual not easy to know that a delegate to

Congress should be replaced, 1824; annual praised, 1786; biennial praised, 762; Confederation Congress debating first federal elections, 1250-53, 1294, 1313; Congress must not be able to change, 1912-13; Congress' power related to regulation of not to be discussed in second convention, 2504; Congress has no power over, 2531; Constitution did not protect freedom of, 2553; Constitution criticized for not providing for annual elections of officeholders, 218; need to correct a negligence in, 2534; criticism of Congress' power to regulate, 220, 223, 242, 278, 317-18, 371, 407-8, 493n, 572-74, 574, 753, 828, 828-29, 903, 952-53, 953, 979, 988, 1026-27, 1160, 1380, 2144, 2145, 2153, 2213, 2353, 2532; criticism of filling vacancies in U.S. House of Representatives, 823-24; danger they can be altered, 673; defense of Congress' power to regulate, 486, 627, 798, 863, 919, 1021, 1071, 1144-46, 1391, 1905, 1906, 1907, 1908-9, 1909-10; defense of different terms of office, 626; defense of frequency and fairness of, 359-60; federal power will extend to internal state power to regulate for Senators and Representatives, 2144; for House of Representatives should be required by districts, 318, 2120; merit will be prime motivator, 1772; need for uniformity in, 818; not secured to the people, 1409-10; NY Convention's amendment proposed protecting rights of states over regulation of, 1235, 1236n, 1581, 1975n, 2098, 2120, 2120-26, 2126, 2128, 2130-31, 2131, 2136, 2150, 2154, 2156, 2177, 2201, 2203, 2206, 2228, 2236, 2237, 2238, 2241-42, 2247, 2289, 2308, 2314, 2317, 2339, 2330-31, 2334; only way to remove officials who violate constitution is to vote them out office, 876; people must elect good men, 993; provision in Constitution read in Convention, 1904-5; qualifications of electors not to be set by Congress, 1145, 1772, 1776, 1779; resolution of Constitutional Convention calls upon Congress to call for elections, 538-39, 2142n; rich have more influence in small district than large one, 1779; safe because based on suffrage of the people, 1994; state legislatures can organize as they please, 1915

-first federal elections: call for election of members of who support amendments,

2510; and meeting of Harrisburg Convention, 2461n; necessary to elect those to Congress who will support amendments, 2477; NY legislature considers legislation for election of representatives, senators, and presidential electors, 2498, 2509, 2513, 2513–14. *See also* Congress under Articles of Confederation

- See also House of Representatives, U.S.; President, U.S.; Senate, U.S.
- ELLERY, WILLIAM (R.I.): id., 1349n
- -letter from, 1347-50n
- ELEVENTH PILLAR. See Constitution, U.S., described as a metaphor
- Elliot, John (New York City): and New York City procession, 1634
- ELLIOTT, JONATHAN: publishes an alleged speech prepared for delivery in NY Convention, 2549n
- Elliott, Stephen (S.C.): id., 1152n
- -letter from, 1151-52
- ELLSWORTH, OLIVER (Conn.): as A Landholder, 5, 612n, 1180; speech of in Conn. Convention, 612n, 963n
- ELMANDORF, MR. (Ulster): tavern and celebration in Kingston, 1282
- ELMENDORF, LUCAS, JR. (Ulster): accuses John Addison of being A Dutchess County Anti-Federalist, 1563n; attempts to discredit John Addison, 1543; address to the Electors of Ulster County, 1550–51; nominated as Convention delegate, 1542, 1545, 1547; response to from John Addison, 1551–53; said to be author of An Ulster County Farmer, 1549–50; signs Kingston Antifederalist Circular, 1565
- Elmendorf, Peter
- -letter to, quoted, 1413n
- Elmendorph, Jacobus, Jr. (Ulster), 2348
- ELTING, PETER (New York City): id., 53n, 750; nominated for Assembly, 1504
- -letter from, 1498-99
- -letters from, quoted, 750, 1481
- ELTING & VARICK (New York City)
- —letter from, 53
- EMINENT DOMAIN: when property taken in America there must be just compensation, 985
- EMOLUMENTS: only for services rendered in America, 985
- "An Enemy to Imposters": text of, 152-53
- ENGINEERS: and New York City procession, 1601n

- ENGRAVERS; and New York City procession, 1600, 1601n, 1664
- ENSIGN, EZEKIEL (Saratoga), 2416
- ENUMERATED POWERS. See Delegated powers
- EQUITY JURISDICTION: acceptance of Supreme Court's jurisdiction over, 795; Constitution establishes, 1051; criticism of in U.S. judiciary, 2104; does not always use jury trials, 488; federal judiciary will use to expand their and federal government's power, 773–76; in NY constitution, xxiv; most states do not have, 1051; opposition to, 876; too broad for federal judges to have, 874. See also Judiciary, U.S.
- ERRORS, WRIT OF: amendment stating that all appeals at common law must be by, 2121, 2127n, 2202, 2236, 2307, 2328
- EUROPE: affairs of keep Europeans occupied and out of American concerns, 305; Albany federal procession superior to processions of, 2394; American allies in toasted, 1280, 1288, 1291, 1657, 2390, 2397, 2414, 2418, 2419, 2470; Americans import too much from, 1745-46; can dictate trade arrangements with U.S., 761-62; colonies of will be used as a danger from which we need a standing army for protection, 620; controlled by a system of corruption, 1753; Constitution will encourage immigration from, 652, 819-20; could learn from Constitution, 2447; countries in have adopted civil law with arbitrary power, 260; countries in will take advantage of U.S. weaknesses, 362; countries of will not go to war with U.S., 570; danger European despots will divide up U.S., 2545n; danger from if American states are not united, 2487; danger that European nations will become involved in disputes between states, 2545n; denial of need to protect against European forest laws in America, 490-91; enslaved by standing armies, 134; established churches in criticized, 1393; feudal system of, 1958, 1963, 1965, 1967, 2000, 2001, 2004; governments of are arbitrary, 1688; Henry IV's plan of union for, 1682, 1697n, 1705, 1738n; history of shows loss of liberty to usurpers, 2001; immigrants coming to NY from, 611; governments of are set up with a view to arms, 567; governments of established by chance, 126; governments of created from war, 1197; love of America with, 1642; nations of are stopping slave trade, 292; NY Antifederalists want little to deal

with, 1227-28n; no news from, 1333; peace is at hand, 1197; possible war in, 250, 311, 378, 578, 602, 609, 1087; powers of want to keep U.S. disunited, 185; processions in, 1597, 1619, 1620n, 1625; reference to venal judicial courts of, 337; treaties might get U.S. involved in wars in, 420; unhappy with America's growing strength, 1608; U.S. will be involved in wars in under Constitution, 135; wide variety of taxes levied in should serve as an example of danger under Constitution, 468. See also Commerce; Foreign affairs; Foreign opinion of the U.S.; France; Governments, ancient and modern; Great Britain; Immigration; The Netherlands; Spain; War

- EVANS, GRIFFITH (Pa.): id., 1311n
- -letter to, 1310-12n
- -letter to, quoted, 1584
- EVIDENCE, RIGHT TO PRODUCE: men entitled to, 1057
- EXCISES. See Taxation
- Ex Post Facto Laws: amendment proposed prohibiting, 2307, 2328; amendment defining as applying only to criminal cases, 2090, 2121, 2202, 2236; amendment that public defaulters not shielded by, 2090, 2547; Americans entitled to prohibition of, 1057; called unjust, 175; Constitution prohibition of will allow public defaulters not to pay, 474-75; constitutional protection for endangers other rights, 158; necessity of on occasion demonstrated by history, 475; need for limitation on shows Constitution departs from true republican principles, 2221; NY explanatory amendments restrain, 2150; opposition to, 2468; pleased with Constitution's prohibition of, 234, 235, 624; prohibition of, 1972; prohibition of as an advantage, 2159; prohibited to federal government, 1163; widely prohibited throughout U.S., 1056
- "EXAMINER," 4, 58, 59; Charles McKnight accused of authoring, 389, 422n, 481, 481n, 559; criticism of Greenleaf for publishing, 558; responses to, 421–23n, 442–44n, 459– 62n; text of, 388–90, 423–24n, 441–42, 464–65, 575–76; quoted, 104, 160
- EXECUTIVE POWERS: division in is safer, 1690; magistrate's term of office should not be instable or too long, 1039; must be given to one person to rule but must be limited, 1038–39; ought to be sufficient to restrain the turbulent and support the peaceable,

47–48; re-eligibility usually focuses attention on how to stay in office, 1040. *See also* Monarchy; President, U.S.; Vice President, U.S.

- EXECUTIVE COUNCIL. See Privy Council
- EXPENSES OF GOVERNMENT: accounting requirement will be advantageous, 2159; amendment proposed on in NY Convention, 2275n; appellate trials will be expensive because of distances, 135, 1749; arguments discounting small House of Representatives as costing less, 1749, 1755, 1758; central government will have more costly responsibilities than the states, 1955; Constitution will create an expensive government, 1747; Constitution will decrease expenses of state governments, 1474; Constitution will increase, 48, 217, 306, 337, 376, 417, 957, 967, 1382, 1383, 1387, 1932, 1939-40, 2533; an efficient federal government will need fewer taxes, 489; Hamilton discusses in Constitutional Convention, 2009n; high to collect taxes, 1937; high cost of U.S. capital, 663; lack of trial in the vicinage will raise cost of trials, 135, 235; larger House of Representatives will not cost much more and will be worth it, 1759, 1806; less expensive to have a privy council approve appointments than Senate, 1034; middle class will be frugal, 1752; NH, Conn., and N.J. oppose large Congress because of cost, 1808; a numerous representation saves money by more limiting management expenses, 1821; publication of as a check, 1948, 1952; reason why states did not send full delegations to Confederation Congress, 1819, 1826; rich will over spend, 1752; savings under the Constitution should have been made by eliminating some offices, 1821, 1822; should have more specific publication requirements, 1952; should not scrimp on salaries by reducing size of representation, 1002; soon will be small, 1995; state will have small amount of, 1951; states are about four times as expensive as Confederation government, 1067; Union will reduce expenses, 312; will be far less than the benefit derived from the new federal government, 1396; will be less with a small representation, 396, 1002, 1732, 1815, 1816, 1818, 1802-3; will primarily be incurred by federal government, 1949; will stay the same, 1945; would increase if there were separate confederacies, 114n. See also

Appropriations; Debt, U.S.; Duties; Judiciary, U.S.; Officeholders, U.S.; President, U.S.; Requisitions; Salaries; Taxation

- EXPERIENCE: will determine optimum size of Congress, 1729–30, 1736
- EXPORT DUTIES: Congress' power over discussed, 235, 1034, 1930, 1969, 2025; as exception to concurrent power to tax, 2059; federal government should have limited power over for more revenue, 416; preferable to direct taxes, 571. See also Commerce; Duties
- EXPORTS: cannot be taxed, 2025; states may limit under Articles of Confederation, 984. *See also* Commerce; Export duties
- "EXPOSITOR" (Hugh Hughes), 670n; distribution of newspaper publication of, 667; draft manuscript of, 659; printing in NY, 1184; texts of, 658–66, 823–30n

EXPRESS SYSTEM. See Federalist express

- "FABIUS," 793n; criticism of, 792–93; criticizes Antifederalist meeting in Albany, 1358n; criticizes Samuel Jones, 729n; printings and reprintings in NY, 1177, 1178, 1179; received, 802n; referred to, 1345, 1346n; texts of, 754–56, 761–62, 800–802n, 862– 64, 1359–62
- FACTIONS: Antifederalists promote, 1230; avoid in election of NY Convention delegates, 1562, 1562-63; caused Rome and Grecian states to fall, 840; Confederation Congress liable to, 1703, 1853, 1898; Constitution will discourage, 867, 1775; danger of under Constitution, 128, 1006, 1764; dangers from, 840-41, 992-93; danger of in well-administered government, 859; danger from a small representation, 1753; defeat of Constitution will lead to, 941; destroy republics, 173; division of power less liable to, 1696; do not exist in Confederation Congress, 1842, 1843, 1878, 1883, 1885, 1886; existed in Confederation Congress over foreign affairs, 1897; form in state legislatures, 11, 858, 891, 1895; formed in Confederation Congress because of state interest, 1893; the grand evil from which popular governments suffer, 172; have occurred in legislative bodies, 1878; hope to abolish them in Congress under Constitution, 1893; inspired by demagogic leaders, 1891; jury trial's destruction will cause increase in, 169; less likely in large election districts, 1772; likely without

union, 13; Livingston faction in Columbia County, 1421; man is prone to, 173; people willing to propagate lies of, 647; potential kinds of described, 2070; recall will encourage among the people, 1881-82; recall with throw state factions into national government, 1869; rich would form if they did not serve in government, 1752; and rotation in office 1017, 1842, 1843, 1886, 1898, 1901; senators would be slaves to if recall was allowed, 1853; small representation leads to, 992-93; small republics are nurseries of, 173, 329, 357; sometimes prevail even in good republican governments and prevent needed things, 2069, 2070, 2070-71; those who favor oppose recall, 1886; to be guarded against under the Constitution, 1015; too large of a Congress will be unwieldy and mobbish, 993; under Confederation, 177, 854; union will prevent, 271, 276; usually cause of impeachments, therefore requirement for two-thirds majority, 2071; will become perpetual in a body unless there is rotation in office requirement, 1883, 1885; will exist at state level in state legislatures, 1863; will exist in Senate not solely because of state interests, 1897; will not form in the Senate if rotation in office is applied, 1878; will persist at state level and influence senate if recall is allowed, 1854; will represent state interests in the Senate, 1896; would be encouraged by a recall and rotation in office requirement for Senate, 1844, 1846, 1854, 1873. See also Party spirit

- FAIRLIE, JAMES (Albany): and Albany federal procession, 2390, 2392
- FALCONER, WILLIAM (Albany): Scotsman endorses Constitution, 1405
- "A FARMER, OF NEW-JERSEY" (John Stevens, Jr.), 4, 68n; text of, 181–85
- FARMERS: have abundant crops but bad markets, 764; address to of Albany County, 882–84; in Albany procession, 2383; will benefit from Constitution, 391, 860, 1307, 1422, 1623; may they reap benefits of their labors, 2398; are best representatives, 1757; as Convention delegates from interior support Gov. Clinton, 1241; as Convention delegates do not want Convention to interfere with harvests, 1207; are doing well, 946; election of legislature by preserves liberty, 486; are Federalists, 85, 175, 1092; are most frugal, 1755, 1758; in Half Moon District

celebration of NY ratification, 2399; hard times and forced sales, xli; are indebted to country dealers, 88; independence of in America, 975; are not jealous of Constitution's support for commerce and merchants, 463-64; loans of paper money to as part of Clintonian program, xxxi; and New York City procession, 1586, 1599, 1611, 1633, 1661, 1662; in NY would suffer if NY does not ratify, 1147-48; not fully recovered from the Revolution, 209; oppose policies of Bank of New York, xli; overtaxed to pay for standing armies, 1682; praise of and hope they will vote for Federalist candidates in Albany, 1364-65; productions of at mercy of foreign seizures on high seas, 877; satirical statement that they should not want to serve in public office, 404; should be fairly represented in the legislature, 215; should pay fewer taxes, 367n; are strong and firm in their habits and opinions, 990-91; substantial yeomen are temperate, 1751-52; are suffering under the Confederation, 762; toasted in Saratoga celebration of NY ratification, 2417; toasted in Smithtown celebration of NY ratification, 2419; too many merchants in relation to, 1402; when representation increases so does their involvement increase, 992; will not be represented properly in House of Representatives, 227-28, 256; will pay higher prices for their purchased goods, 418; will suffer mortgages and bankruptcy under Constitution, 418; will suffer paying more taxes under Constitution, 470, 903; will be more prudent in spending public funds, 1749; will be represented in a larger House of Representatives, 1749; would govern in their own favor if they had the opportunity, 990-91; yeomanry effectively represented in states, 227; yeomen in NY oppose Constitution, 1800; yeomanry will be principal losers of liberty under Constitution, 957-58. See also Agriculture

- FARQUHAR, JAMES (New York City): and New York City procession, 1647; signs Scotsmen address endorsing Constitution, 1404
- "FED," 1614; text of, 1617
- "FEDERAL": abuse of the word by Federalists, 2483
- FEDERAL BONNET: sale of advertised, 2379–80 FEDERAL BOWER: built for Albany Federal Procession, 2389, 2445; constructed at Half

Moon District celebration of NY ratification, 2400; constructed in Schenectady for celebration of NY ratification 2417–18; described as a truly American summer house, 2394–95. *See also* Colonnade

- "FEDERAL FARMER," 6, 186n, 191, 426, 1011, 1795n; advertisement for sale, 976, 978; authorship of, 204-5, 312; beware of the sophistry of him, 439; circulation of, 205-6, 297, 352, 1357, 1477; commentaries on, 206-7; criticism of, 297, 1082n; criticism of by an Antifederalist, 204-5, 243n; criticizes The Federalist, 1033, 1084n, 1116-17; disagrees with definition of natural aristocracy, 1771, 1776; distribution of, 600, 611, 612n, 766, 978, 1093, 1094, 1198; effectiveness as a propagandist, 2507; NY Antifederalists subsidize through duties paid by Conn. consumers, 610; and Timothy Pickering's opinion of requested, 670n; praise but not always right, 778-79; praise of, 205, 246, 776-77, 777, 978, 1278; publication of, 203-4, 734-35, 976; published too late for use in election of Convention delegates, 734; reference by to von Steuben's pamphlet on established militia, 637n; reprinting of 'New England's response to in NY, 576-77; text of, 203-45n, 976-1086n; Additional Letters, 378n; quoted, 143
- "A FEDERAL REPUBLICAN": on election of U.S. Senators, 2497, 2498n; supports calling election of congressmen who support amendments, 2510
- FEDERAL REPUBLICS. See Republican form of government
- FEDERAL SHIP: as part of Kinderhook celebration of NY ratification, 2427
- "A FEDERAL SONG": text of, 2446-48
- "Federal Stables," 1111, 1111n
- FEDERAL-STATE RELATIONS: balance of power between states and central government, 207, 354; central government needs more of state sovereignty to maintain itself, 150; a central government should be created by the states, 40; combination of state legislatures will stop federal tyranny, 40; Constitution will remove local impediments to the harmony of the whole, 72; declaration of rights needed to draw line between state and federal governments, 2243–44; division in NY between those who want or oppose more power for Congress, 39; does not matter how sovereignty is divided between states and federal government, 149–

50; lines of power not sufficiently drawn with precision, 1929, 2213; narrow focus is dangerous, 97; needed to restore balance of powers between state and federal governments, 217-18; no body controls state legislatures except the people, 40; powers of both governments should be clearly defined, 1889; sovereignty divided between under the confederation, 363-64; state contribution to federal power is beneficial, 39-40; state legislatures and Congress will check each other, 174; if states are retained taxes must be shared, 1933; uncertain under Constitution, 207; American Revolution not a movement for energetic federal system, 982-83; defense of Constitution's division of power between states and federal governments, 631; states will serve as a check on the federal government, 993; U.S. best suited for a federal republic, 983. See also Division of power; Officeholders, state; Sovereignty; States under the Articles of Confederation; States, impact of the Constitution upon

- FEDERAL STORE: in Federal Village on Henry G. Livingston's Dutchess County estate, 2396
- FEDERAL VILLAGE: on Henry G. Livingston's Dutchess County estate, 2396
- FEDERALIST (brig): and celebration anniversary of Constitution in New York City, 2470
- THE FEDERALIST (Alexander Hamilton, James Madison, and John Jay), 4, 104, 571, 600n, 1801n; commentaries on, 142-43; criticism of Greenleaf for publishing, 558; defense of, 298-302; Hamilton's speeches draw upon, 1796, 2357-58; Livingston used arguments of, 1703; and New York City procession, 1647; NY Convention delegates merely repeat The Federalist, 1798; on printers' flag, 1586; opposes previous amendments and second convention, 2503; praise of, 105, 142, 179, 380, 430, 437, 445, 453, 484, 561, 628, 918-19, 1116, 1582n, 2461-62; praises A Citizen of New-York, 2503-4; purpose of, 137, 271; referred to, 177, 206, 302n, 313, 471-72, 473, 473n; referred to as a voluminous, 773; union is main theme of, 599, 678; written hastily to get essays to press, 2452, 2453; writing of, 137 - 38
- —authorship of, 8, 137, 138–40, 271, 306, 347, 453; attributed to Jay, Madison, and Hamilton, 852; identified as Hamilton,

Madison, and Jay, 2462n; Hamilton as author of, 609, 1223, 2448n; Madison as author of, 137, 139, 347, 542, 543, 544, 546– 48, 675, 745, 746, 747, 760, 762, 763, 766, 785, 792, 852, 2452, 2453, 2462n; Madison names himself, Hamilton, and Jay as authors of, 2452, 2453; supposedly known, 853n; Washington refers to authors of as the "Triumvirate," 2461

- —book publication of, 563–71, 609, 735, 913n; compensation for book edition, 1378; publication, sale and distribution of Volume II, 1116–18; publication of Volume I, 878–81; Volume II announced, 733, 1103; Volume II reviewed, 1117
- —criticism of, 143, 353, 599, 665, 678, 779, 2015–16; by Federal Farmer, 1033, 1084n, 1116–17; for favoring a standing army, 620–21, 622n; has become nauseous, 558; responses to, 268–70, 342–46n, 420–21, 577, 655, 657; stand of on standing armies has helped Antifederalists, 565
- —distribution of, 1103, 1103n, 1116–18, 1223, 1378; in Albany, 907, 913, 1357; book edition distributed, 609, 700, 700n, 890, 913, 1103, 1136, 1136n, 1169, 1477, 1580; Edward Carrington sends first volume to Jefferson, 2452, 2453; first number sent to Washington, 36; Hamilton sends to Edmund Randolph, 1103; Hamilton sends to Rush, 270–71; *Hudson Weekly Gazette* discontinues publication of, 652n; Madison sends to Randolph, 346–47; Madison sends second volume to Jefferson, 2452, 2453; sent to George Washington, 36, 2461, 2462n
- —publication, circulation and reprinting of, 140–41, 149, 271n, 437, 540–49, 581–82n, 878–81, 1116–18, 1177–81; of last eight essays by, 890n
- summaries of, 151, 181, 185, 247, 249, 268, 270n, 271, 276, 302, 309, 312, 338, 341, 354, 378, 381n, 390, 403, 424, 428, 440, 462, 465, 466, 482, 560, 565, 576, 577, 579, 582, 601n, 608, 615, 629, 637, 639, 666n, 667, 677, 745, 745n, 746, 746n, 747, 760, 763, 792, 745, 747, 762, 766, 785, 798, 802, 818, 845, 852, 861, 862, 871, 1118-19
- -text of, 144-47, 899-901n; quoted, 114n, 244n, 1482
- See also Hamilton, Alexander; Jay, John; Madison, James; Pseudonyms, Publius
- FEDERALIST EXPRESS: between Mass. and NY, 750, 766, 766n, 767; between N.H. and NY conventions, 736–37, 1124–28n; between

N.H. and Va., 1234, 1235n; between NY and Va., 737, 1103, 1103n, 1125, 1217–18, 1243, 1247, 1249; expenses of, 1221n

FEDERALISTS, 309, 406, 645, 668, 843, 1111, 1406, 1445; admit Constitution is imperfect, 246, 957, 958, 971, 1067; agree to the Antifederalists' major objections, 979-80; alone would elect delegates to a second constitutional convention, 625; Antifederalists have more military men in state than, 2252-53; attitude of toward Mass. amendments, 752; believe Constitution needs amending, 951; and calling of a second constitutional convention, 625, 2503, 2506-7, 2510; cannot refute the republican writers, 421; conditional amendments considered as a rejection by, 2147; Curtius addressed to, 63-67; defeat of Hobart's motion a blow to, 2226, 2227; denial that difference of opinion among means amendments cannot be adopted before ratification, 951-52; disagree on the Constitution more than Antifederalists, 953; elected to Confederation Congress from NY, 671-72; favor a federal republic as only viable government for U.S., 1060; favor Smith's plan of ratification (17 July), 2229, 2232, 2252-53; feared by M. Smith, 672; Federalist fashion clothing, 837; friends to America will want Constitution adopted quickly, 89; Hamilton viewed as leader of party in NY, 2232; honest men will submit to advice of Constitutional Convention, 51; hope that NY will ratify after nine other states have ratified with recommendatory amendments, 1121, 1123, 1124; hopeful about NY ratification, 1092; hostility of to proposal for amendments united Antifederalists, 2150; incorrect use of term, 1713; look upon adjournment as their last resort. 2226; in majority, 185, 271, 361, 625; misconstrue Antifederalist arguments concerning Union, 1903; names of parties should not be used, 1134-35; need no scandalous or illiberal support, 793; should unite with Antifederalists in seeking bill of rights, 276; some say they do not understand the judiciary, 1045; spreading throughout country, 174; support for whatever Constitutional Convention proposes, 652; surprised at how good whigs could support a constitution so similar to the British, 1150-51; taught a lesson of humility in NY, 1202; toasted throughout the country, 771; true Federalists favor Constitution properly interpreted, 1093–94; urged to compromise with Antifederalists, 784; violently oppose Smith's first proposal for ratification (15 July), 2230; want a consolidated central government, 1793; want amendments but only after ratification, 943, 949, 957–58; want Congress to approve Constitution when sending it to the states, 56

-criticism and condemnation of: accused of abandoning long-held truths about governments, 618-19; accused of aiming to enslave the people, 194; accused of always trying to take rights by subtle means, 1936; accused of distortion in NY Convention, 1819; accused of favoring standing armies, 618-19, 620; accused of ridiculing patriotism, 1720; accused of suggesting imaginary evils from Antifederalist amendments, 2047: accused of using assertion instead of argument, 1763; allegedly will cram Constitution down people's throats if they do not accept it, 1236; arrogant and harsh on their opponents, 276, 370, 869-71; criticized for favoring a conditional ratification, 1332; criticized in NY Convention for their defense of tax provisions of the Constitution, 1998; divide the people by dissension, 1373; a few intriguing men got the Constitution proposed, 211; framers called a set of false patriots, 431; group of conspired to end democracy, 273; inconsistent in their interpretation of the judiciary, 821-22; not energetic enough in NY before election of Convention delegates, 1109-10; not to be trusted with the mail, 281, 319, 1121; expect offices under Constitution, 143, 192, 194, 370, 404, 450, 599, 668, 944, 993, 1382; oppose amendments to Constitution even after they promise to support, 1093; promise too much from Constitution, 955-56; rushing ratification through, 193, 194, 194n-95n, 240, 979, 1096-97; said to block information getting to the people, 1554; said to dislike free and equal governments, 239; satirical political creed of, 403-6n; some men who want to precipitate change say conditions are worse than they really are, 209; some leaders of were conspirators at Newburgh in 1783, 654, 658n; some want to annihilate the states, 875, 981, 1927, 1931; some will interpret the Constitution to create despotism, 1093; speculate in state debt, 1500; threaten freedom of the

press, 73–74; threaten to use tar and feathers, 275; try to mislead, 1971; will delay the proceedings of the NY Convention, 1207; will lose confidence of New Yorkers, 1199; wish to aggrandize themselves at expense of community at large, 1503

- —defense and praise of: aim at the public good, 1404, 1517; are not motivated by ambition, 1990; arguments are honest in NY Convention, 1825; clever in campaigning, 1340–42n; for defeating more numerous Antifederalists on ratification, 2318n; have truth and reason in Convention, 1222; include those with the most experience and information, 1087; in NY Convention, 1229–30; only object is to promote welfare of NY and other states, 1249; are not selfish office seekers, 1396–97; for defending Washington and Franklin, 301; will elect people of best ability, 1509; will represent new wisdom of Constitution, 1198
- -described as: actuated by unjust passion and principles, 838; advocates for despotism, 1798; ambitious and designing, 1994; anti-republicans, 207, 803, 980-81, 981, 1111; aristocratical, 10, 19, 25, 80, 240, 304, 322, 443, 779, 1202, 1342; avaricious, 1500, 1501; backcountry residents, 175; best reasoners and most skilled orators, 1763; clergy are, 22-23, 86, 174-75, 186, 186n, 878; distinct and opposite interests in NY, 148; a faction, 193; farmers are, 1092; friends to liberty, 14; gentlemen of character, estate and information, 1132; good men and good citizens, 52, 58, 61-62, 95, 122, 390-92, 646, 878; great and well born (satirical), 794, 913, 1202; intelligent and respectable, 85, 1148-49, 1202; lawyers are, 878; lurking fiends with poison, 1503; manor lords are, 1092; men of good sense, 608, 878; men of humanity, 1086; men of property, abilities, and commerce, 2197; men of sense and property, 608; merchants are, 22-23, 1092; more dangerous than Antifederalists, 239; more erudite than opponents in NY Convention, 737; Morrisites, 240; most virtuous characters in NY, 1092; new political doctors who do not believe in limiting government, 618; office seekers under new Constitution, 192, 194, 320, 404, 450, 668, 944, 950; one is accused of being a war profiteer, 912; patriots are, 302, 1092, 1301, 1429, 1514; powerful, 1092; propertied men, 79, 608, 1198-99, 1332, 1386; are

rich, 1198–99; similar to anti-whig, 1151; violently agitated and active, 161, 166; virtuous, knowledgeable and able, 769; wealthiest and most able in NY, 746; white livers, 679; zealousness of, 981–82

- -literature of: called high-wrought strains, 960; combat Antifederalist literature in Columbia County, 1434; and Convention election, 1355; criticism of, 19-20, 161, 164, 275, 276, 282-83, 353, 442-43, 445, 620, 780, 782n, 792-93, 831, 854, 861, 869-71, 1406; deception of, 132-33, 143, 159, 164, 198-99, 270, 282-83, 368, 406, 646-47, 654, 779, 779-80, 979, 979-80, 981-82, 1062, 1447, 1448-49; defense of, 800-801, 801; distribution of, 736, 837, 837n, 1357, 1477; dominates newspaper debate, 4; exaggerates problems under the Confederation, 945; filled with news of Constitution's unanimous reception, 147; not circulating outside of New York City, 766; praise of, 564, 1294, 1503; response to thirty-five objections, 1388; serialized essays re-printed in NY newspapers, 4-5; unconvincing, 599
- -in NY Convention: appointed to committee of both parties to arrange amendments, 2128, 2129; candidates proposed, 957-58; cannot create divisions among Antifederalists, 1202; criticism of speeches of, 610; criticized for their defense of Constitution's tax provisions, 1998; delegates leave New York City hopeful, 1202; described as having power of oratory and deception, 2115-16; doubtful whether ratification will happen, 1319; favor recommendatory and explanatory amendments, 2184; great weight and influence of, 2298-99; have been conciliatory after winning out on manner of ratification, 2299; have promised Antifederalists they will work to call a convention, 2299; have soundly defeated Antifederalists on manner of ratification, 2298-99; hope for adjournment without rejection of Constitution, 1139, 1150, 1199, 1240, 1245; hope to convert enough Antifederalists to ratify, 1174; lobby outdoors, 1243; may benefit from their opponents' disunity, 1209; merely repeat The Federalist, 1798; not opposing amendments keeps tempers cool, 2084n; official NY ticket sent to correspondent, 1509; oppose conditional amendments, 2179-83, 2184; plans uncertain, 1174; play on hopes or fears of Antifederalist delegates, 1207-8; predict

they will get a majority of delegates, 148, 1092, 1509; ratification by Va. changes tactics of, 1261; reject Antifederalist proposal for ratification with conditions, 2114; seek delay, 737; stop debating after news of Va. ratification received, 2106; strength of in election of delegates, 1355; superior ability will assure ratification, 1174, 1580; virtuous Federalists should be elected to, 1366; want to adjourn to consult constituents, 2186-90, 2191, 2193; want to adjourn without ratifying previous amendments, 1322; will coordinate their strategy, 1123; will delay proceedings, 1207; will elect their slate of delegates, 1499; will try to divide Antifederalists, 2115

- -in NY counties and towns, 609; in Assembly propose oath to defend U.S., 688; attempt to divide NY Convention Antifederalists. 1245, 1292; despair that NY will ratify, 1320; dispirited by NH's adjournment of Convention, 800; gaining ground, 964, 1378; have done the best they could, 1340-42n; less confident, 881; made up of interior counties, 175; in NY own ninety percent of property, 1313; quarrel among themselves thus aiding Antifederalists, 1103; say they have a small majority but doubtful, 852-53; southern part of NY is highly federal and greatly incensed, 1316; threaten secession of southern NY counties from state, 737; described as virtuous, 769, 1429; weaker than Antifederalists, 424; will overturn liberties, 888; working hard to undo bad first impression for Constitution, 1103; working hard upstate, 890
  - -in Albany County, 75, 75n; active in, 833, 898; burn copy of Albany Anti-Federal Committee's thirty-five objections, 1385n; campaigning hard in, 1375-76, 1376, 1380, 1432; are confident in, 1435-36; control the press, 834-35; doubtful of victory in elections, 1377, 1437, 1580; favorable situation for in Lansingburgh, 638; formidable, 843; from Albany called grandees went to Poughkeepsie to watch the Convention, 1207; from Albany would not be able to assist NY Convention Federalists, 1239-40; gaining ground in, 602; landlords, 966; leaders were ineffective in Convention elections, 1121; meeting in, 1356; not working hard in, 766, 1359; prospects not good in Albany, 1377; respectable majority of in, 1582; strength

of, 843, 862, 1357, 1374, 1412–13, 2252; victors in Albany riot, 2117; win only City of Albany vote, 1418, 1419

- —in Columbia County: predict they will win elections, 1436, 1437; strong in Hudson, 1434
- —in Dutchess County: alone in publishing in newspapers, 62; do better than expected in Convention election, 1466–67; few in Poughkeepsie, 62; inactivity in election of delegates, 1427, 1451; in Poughkeepsie celebrate news of Va. ratification, 2080; prefer subsequent amendments, 1440; strategy of in election, 1439, 1451, 1562; use deception in Convention election, 1439, 1451, 1459, 1562; will control northern part of county, 62; will lose, 1444
- —in Kings County: campaigning in a torpor, 1470; confident they will succeed in election, 1378; strong, 864, 1468
- —in Montgomery County: campaigning in, 1375, 1427–28, 1477; growing, 901–2; hopeful, 1435, 1477, 1477–78; majority of the best people are said to be, 601, 1477
- -in New York City: bolstered by but do not celebrate N.H. ratification, 1235; delegates to Convention from leave with cannon salute, 1174; dominant, 1241, 1284, 1323, 1333-34, 1344, 1481, 1518, 1580-81; elect delegates to NY Convention from, 1120n; high spirits among, 1581; large majority of votes, 1521; ninety percent are, 1205; official slate of nominees is, 1487n; overwhelming number of, 578, 608, 628, 864, 1092, 1129; Quakers are, 867-68; respectable, 1092; Scotsmen are, 1499; will vote for George Clinton, 1557; will win Convention elections, 1509, 1510; win with a large majority, 1523, 1524; worried about Mass., 638, 639n
- —in Queens County: confident they will succeed in election, 1378; hopeful to win Convention election, 864, 1531
- -in Suffolk County: strong, 864
- —in Ulster County: denial that they have any strength, 1570; stronger than had been expected, 1570; weak, 1555
- -in Washington County: campaign, 1573

- —in Westchester County: confident they will succeed in election, 1378, 1437, 1581; win election, 1575, 1579, 1581
- —in states
  - —in Connecticut: criticism of speeches by in state convention, 610; men of information, 353; petitions used to intimidate Antifederalists in, 193–94, 194n-95n; victories of in spring 1788 elections, 2195, 2216n
  - —in Massachusetts: control two-thirds of both houses of legislature, 1131; most distinguished patriots, 770; predict victory of in Convention, 671–72; said to be better sort in Convention, 749; said to be men of most intrigue, 668; said to be most able and well educated, 668; victories of in spring 1788 elections, 2195, 2216n; will do anything to obtain ratification, 669, 671n, 1207–8, 1546; will not allow access to press in Boston, 74n, 185, 186n
  - -in Maryland: in election to Convention, 968
  - -in Middle States: are strong, 122
  - —in North Carolina: and Dobbs County election riot, 1106
  - —in Pennsylvania: criticized for attempting to limit freedom of the press, 77; Philadelphia united behind, 99, 101n; response to the seceding assemblymen of Pa., 76–77; rush resolution through Assembly calling for a convention, 76–77
  - —in Rhode Island: boycott referendum on Constitution, 1378; governor and leading men are wealthy, 1175, 1378
  - —in Virginia: happy with Va.'s ratification, 1297; praised in Convention, 1216; ratification by Va. changes tactics of in NY Convention, 1261; should be prudent in celebrating Va.'s ratification, 1215
- See also Antifederalists; NY Convention
- "A FEDERALIST WHO IS FOR AMENDMENTS": supports calling of a second convention, 2510
- FINDLEY, WILLIAM (Pa.), 482n; made ingenious objections to Constitution, 2537, 2544n-45n
- FINES, EXCESSIVE: Constitution should have protection against, 157; general indefinite exclusion is formal nonsense, 490; NY amendment proposed to prohibit, 2111, 2120; protection from in state bills of

rights, 159n; prohibited by NY Bill of Rights, 505

- FINK, ALEXANDER (New York City): and New York City procession, 1637
- FIREWORKS: in Hudson, 1281; on Long Island for New York City celebration, 1284–85, 1288
- FISH, NICHOLAS (New York City): id., 1417n
- -letter from, cited, 1417
- —letter to, 1417
- FISHERIES: claimed by France, England, and Eastern States, 2074; not important concern for Southern States, 1693; toast, may they prosper and flourish, 2423
- FISHING INTERESTS: not fully recovered from the Revolution, 209; greatly restored, 1064; partly stable and partly changeable, 990–91
- FITCH, JOHN (N.J.): id., 1319n —letter to, 1319
- FITZSIMONS, THOMAS (Pa.): id., 1175n
- —letter to, 1174–75 —letter to, quoted, 748
- FLAGS: and New York City procession, 1586, 1591, 1601, 1602, 1604, 1610, 1611, 1616, 1620–21, 1633–35; American flown by the *Pinzon*, 1610
- "A FLAT-BUSH FARMER": not found, 1475n; text of, 1472–75; text of, quoted, 1468
- "A FLATBUSH FARMER": text of, 1475-76
- FLINT, JEBEZ (Dutchess): as secretary of the Dutchess County Constitutional Society, 1458
- FLORIDA: as boundary of U.S., 1306; will be conquered under Constitution, 86
- FLORIDABLANCA, CONDE DE (Spain): id., 361n, 1611n
- -letters to, 360-61, 1340, 1340-42n, 1609-11
- -letters to, quoted, 85n, 455, 1342n, 1592
- —letters to, cited, 1595n, 1660n
- See also Spain
- FLOUR INSPECTORS: and New York City procession, 1635, 1662
- FLOYD, WILLIAM (Suffolk): id., 728n; and British occupied forts, xxxiv; in Congress supports Impost of 1783, xxxvi; votes in Assembly, 524, 715, 720, 727; actively campaigning in Suffolk for Convention delegates, 1378; in NY Senate, 698n, 720; nominated for Assembly, 1537; not nominated for Convention delegate, 1537; as possible Convention candidate, 1537
- -letters from, quoted, xxxii, xxxiv

- FLUSHING, QUEENS COUNTY: celebration of NY ratification in, 2397–98; Federalists do well in, 1531
- FONDA, DAVID (Albany): Antifederalists question his endorsement of Federalist response to 35 Objections, 1401n; endorses Federalist response to 35 Objections, 1400; name incorrectly put on an Albany Federal Committee circular, 1407
- FONDA, GYSBERT (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- FONDA, JELLIS (Montgomery), 601n
- FONDA, JOHN (Albany): endorses Federalist response to 35 Objections, 1400
- FORD, JACOB (Columbia): charges against as an Antifederalist are false, 1431; as faction leader, xxx; nominated a candidate for the Convention but not assuredly a Federalist, 1427; nominated for the Convention, 1423, 1428n, 1433; not elected to the Convention, 1438; praise of but candidacy is hurt, 1432
- FORD, PAUL LEICESTER, 58, 58-59, 59, 69; and authorship of Brutus, 103
- FOREIGN AFFAIRS: Confederation Congress cannot regulate common concerns of union, 176-77; Confederation Congress contains factions over, 1897; Confederation Congress has power to send and receive ambassadors, 363, 984, 2054; Confederation has exercised sovereign power in, 363; Constitution will strengthen U.S. in, 51, 124, 391, 637, 1087, 1302, 1629-30; European countries will take advantage of U.S. weaknesses, 362; factions will form over, 1898; a government that changes its policies loses its sense of national character and forfeits the respect of foreigners, 1866; federal government should have power over, 213, 223; foreign diplomatic corps participate in New York City procession, 1289n, 1601, 1603, 1611, 1628; friends are disgusted, enemies treat U.S. with contempt, 176; importance of Union in, 181, 341-42; President and Senate to manage, 1865-66, 1868; President's power over criticized, 198; rotation in office requirement will not harm, 1852; Senate's involvement in requires long terms of office, 1847, 1849, 1870; to be conducted by the Senate, 1900; Senate's role in conducting praised, 1013, 1844; some state laws are destructive of good faith necessary in, 362; states limited

under Articles of Confederation, 984; uncertain what foreign influence might be exerted with a second general convention, 937–38; U.S. daily receives insults from foreign nations, 1683; U.S. diplomatic corps toasted in New York City, 1288; U.S. is considered young country by other nations, 361; U.S. will be involved in wars in Europe under Constitution, 135. *See also* Ambassadors; Commerce; Europe; France; Great Britain; Invasions, foreign; The Netherlands; Spain; Treaties

FOREIGN INVASION. See Invasion, foreign

- FOREIGN OPINION OF THE U.S.: consideration of Constitution is critical period for, 60; Constitution will cause it to rise, 41, 51, 58, 63, 67, 73, 88, 124-25, 125, 134, 146, 148, 151, 175, 391-92, 395, 397, 560, 770, 815, 817, 833, 854, 856, 860, 892, 1224, 1253, 1276, 1282, 1312, 1516, 1608, 2029; Constitution will not raise image of America abroad, 451; if Constitution will cause improvement in it should be adopted, 61; a government that changes its policies loses its sense of national character and forfeits the respect of foreigners, 1866; importance of, 175; denial that it is low, 945-46; low opinion causes lapse in commerce, 866; low opinion of, 12, 57-58, 67, 72, 88, 176, 309, 333, 361, 761, 765, 842, 854, 856, 877, 1691, 1693, 1696, 2469, 2531; may American flag be honored and respected abroad, 2399; respectability abroad toasted (Albany procession), 2390; rose because of gaining independence, 60, 1428; toasted at Poughkeepsie Fourth of July celebration, 1291; U.S. daily receives insults from foreign nations, 1683; will improve if our government becomes effective, 2470; will rise if a confederated national government is established leaving internal affairs to the states, 270. See also Public credit
- FOREIGNERS: in America are wanted to take a stand on Constitution, 309
- FOREIGNERS OF DISTINCTION: and New York City procession, 1601
- Forest, Antoine de la (France): id., 424n
- -letters from, 424, 2455-56
- -letters from, quoted, 455, 799
- FOREST, ISAAC D. (Albany): endorses Federalist response to 35 Objections, 1400
- FORESTERS: and New York City procession, 1599, 1633, 1661

## CUMULATIVE INDEX

- FORGERY: Congress will make supreme law of the land for, 294
- FORT FREDERICK (Albany), 1264, 1267n, 1269, 1270, 1272n, 1273, 1274, 2389

FORT GEORGE (New York City), 1289n, 2390

FORT ORANGE (Albany), 1270n, 1271, 1273

- FORTS, MAGAZINES, ARSENALS, ETC.: danger from federal jurisdiction over, 196, 1076– 77; federal government will have jurisdiction over, 1070–71, 1075–76
- FOURTH OF JULY: description in Albany of violence on, 734, 1193, 1260, 1264–75, 1296, 1298, 1306, 1307, 1315, 1315n, 1350, 2098–99, 2115, 2117, 2151, 2391n, 2445n, 2466; in NY cities and towns, 1264–92; toasted in Dover, Dutchess County, celebration of NY ratification, 2396. *See also* Celebrations; Wilson, James
- FOWLER, EDWARD (New York City): and New York City procession, 1601, 1648
- Foxcroft, John (Pa.), 590
- "A Fragment": text of, 868-69
- FRANCE, 1341, 1774, 1778; charge that American militia will be sent to replace French soldiers who died in U.S., 1198; and commerce with U.S., 1315-16; commerce was goal of Marseilles, 1561; confusion in the kingdom reported, 1344; denial militia will be sent to pay off U.S. debt to, 439, 440n; fisheries claimed by, 2074; and flag at New York City procession, 1611; on good terms with Scotland, 268; Grand Monarch (Louis XIV), 289; Henry IV's grand design, 1682, 1697n, 1705, 1738n; hope that it will continue friendship with U.S., 2470; image of French ship in New York City procession, 1634-35; might influence a section of America to prevent borrowing money if two-thirds majority is necessary, 2070, 2071; monarchs of abused their powers, 1039; and possible war with Britain, 250, 311, 378, 578, 602, 609, 1087; and Scottish involvement with wars between England and France, 300; seizes American merchantmen for imaginary reasons, 877; toasted, 1288, 2365, 2401, 2414, 2417, 2470; U.S. debt to, 88, 672, 1146, 1242, 1392; U.S. treaties

with, 342, 557, 558n, 1657, 1660n; will not assist NY if it remains out of Union, 2195, 2197; will send armies and navies to collect their debt, 905. *See also* Europe; Foreign affairs

- FRANCIS, JOHN (New York City): id., 1336n
- -letter from, 1336-37n
- -letter from, quoted, 1337n
- -letter from, cited, 2219n
- FRANKLIN, BENJAMIN (Pa.), 292; Cool Thoughts on the Present Situation of Our Public Affairs (1764), 351n; criticism of, 347-52n; criticism of for inconsistency on slavery, 274; defense against charges against him, 99; depicted in the New York City procession, 1647, 1648; discounts Antifederalists assertion he had become old, 65; as an example of ability of Americans to govern themselves, 975; favors Constitution as reason for ratification, 392, 626; tries to get Jay to reveal his authorship of pamphlet, 923; he should be trusted, 15; helped establish Francis Childs as publisher of Daily Advertiser, 2488n; is qualified to be president, 55; praise of Federalists for publicly defending, 301; as former postmaster, 590; do not ratify the Constitution because he favored it, 1109; and the Stamp Act, 349-50, 351n-52n; supports Constitution, 2196, 2197; threatens circulation of John Holt's newspaper, 349-50, 351n-52n; toasted, 1621, 1279
- and Constitutional Convention: appointed to, 326n; defense of at, 855–56; duped in, 352, 855; gains luster by the work of, 63; NY reprintings of last speech of in, 5; signer of Constitution, 2216n; whatever he agreed to in should be adopted, 646
  letter to, quoted, 2488n
- —letter to, cited, 672
- See also Great men and the Constitution
- FRANKLIN, JOHN (New York City): appointed election inspector, 1494
- FRANKLIN, SAMUEL (Dutchess): nominated to Assembly, 1454, 1454n
- FRANKLIN, STATE OF: attempt to create, 1698n, 1699n; example of separatist movement that shows Confederation Congress cannot preserve Union, 1693, 1699; if N.C. had standing army it would have kept, 128; will be added as a new state, 1729; will be independent and add to representation in Congress, 1736

Franks, David S. (Pa.)

-letter to, quoted, 307

- FRAUNCES, SAMUEL (New York City): tavern of and New York City celebration of Fourth of July, 1289n; NY Antifederalist Society meets at tavern of, 2475
- FREDENRYKE, MR. (Albany): in Albany procession, 2387
- FREDERICK COUNTY, MD.: election of convention delegates, 1190
- FREDERICK, HENRY (New York City): and New York City procession, 1637
- FREDERICKSBURGH, DUTCHESS COUNTY: Antifederalist Fourth of July celebration in, 1277–78; Federalist Fourth of July celebration in, 1279–80
- FREDERICKSTOWN, DUTCHESS COUNTY: celebrates adoption of Constitution by nine states, 2365; location of, 2365n
- "A FREE CITIZEN": cited, 1519; text of, 1485
- FREEDOM OF THE PRESS. See Press, freedom of the
- "A Freeholder": text of, 1513-15
- "A FREEHOLDER OF THE CITY OF ALBANY": cited, 754, 830; printing in NY, 1178; responds to A Citizen, 793n, 800, 801, 802n; text of, 792–93
- FREEHOLDERS. See Property, private
- "A FREEMAN" (two New York City election items): texts of, 1487–88, 1493
- FRENCH AND INDIAN WAR: similar postwar conditions occurred, 946-47
- FREY, JOHN (Montgomery, A–N): as an Antifederalist, 601n, 1479; votes in Assembly, 515, 521, 704, 705, 713; and distribution of Antifederalist literature, 896–97, 1477
- —in NY Convention, 1477, 1677; votes for as a Convention delegate, 1480; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323
- "A Friend to Candor and Decency," 1831n; text of, 1831–33
- "A FRIEND TO COMMON SENSE," 59; text of, 442-44n; quoted, 388-89
- "A FRIEND TO GOOD GOVERNMENT": printing in NY, 1180; quoted, 752; text of, 902–5, 917–19
- "A FRIEND TO ORDER AND PEACE": text of, 1206-7
- "A FRIEND TO TRUTH": printing in NY, 1188; text of, 803-5
- "A Friend to the Union": text of, 1505

- FRINGE MAKERS: and New York City procession, 1599, 1663
- FROST, THOMAS (Richmond): in Assembly votes, 516, 521
- FROTHINGHAM, CAPTAIN (Columbia): and Hudson celebration, 1280
- FRUGALITY: greatly restored, 193, 209, 1064; necessary to increase supply of money, 956; not followed after the war, 946, 1745–46; only way to restore the economy, 946. *See also* Luxuries; Virtue
- FRYER, MATTHEW (Albany): in Albany procession, 2388
- FUGITIVE SLAVE CLAUSE: will eliminate Mass. as an asylum for runaway slaves, 340, 341n. *See also* Slavery
- FULSOME, JOHN (Albany): in Albany procession, 2384; endorses Federalist response to 35 Objections, 1400
- FUR TRADE: and British occupied forts, xxxiv, 88, 1199, 1201, 1402, 1407; gone to Canada, 930; Northwest forts would benefit NY, 877; NY will benefit from after Constitution is ratified, 916, 1396; NY suffering loss of under Articles, 2029; restoration of toasted, 2390, 2418; U.S. will benefit when restored, 1113. See also Commerce; Great Britain; Northwest posts
- FURMAN, W. (New York City): and New York City procession, 1648
- FURRIERS: and New York City procession, 1599, 1638-39
- GAINE, HUGH (New York City): id., 1625n; and New York City procession, 1625, 1647; prints Constitution in almanac, 45
- GALATIAN, DAVID (Ulster): id., 1570n; as Assembly and Senate candidate, 1558; dropped as Convention candidate, 1543; nominated for Assembly, 1566, 1569; as possible Convention candidate, 1564
- GALBEATH, DAVID (New York City): signs Scotsmen address endorsing Constitution, 1404
- GALE, COE (Orange): as committeeman who burned Constitution, 804, 805, 808n; and distribution of Antifederalist literature, 896–97
- GANSEVOORT, CAPTAIN (Albany): in Albany procession, 2383
- GANSEVOORT, HARME (Albany): supports Federal Committee slate, 1375; endorses Federalist response to 35 Objections, 1399

## CUMULATIVE INDEX

- GANSEVOORT, LEONARD (Albany), 699; id., 864n; appointed to Annapolis Convention, xliv; and distribution of book edition of Publius, 879, 906, 907; elected to Congress, 670n, 688, 1379n; importance of his attendance in Congress to keep NY represented, 1377; in Congress at time of organization of new government, 2448n, 2449n; needed in Albany to campaign for Convention delegates, 1377; nominated for Assembly, 1368; nominated for Convention, 1362; predicts overwhelming Federalists victory in Kings County, 1468; in Saratoga celebration (procession) of NY ratification, 2416; votes in Assembly, 704, 713, 714; will attend NY Convention, 1121, 1122n
- -letters from, 864, 913, 1358, 1365-66, 1374, 1377-79, 1576, 2430-31
- —letters from, quoted, 1357, 1531, 1533, 1536, 1573, 1575
- —letters from, cited, 907n, 1357, 1362n, 1403, 1468
- -letters to, quoted, xxv, 1536
- -letter to, cited, 1377
- GANSEVOORT, LEONARD, JR. (Albany): as a member of the Albany Federal Committee, 1375, 1399
- GANSEVOORT, PETER (Albany): id., 864n; encouraged to run for Convention, 1365–66, 1366; endorses Federalist response to 35 Objections, 1400; nominated as Convention delegate, 1368; supports Federal Committee slate, 1375; votes for as Convention delegate, 1418, 1419
- —letters to, 864, 1358, 1365–66, 1374, 1573, 1576, 2430–31
- -letters to, quoted, 1357, 1531, 1533, 1536
- —letters to, cited, 1362n, 1468
- GARDENERS: and New York City procession, 1634 1662
- GARDINER, NATHANIEL (Suffolk): is a Federalist, 1537; elected to Assembly, 1541; nominated as a Convention delegate, 1536, 1537, 1538; nominated for Assembly, 1537
- GARDOQUI, DON DIEGO DE (Spain): id., 361n —letters from, 360-61, 1340-42n, 1342-43n,
- 1609–11 —letters from, quoted, 85n, 455, 1342n, 1592
- -letters from, cited, 1595n, 1660n
- See also Spain
- GASHERIE, JOSEPH (Ulster): carries letter, 1571n; signs Kingston Antifederalist Circular, 1565

- —letter to, 1322
- -letter to, cited, 1584
- GATFIELD, BENJAMIN (New York City): and New York City procession, 1637
- GELSTON, DAVID (New York City): id., 1539n; attends NY Antifederalist Society meeting, 2475, 2476; and distribution of Antifederalist literature, 896; nominated for Assembly, 1537; nominated for Senate, 1494, 1495, 1502
- -letter from, 2345n
- -letter from, quoted, 1536
- —letter to, 1539–40
- —letter to, quoted, 924
- GENERAL DEFENSE. See Common defense
- GENERAL POWERS: carry with them incidental powers, 1058; Constitution grants, 1059; endanger liberty, 1060; often given in constitutions and then individual powers taken back, 1052. *See also* Implied powers; Preamble to the U.S. Constitution; Taxation
- GENERAL WELFARE: will broaden Congress' power, 1935-36; debate over Constitution will determine the welfare of millions yet unborn, 275; federal government will have power to pass all laws affecting, 107; as goal of Federalists, 1249; as a reason for forming a confederation, 984; cannot happen in a country that is too large, 677; Constitution will provide for, 411-13, 789, 790n, 816, 1070, 1198, 1329, 1396, 1515-16, 1960; criticism of provision for in Constitution, 109, 167, 231, 470-71, 594, 623, 758, 759, 1004, 1159, 1163, 1167, 1263, 1917-18, 1938, 1973; experience can only tell whether Constitution will be good or bad for, 1097; government aimed at could be stable after Revolution. 904: interests of individual states will be sacrificed to, 1852; means to create an established religion, 624; more important than individual state interests, 1863, 1864; not the real reasons for proposing the new Constitution, 1154; Preamble to Constitution says it is to be promoted, 294, 295-96; recall not used against in Confederation Congress, 1860; recall power in Senate will harm, 1844, 1844-45, 1846, 1847, 1848, 1849; Society of the Cincinnati sworn to support for the country, 1450; states' interest should be secondary to, 1869; U.S. needs an energetic

federal government for, 1071. See also Delegated powers; Implied powers; Necessary and proper clause; Reserved powers

GENESEE COUNTRY: sale of, 1147, 1149n-50n

- GENTLEMEN: and New York City procession, 1586, 1655; should support Constitution, 85
- "GENUINE INFORMATION" (Luther Martin): reprintings of in NY, 7, 455, 584, 614–15, 901n, 978, 1184, 1185
- GEORGIA: bad state constitution of, 744n; and Confederation Congress on location of capital, 1253; debt of, 1993; did not pay the requisition, 14n, 1993, 1997, 2021, 2041; form of ratification of, 1187; has ratified Constitution, 672, 746, 786, 903, 919, 937, 985, 1087, 1241, 1358, 1373n, 1398, 1471n; support in for amendments to the Constitution, 955; state policies make collection of private debt difficult, 1146–47; and western lands, 1993, 2008n
- —toasted in, 771: Jamaica, NY, 1281; Lansingburgh, 1283; New York City, 1287
- GERMAN CAMP, COLUMBIA COUNTY: reported election in favor of Antifederalists, 1436; Antifederalist win a majority vote in, 1422
- GERMAN SOCIETY OF NEW YORK CITY: is Federalist, 1378, 1379n
- GERMANS: Constitution printed in German, 46, 734, 902n, 1388, 1400n; meeting of in New York City, 1506
- GERMANTOWN, COLUMBIA COUNTY: population of, 1421
- GERMANTOWN, PA.: support for Constitution in, 123–25, 125n
- Gerry, Ann (Mass.): id., 2431n
- -letter to, 2431
- GERRY, ELBRIDGE (Mass.), 670n; id., 2431n; as a respectable Antifederalist in Mass., 669; thought to be author of A Columbian Patriot, 894; elected to U.S. House of Representatives, 2471n; and George Mason's objections, 338; hope that people of Mass. have not burned in effigy, 175, 180n; in Constitutional Convention, 1083n; invited to attend Mass. Convention, 671n, 747; nominated for U.S. Senate in Mass. newspapers, 2471, 2471n; as non-signer of Constitution, 185, 338, 1081n, 2471, 2501; as possible author of Federal Farmer, 205; receives copy of R.H. Lee's amendments, 463; recommends calling a second convention when in Constitutional Convention, 2501;

response to Md. Landholder, 1185; said to have written that a majority oppose Constitution in Mass., 668; sends information out about Mass. Convention, 747; A State of Facts, 1183; supports a bill of rights, 338; virulence against, 981, 1081n

- -letter from, 2431
- —letter from to the Vice President of the Mass. Convention, 1183
- -letter from summarized, 668
- -letter from, quoted, 1210n
- -letters to, quoted, xxxix, 688
- -letters to, cited, 2007n-8n, 2008n
- GIBBONS, WALTER (New York City): and New York City procession, 1648
- GIBBS, CALEB (Mass.)
- -letter to quoted, 901n
- GIBSON, DAVID (Albany): in Albany procession, 2386; among those most hurt in Albany fracas, 1268
- GIFTS AND EMOLUMENTS: Congress should not allow, 1080
- GILBERT, ABIJAH (Westchester): as Antifederalist candidate for Convention, 1579, 1579n; as defeated Antifederalist candidate for Assembly, 1579; and distribution of Antifederalist literature, 896–97; votes in Assembly, 704, 705, 713
- GILBERT, ELISHA (Columbia): signs Claverack grand jury address, 617
- GILBERT, EZEKIEL (Columbia): nominated for Assembly, 1428n; not nominated from Columbia County, 1423
- GILBERT, WILLIAM W. (New York City): id., 1484, 2528n; nominated as Convention delegate, 1484, 1487, 1501; nominated for Assembly, 1496, 1502, 1505; elected to Assembly with vote results, 1527; text of Assembly speech of, 2526
- GILCHRIST, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- GILES, COLONEL (New York City): as assistant in New York City procession, 1601
- "GILES HICKORY" (Noah Webster), 4, 1177; answered, 671n; text of, 553–56, 738–45n
- Gilman, Nicholas (N.H.), 1259, 1284; id., 1297n
- -letters from, 1296-97, 1316-17n, 1322-23
- -letters from, cited, 1197n, 1235n
- -letters to, 1235, 1332-33
- -letters to, cited, 1296, 1297n, 1316
- GLASS MAKERS: in Albany procession, 2388

- GLAZIERS: in Albany procession, 2386; and New York City procession, 1586, 1599, 1641, 1663
- GLEN, CORNELIUS (Albany): as a member of the Albany Federal Committee, 1375, 1399
- GLEN, HENRY (Albany): in Assembly votes, 516, 521; endorses Federalist response to 35 Objections, 1399; nominated for Convention, 1362; supports Federal Committee slate, 1375

GLOVERS: and New York City procession, 1637

GOADSBY, THOMAS (New York City): id.,

1260n

—letter from, 1259–60

GOD, 1149, 2155; advice of is discarded by man, 929; aid of should be sought in debate over Constitution, 452, 760, 762, 782, 1138, 2141; America is chosen country of, 762, 1304; Americans designed by to show nobility of human beings, 80, 1304, 1312; Americans have nothing to fear but God, 1312; Americans should worship and adore, 976, 1638; Antifederalists in NY Convention appeal to for rectitude of their actions, 2126, 2149, 2202, 2236-37; appeal to in Albany procession, 2383, 2385, 2387, 2388; approves Constitution, 765; asked for protection from evil effects of Constitution, 854; asked to alter the hearts of Antifederalists, 1340; asked to give NY Convention wisdom, 1210, 1319, 1338; assistance of in persuasion to show corruption, 810; blesses America, 1288; will bless new government under Constitution, 2205; called upon to defeat Antifederalists, 52; called upon to help save America with ratification, 762, 860; called upon to keep U.S. from civil war, 853, 1114, 1334; conditional amendments as unjust and provocation to, 2140; Constitution said to be inspired by, 51, 63, 93, 179, 233, 479, 480, 481n, 765, 768, 781n, 1034, 1312, 1607, 1613, 1622, 1623; Constitution shows interposition of in favor of America, 765, 768; Constitution violates will of, 778; created only republican form of government at first, 648; denial that Constitution is inspired by, 777, 1115; described as arrayed in mildness, 2439; designed Americans to show the nobility of human beings, 80; desire for approval of as a reason for ratification, 2322; will direct Convention's councils to preserve liberty and peace, 2184; divine interposition of helped America during Revolution, 66-67, 292, 409, 886, 928, 1279, 1285n, 1304, 1337, 1840; has encouraged ten states to ratify Constitution, 2196; favors NY, 2196; first infatuates those he gives up to destruction, 365, 366, 367n; has given people different talents, 1751, 1760, 1818; gives Americans the opportunity to decide on their form of government, 1140; gives mankind liberty, 1155; glory to, 1652; hand of who helped in Revolution will not abandon America now, 886; has blessed NY, 693; has done wonderful things for America, 762, 975; has given NY great harbor and benefits which Constitution will take away, 673; has made America independent, 2437; has assisted America many ways, 2437, 2463; has delivered Americans from Iroquois and British, 2558, 2560n; has discomfited America's enemies, 2437; has fought America's battles, 2437; has given America freedom, 2437; has not forsaken supporters of Constitution, 2380; has many blessings for the western world, 886; hope for his direction, 53, 1315; hope with assistance of Constitution will serve U.S. well, 1334; is interposing giving America a chance to correct the crisis situation, 1469; Israelites reject government from, 1683, 1688; is king and all things are under command of, 2497; makes good out of evil, 67; man does not possess the goodness and justice of, 647; mandate of is that the debate over Constitution will decide issue of forever, 1205; might become dissatisfied with Americans' complaints of hard times after all their blessings, 765; NY grateful to for tranquillity and good order, 699; praised, 865; and protection of rights in colonial Conn., 434; would punish NY if it did not ratify Constitution, 1701; thanked for NY ratification, 2320; thanked for giving man insight into nature of government, 607; thanked for having the people choose delegates to NY Convention, 967; thanked that the people are voting on the new Constitution, 1387; thanked for fact that eleven states have ratified 2432; thanks be to heaven that America has embraced political truth and safety, 2423; the voice of the people is the voice of, 1149; trust in brick layers motto in the New York City procession, 1640; Union supported by, 886; Washington is the beloved of, 760; will

aid in NY ratification, 1633; will bless new government under the Constitution, 1470; will conduct every event to produce the best end, 2497; will help Antifederalists preserve liberties of people, 2116; will judge those who drew up Constitution, 2555; will make America a great and mighty nation and a blessing on earth, 976; will punish U.S. for keeping slave trade open, 409. *See also* Biblical references; Clergy; Religion; Religion, freedom of

- GODFREY, CAPTAIN: brought news of NY ratification to Providence, 2424
- GOES, ISAAC (Columbia): id., 1430n; not thought much of by Peter Van Schaack, 1431; upset he was not invited to a Federalist nominating meeting in Columbia County, 1430
- GOLDSMITHS: in Albany procession, 2384; and New York City procession, 1586, 1600, 1650, 1664
- GORDON, JAMES (Orange): id., 714n
- —in Assembly: votes, 521, 704, 706, 707n, 713, 714; delivers resolution of calling convention to NY Senate, 706, 714; speech in, 708
- GORDON, JAMES (Albany): supervisor, 1414, 1415, 1416; nominated for Convention, 1356, 1362, 1363, 1368; votes for as Convention delegate, 1418, 1419
- GORHAM, NATHANIEL (Mass.): in Constitutional Convention, 1083n, 1828n-29n; is qualified to be president, 54; and Genesee land sale, 1149n-50n
- —letters from, quoted, xxxvii, 747, 751
- GOSHEN, NY: Federalists in, 805, 806-7
- GOSMAN, GEORGE (New York City): signs Scotsmen address endorsing Constitution, 1404
- GOSMAN, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- GOURLAY, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- GOUVERNEUR, ISAAC (New York City): nominated for Assembly, 1496
- GOVERNMENT, DEBATE OVER NATURE OF, 617, 922, 2338; all evils work their own cure, 901; all experiments in should be done cautiously, 1757; always calculate your political opponents as strong, 672; Americans to decide on from choice and reason, 1703; angry and malignant passions will let loose

over great national discussions, 145; Antifederalists needed to establish free, equal, and efficient government, 1258; any could fail, 2020; aristocracy defined, 395, 398-99, 1776, 1779, 1781, 1782, 2157; art and address are often effective in carrying measures, 315; attachment is a driving force in, 400; bulk of mankind consigned to slavery and wretchedness in all ages, 62; danger of great national revolutions, 176; defense of two-thirds requirement for important measures, 2075; democracy defined, 2157; depends upon opinion, 1768; described as either free or despotic, 987; desire for energy and efficiency will be characterized as desire for despotism, 145; despite restrictions governments cannot be controlled completely, 2558; do not try new experiments in unless absolutely needed, 650; easier to criticize and pull down than to fabricate, 885-86; ebbs and flows to, 974; establishing one right implies the necessity of establishing another and similar one, 235; in every community there are principles that lead to aristocracy, 419; evolution of, 645; examination of goals of different kinds of, 1561; experience is our guide, 1931; fear is driving principle in, 399, 400; Federalists accused of misusing term federal government, 2559n; feudal barons prevailed against their kings, 1963, 1965, 2000; first was parental and restricted only by laws of nature, 2551, 2559n; force and violence not a good way of forming a, 1256; founding generation was very familiar with rights but future generations may not be, 1054; framers used amendments as a means of improving or restraining, 2522; general surmises never lead to the discovery of truth. 1981; God thanked for giving man insight into, 607; governments in their nature are not free of aristocracy, 605; great men differ over important political questions, 2019; hard to tell real motivation when debate is taking place, 1302; important to establish a good government, 2497; inhabitants of democracies fear aristocracy, 267; involves our prosperity, felicity, and safety, 67; jealousy of granting power to is dangerous, 922; just way of investigating any power given to, 851; kind of makes a difference, 1469; limits for various forms of, 650; loses its sense of national character by changing its policies, 1866; majority rules, 356, 742,

745n, 2074, 2134; mankind has tried many different forms of, 791; men in general are guided more by conveniences than by principles, 2472; mixed government combines democracy, aristocracy, and monarchy, 2157; monarchy defined, 2157; a more liberal construction may be given to acts of when forming, 2137; must exist, 988; national objects need national resources, 2046; necessity of stability in, 1873; need for a stronger government during war does not necessitate a bad one now, 1980; need something more than bold assertions on matters of, 862; needed because of the depravity of human nature, 2060; needs of uncertain, 1956; no form of can be perfect, 381, 389, 432, 441; in the Old World is the offspring of force or fraud, 1682; only men of education and deep reflection can understand, 93; originates in necessity and utility, 742; partaking of monarchy and aristocracy leads to establishment of, 2533; perfection not to be found in, 1683, 1714; persecution always enlarges the party that is persecuted, 246; required because of flaws in human nature, 857, 929; science of is abstruse, 93-94, 335, 1507; the science of political safety, 59; securing a free has been accomplished by few nations, 62; should not create as in heaven (monarchy), 647; shows that none were derived from reason and reflection, 957; some great men have stood forth and showed workings of, 810; sovereignty within a sovereignty is absurd in, 363, 364; springs from the people, 2029; in state of nature, 1952; Steele compares absolute power to representative, 647-48; taxation and raising and maintaining troops are two most important functions of, 684; three types of available for U.S., 213; tone of will be set in twenty-five years, 1754, 1757, 1758; too frequent changes in can be injurious, 2534; truth will stand the test of free enquiry, 337; two should be made to harmonize with each other, 2103; in unity there is strength, 2487; well-digested democracy better than any other form of, 1747

—attributes of good government, 859; administration of by the better sort desired, 787; administration of should be in a few hands, 791; administrators of must be trusted, 998–99; advice of is no substitute for laws, 929; ambition sets wheels of in motion, 399-400; based on broad elective principles will not violate rights, 435; better to devise for present times than for distant future, 2047, 2048, 2049, 2066; cannot be obtained by the people governing, 290; certainty necessary in political compacts, 277; collective energy should be lodged in central authority, 40; compromise needed to get over a crisis, 784-85; confidence achieved by wisdom of administration, 1778; controlling power placed where the people are substantially represented, 1066; criticism of Pope's maxim on the best form of, 776-77; decent salaries will attract respectable characters, 48; denial that longheld rights need not be positively protected, 619, 619-20; depends on proper delegation of power, 290; division of powers into three departments is a great and valuable point, 2473; equal, full, and fair representation is only way to establish, 214, 314; every man entitled to a vote in a democratic, 172-73; every political man ought to think for himself, 61; execution of laws must rest on confidence in, 315; experience is necessary in, 1845, 1931; fewer taxes needed by efficient, 489; firmness said to be needed (satire of Federalists), 794; a freely constituted founded in compact, 254; founded in freedom and compact will have political parties, 1255; a freely constituted essential to happiness, 62; where the people or representatives possess power of enacting laws a freely constituted exists, 313; general truths should be listed up front for all to see and remember, 1053; good citizens ought not to acquiesce to badly constituted, 777-78; checks passions, 1817; of checks and balances, 64; jury trial in the vicinage necessary, 214; must have both confidence and caution in, 940; must have confidence and good will of the people to operate well, 2336; must have the means of self-preservation, 863; must protect against what men will and may do, 997; need for a firm and united, 883; need for efficient (satire), 794; needs free and energetic people, 993; not quite perfect one is better than none at all, 887; not to be sacrificed to maintain Union, 1688; obtains strength by habit of being, 944; persuasion is never dangerous in, 987; popular elections are

source of a freely constituted, 1773; responsibility for actions means security for, 286; should be free, 110; should not be denied necessary power because it might be abused, 475; sometimes silent operations can completely change, 318; tenure of needs to be balanced against power, 196, 983; there is a just mean between prodigality and niggardliness for men and, 48; thinking and deliberate men must establish, 210; trustworthy men should be given power of, 790-91; unanimity and consistency without tyranny, 357; usually the result of experience and gradual improvements, 983; will not rule over misfortune of, 1746; wise and honest administration can make a people happy under any, 219 -confederations: Antifederalists want a government that will not intrude on the internal affairs of the states, 143, 1309; all previous ones failed, 1686, 1713, 1719; benefits of, 1713-14; can exist in large territory, 1957, 2020, 2540, 2540-41; cannot exist if they operate on districts, not individuals, 1819; should not have coercive power in federal government, 213; confederated league of states cannot survive, 2067, 2068; confederated republic is a new form of government, 1706-7; confederated republics have benefits of republics and force of monarchies, 1719; with adequate powers and sound organization created by Constitution, 439; criticism of with power only over states, not individuals, 440; defined, 410-11, 984, 2143; deficiency of Articles does not mean a bad constitution should be adopted, 1382; government under Articles not efficient, 2443, 2443n; have been recommendatory theory not history, 1686-87; inadequate or do not work, 1686, 2131, 2133, 2538; more difficult to mold public opinion to the Articles than to the Constitution, 1256; must use military to obtain compliance, 1686-87; old Confederation mischievous, 2152; power in originates from and operates on states, not individuals, 2143; reprobated, 1701; should be adopted for U.S., 270, 410, 414, 466; states can control the central government under, 1007-8; states retain their freedom, sovereignty, and independence under, 2143-44; usually do not have coercive power, 959, 1709

-consolidated government: Antifederalists oppose government that forms U.S. into one nation and operates directly on the people, 121; cannot have good representation in, 1716-17; Constitution creates a, 1, 82, 100, 104, 109-10, 116, 126, 154, 207, 210, 212-13, 213, 214, 219, 239, 244n, 252, 270, 457, 566-71, 626, 645, 676, 778, 875, 951, 952, 967, 1007-8, 1060-63, 1209, 1248, 1380, 1389, 1707, 1713, 2142-47; Constitution will not create a, 177-78, 491, 603-4, 605-6, 1141, 1142; country too large for, 1927; debate over versus thirteen confederated republics, 106-7; defense of Constitution's tendency to create a, 630; every friend to his country should understand the nature and operation of, 38; a federal government, not a consolidated one, is needed, 139-40, 208; Federalists charged with wanting a, 1793; government cannot be consolidated on proper principles because of jarring interests, 222-23; opposition to, 1948, 1949; only security for liberty, property, and existence as a nation, 2531; satirical denial that Constitution will create a, 626; should be avoided, 1946; states cannot control federal government under, 1007-8; states too extensive to be under, 1742; strong, energetic government wanted but not, 1786; union will not work in, 268-69

-constitutions: Americans believe that government must be specifically restricted by a, 620; bill of rights needed under implied, 1155; is a compact, 876, 944; criticism of notion that paper constitutions are mere paper, 2553, 2555; expediency of changing is open to opinion, 556; free governments are not unalterable, 555; if good provide for the people's safety and energetic government, 1890, 1895; idea of often abused, 119; has become difficult to secure liberty and happiness constitutionally, 2551.2559n; and limits on national wants and resources, 1955-56; malcontents would object to delivered by an angel, 356; guards against abuse of powers given to rulers in modern times, 2551-52; no distinction in creating state or federal, 1052; quality of depends on natural operation of things, 1767-68; requires great labor, skill of artist, and dexterity of workman to draft, 885-86: should consist only of general provisions,

1984; some natural rights should be the basis of every, 216

-dangers from government: abuse of power common, especially with small representation, 998; all men holding power will want to increase it, 109, 116, 233, 407; almost all have sprung from force and violence, 957; always liable to abuse, 167; anarchy leads to monarchy, 248-49; any can abuse its powers, 978; arbitrary government begins light but grows, 791; bad administration causes failure of best, 1312; conflict between states and Congress will end in destruction of one, 2532; controlled by a few will be managed by influence and corruption, 256, 257; decline rapidly when they abandon their original principles, 116-17, 650; despotic governments are most vigorous, 2537; enthusiastic attachment to a political system, 172; history shows that rule by one man ends in despotism, 277; large republics crumble from their own weight and become tyrannies, 2540, 2545n; laws often interpreted to favor the administrators, 998; men are corruptible and prone to misuse power, 626, 997; men in high office lose sight of the people, 997; men sharing power will conflict, 286; mere implication is too feeble to restrain ambition of bad men, 277, 278; military and, 83, 128, 987-88; most men incorrectly think they would not abuse power, 319; no instance of government once established giving up powers, 2147; no person possessing power will resign it willingly, 950; political men state facts not as they are but as they wish them to be, 209; powerful governments increase their powers incrementally, 944; revolution every seven years is too expensive and dangerous, 136; royal governments meant right to tyrannize and oppress, 2551, 2559n; shared executive power will create gridlock and obscure responsibility, 286; too broad and all encompassing, 2018, 2020; too frequent changes in, 176, 208; too popular border on tyranny, 190; unlimited confidence in governors, 574; violence destroys confidence in government, 128; wars between nations can lead to militarism, 270n; wealth always creates influence, 255; the wealthy, powerful few work to create despotic government, 62; when a constitution injudiciously disposes power in community it cannot work, 362; when a constitution is vague and imperfect it is dubious which part of community has power, 362; when force is applied to enforce the law freedom disappears, 988; when men are governed by passion reason not attended to, 2134; will always be much intrigue in, 1437, 1438n

- energetic government: government under Constitution will be, 628, 1201, 1277; most Americans want, 788; needed, 47, 104, 145–46, 146, 176, 190, 275, 439–40, 626, 816, 833, 856, 973, 1071, 1258, 1468, 1822, 1825, 1854, 1855, 1971–72
- -extent of territory: because of it cannot be governed as a republic, 2537; country too extensive for European intrigue, 2534; easier to administer and correct governance within a small region, 1785, 1786; extensive territories demand vigorous governments, 2537; free people are not likely to subvert government in large republic, 2540, 2545n; influence of office is less likely in a large republic, 2540, 2545n; large and adequate representation needed for, 998; new government must be governed by arbitrary monarch because of, 2537; small republic more easily subverted than a large one, 2542; union can exist over, 1790-91; large size of U.S. presents danger, 998; size of U.S. is exaggerated, 2158
- -faction: a danger in small democratic republics, 2540, 2545n; the grand evil from which popular governments suffer, 172; there are parties in all free governments, 2522
- --federal republics, 1060-62; Antifederalists said to want, 1793; can establish a genuine federal government on republican principles, 1254; establishment of peace by a genuine, 1257; have failed throughout history, 1694, 1696; only government that will protect rights in America, 1060; reasons for establishing, 1066; sought, 1786; states must be strong with adequate representation in, 998; states must give up part of their sovereignty in, 83; U.S. should have combined federal and state governments, 213
- —general or central government: America's breadth and diversity requires a strong, 287–88; cannot survive if operates only on states, 1814; competent to every national object needed, 932; denial of difference between federal and, 816; for federal purposes and power is defined by Constitution,

2533; John Lansing, Jr., refers to new government as a national government, 2523; may overthrow state governments making U.S. too large to govern, 2537; more in favor of liberty because the people elect representatives, 2533; must be a compromise among states, 1892; must have extensive powers to keep thirteen different states together, 2538; necessity of, 2135; needed because states cannot live together without it, 857; objects of are general, 1816; organized on different principles from Articles is needed, 219; ought to operate on individuals to a certain degree, 1725, 1748, 1758, 1759; peace-making power should be left to, 213, 223, 1822, 1825, 1827, 1955; proposes to swallow up all other governments, 2537; questionable stability of principles of, 2472; sole sovereign power with control over property and persons, 2556; will be organized without NY if it does not ratify, 2132, 2134; will extend from one end of continent to other, 2537; will not be able to administer local affairs better than states, 1928; would not have minute power, 1823 -law: cannot regulate future generations, 739; moral and physical world are subject

- to, 604; ought to be sufficient to govern over a large territory, 47–48; supported through affection or fear, 111–13
- legislature: absurdity of distinction of the people's power and power of, 486-87; bill of rights limiting is a curiosity, 553; Congress will be unwilling to relinquish any of its given powers, 2524; encroaches on executive and judiciary, 381; framers prescribed a method by which Congress might procure more power, 2522; free and frequent elections of is the ground of freedom, 432-33; has the most power in a republic, 1936; highest branch of government, 1938; large body of men more easily manipulated than a small body, 1775; must esteem the opinion of the people, 233; ought to have no executive power, 286; question whether it has total power of the people, 738-45n; should be able to amend constitutions, 741: should be free of corrupting influence of residency, 1917; should be placed in many hands, 791; should be prohibited from doing certain things, 617; too large Congress will be unwieldy and mobbish, 993
- —liberty, 436; Americans willing to trade for energy, coercion, etc., 1059; based on union of interests between the people and

rulers, 486, 739; federal government should unite energy with, 1291; large representation is security for, 1758; mild government is one with, 357; never found advocates among the great, 997; no one has right to use delusive arguments to induce a man to submit to bondage, 2484, 2486n; not usually lost by inaction of government, 1827; requires stability in government, 1688, 1869, 1870, 1897; strong federal government will deprive the people of, 170; vigor of U.S. Constitution is necessary to preserve, 1854, 1855; government without is a curse, 2472; will be lost if new government goes into effect, 2558; far from being a blessing without government, 2472

-the people: are one and majority must govern, 2140; attempt to keep a certain balance among different classes of, 989; cannot be enslaved by governmental power if enlightened, 604; dishonesty of produces a corrupt executive and a knavish legislature, 248-49; division of powers into three departments will determine ability of to govern, 2473; from folly or blindness put wicked men in office, 52; in forming a constitution we should presume all men are dishonest, 1882; give up good government when they give up free elections, 317-18; guard their rights against possibility of loss, 1010; happiness determined by rights reserved to, 1683; have right to examine conduct of officeholders, 28-29; do not possess the discernment and stability for systematic government, 1862; importance of state conventions in expressing the will of, 742; indifference of leads to cruelty and oppression, 754-55; interests of are usually not served by government, 619; make laws that govern them, 1716; mass of not equipped to determine fitness of Constitution, 93-94; mean right but frequently think wrong in a free government, 64; must have a good knowledge of their representatives, 316; no government can operate without confidence and good will of, 2511, 2512; not capable of obtaining political happiness, 1899; only the people have the right to decide on form of government, 105; permitted to break knot that binds them but must have good reason to, 2483-84; reserved for to determine whether men can govern themselves, 144, 183; safe because central government cannot exercise an undefined power, 2533; sense and spirit

of should be carried into government, 1850; should be cautious in forming government, 1044; should not interfere with the administration of government, 173; spirit of will not make every form of government perform well, 1754, 1757, 1758; ties of weaken as they live further apart from each other, 128-29; trust governments that are closer to them more than a general one, 1708; uneasy and fickle part of will accept any form of government, 212; who trust cannot be reasoned with, 414; will become more reconciled to a moderate, well-administered government, 2474, 2475n; will of is the law is only true definition of free government, 2220-21; the wise and weak and the ignorant and experienced divide influence in all assemblies, 381

-powers: abuse of, 319, 2546, 2551; abuse of safeguarded by frequent elections, 917; all given should be precisely defined, 1054-55, 1929; can always give more but hard to get back once given, 106, 237, 258, 407, 450, 615, 791, 856, 944-45, 1067, 1201, 1384, 1749, 1757, 1758, 1759, 2524; can be safely given under certain conditions, 1953-54; cannot be parted with safely, 2156; criticism of concurrent power to tax, 2058-60, 2062; criticism of idea that a properly organized government is best security against the abuse of, 2554; dangerous, 856; enough should be given to rule, 1691; equals do not have coercive, 364, 366; executive power better administered by one than many, 289-90; federal government has no implied, 2533; of government must be delegated, 173; of government should not be unlimited, 617; of government to continue itself, 1857, 1858; government with is needed, 1962, 2044; lesspowerful government needs fewer guards against abuse of, 410; misuse of needs to be guarded against, 643, 907; must be derived from the people in a free government, 111, 254, 290, 1201; must be given sufficient to accomplish ends desired, 917, 921; must be lodged somewhere or no business will be done, 1961; must give to get good government, 1778; necessity of implied, 631; needs coercive, 190; new government's undefined much greater than ever experienced, 2513; oaths should not be taken to support uncertain, 598; over life, liberties, and property, 2533; over the purse and sword, 413, 1954; power to do good always involves power to do harm, 940; presidential appointment power mentioned, 2158; question at what level should be given, 1691; recall of, 1836–37; reverts to the people at stated periods, 2534; should be kept separate, 911; should not be granted if imprudent to exercise, 797, 851; taxation power, 107–8, 414, 2002; tranquillity of state requires executive power in one person, 286; will flow to wherever popular weight leans, 1958

- -purposes and ends of government, 167, 364, 366, 410, 471, 2018, 2020, 2032-33, 2036; common good, 155, 313; to diffuse the power of making laws, 1017; to ensure liberty to ourselves and posterity, 1197, 2533; to establish laws the people willingly obey, 218-19; good of the whole must be sought, 761; a restraint on natural rights, 1879, 1883, 1885; happiness and good order of the people, 39, 170, 188, 254, 255, 313, 570, 617, 893, 1442; internal police and economy, 568; justice, 1085n; a nation is under an obligation to preserve itself (Vattel), 2483; new government must serve general purposes of the Union, 1822, 1825; Preamble to Constitution outlines, 411; preservation of lives, liberty, and estates, 39, 126; preservation of peace and good order and due administration of law and justice, 567; to preserve the states, 472; to prevent clashing interests from destroying peace, security, and happiness of society, 357; to protect and benefit the subject, not to seduce, 862-64; to protect governed from crimes and the governors from tyranny, 1851, 1852; to provide for the common defense and general welfare, 471, 1008-9, 2533, 2551, 2559n; to save men's lives, not to go to war, 567; to secure rights of the governed from encroachment, 582; to secure the community, 188, 1561; should provide for full, fair, and equal representation, 110, 214; sovereign government must provide for universality, permanency, and uniformity, 363; stability and rights, 1897
- —representation: confidence in government depends on factors other than number of representatives, 1770; development of, 1952; large number of representatives not necessary for good government, 1775; long terms separate officers from their constituents, 1888; one of best features of a free

government, 983; one of principles of a free government, 2193; ought to bear a proportion to the number of free inhabitants in free governments, 417; nearer a representative is to constituents the more attached and dependent he will be, 1882; qualification for office is a restraint on the people's right of choice, 1879, 1883, 1885; representatives must be subject to will of constituents, 1887, 2222; should be based on property and persons, 1728; solves problems for government in large territories, 395; wise legislators and the public good, 1894

-republican form of government: ambition is pernicious in, 399; America needs a safe and solid, 1861; argument that an extensive country can be governed as a republic, 2540, 2540-41; aristocracies have been considered as republics, 2156; best kind, 73; cannot exist in a large territory, 2020, 2540, 2540-41; Carthage called a republic, 2157; Constitution conforms to true principles of, 146; Constitution creates a wellbalanced, representative, 246; denial it can exist only in a small territory, 171-73, 177-78, 327-31, 395, 444, 626, 677, 1764, 1957, 1962, 1965; examples of republics, 2156; federal republic defined, 1060-62; friends of must unite to obtain amendments, 2479; Great Britain called a republic, 2157; military force is less dangerous in a republic than in monarchies, 2543-44; monarchies have been considered republics, 2156; Poland called a republic, 2157; political science and support for republicanism, 1878; powerful leader of will veer toward aristocracy or monarchy, 198; safety of a people in depends on the share they have in the government, 198; Sparta called a republic, 2156; stability in should prevent hasty measures, 1883; United Netherlands called a republic, 2157; variety of forms is possible, 607

-revenue: all governments spend the money they raise, 1922, 1927; denial that governments would raise more money than they could use, 1944; for common defense, 2159; government cannot exist without, 566–71, 1938; governments must not be limited in the money and men they need to raise, 1957; government's needs generally exceed, 1930; money is the vital principle of government, 1929–30, 1930; most difficult subject in government, 413 -rulers: actions of are determined by the views and prejudices of the people, 1768; always decide what is for the public good, 471; can become despotic, 433; confidence in will make us great and happy, 24; constitutions are not so necessary to regulate the good as to restrain the bad, 318; criticism of idea that men must have unlimited confidence in, 2554; demagogues and idea that the people are served by, 738; denial of divine right of kings, 777; description of responsibility of in free governments, 316; good men will generally govern well with almost any constitution, 220; governed do not give unlimited powers to, 2551, 2559n; men give the head of government power to do certain things, 39; middle class better suited to govern than superior class, 1750; often become distanced from the governed, 1849; should not give more power than necessary to, 450, 595-97; suspicion prevents good government and encourages shackles, 199-200; those who make the law are bound by it, 313-14; U.S. Constitution limits ambition of and licentiousness of the ruled, 64; will of the sovereign is law in government, 111

- -states: central government should be created by, 40; constitutional authority of, 1880; creating constitutions of gives all power except natural rights, 1991; dissension between two sovereignties is inevitable, 2532, 2533; existence of depends on a strong and efficient federal government, 1684; framers prescribed a mode of restraining powers of government for, 2522; individual sovereignty of will not work, 287; must each give up some power to the central government, 1692; necessity of government for, 885; proper guardians of the people, 2065; proper repositories of power, 2065; bold step taken by which usually ends in revolution or civil war, 211; individual supremacy of and federal government, 2068; tax power must be appropriately divided between federal government and, 566-71; too close attachment to governments of is pernicious, 358; will throw off their burdens onto their neighbors, 1986; will work better than a consolidated government, 1944
- —U.S. Constitution: all of humanity depends on, 1688; all power of Congress is delegated to it by, 2137; allows regulation of

commerce, 2159; Antifederalists oppose because it will bring good, stable government, 1360; argument that states will triumph over federal government under, 2059-60; attempt to establish permanent, unalterable is arrogant, 488, 490; attention paid to little else than, 890; can accept as plan of government by choice or another by force, 431; alone can provide strong enough national powers, 1440; cannot always predict outcome of new systems such as, 1707; cause of all humanity involved in debate over, 1694; combines energy, wisdom, and virtue, 63; conforms to true principles of a republican form of government, 146; Congress under can intervene directly with the people, 106; creates a consolidated government, l, 82, 100, 104, 109-10, 116, 126, 154, 207, 210, 212-13, 213, 214, 219, 239, 244n, 252, 270, 457, 566-71, 626, 645, 676, 778, 875, 951, 952, 967, 1007-8, 1060-63, 1209, 1248, 1380, 1389, 1707, 1713, 2142-47; creates a government more of the people than the Articles, 2533; creates a wellbalanced, representative, and republican form of government, 246; creates representative democracy, 2157; and the creation of a federal republic, 1782, 2064; criticism of argument that Constitution creates a republican form of government, 2058-59; debate over is monumental, 1151, 1300, 1468-69; defense of and its tendency to create a consolidated government, 630; denial of divine inspiration of, 777; did not create a confederation, 2532; does not create a confederated republic, 1719; does not create a federal republic, 2142-47; an energetic government operating on states and individuals, 1995; established a government in sin and reared in iniquity, 2558; establishes a federal government, 2487; freedom and equality under questioned, 626; federal and state governments are jointly guardians of American rights under, 2060; Federalists promise too much from, 1341; few new forms of government are better than, 30; gives central government adequate power while preserving inviolate the rights of the people, 50; government under praised for efficacy and perfection, 1284; government under will be energetic, 628, 1201, 1277; government under will take its tone from early actions, 1009; has created a consolidated government, not a federal one, 2556; has created a government that operates on individuals, 2469, 2532; has created a government with excessive and dangerous powers, 2510; has created a national government, 2377, 2443, 2464, 2503-4; has established a new form of national government, 60, 1457; hoped that debate over would be free of prejudice and jealousy, 1694; ideally suited for U.S. with its sentiments for freedom and toleration, 66; a majority can overcome opposition of any one of, 2533; men must have faith in articles of their political creed, 2554; more difficult to mold public opinion to the Articles than to, 1256; no one anticipated a complete change in government from the Constitutional Convention, 951; perfect for the country, 1397-98; perfect uniformity on so great a topic is not to be expected. 953; perfection of attempted, 2103; a revision of could allay apprehensions, 2511, 2512, 2512-13; revocable and alterable by the people, 2157; satirical denial that a consolidated government will be created by, 626; should be calculated for all possible circumstances, 1941; should be molded about the people, 982; spirit of government under will gradually change, 1757; such a revolution in government would naturally arouse opposition, 65; uncertain whether government under will be despotic or free, 988; Union is no longer a confederated league under, 8; U.S. will reach summit of glory and power under, 309; and the violation of the rights of freemen, 305; was imperfect and capable of great improvements, 2510; a well-digested system that reconciles interests and embraces happiness of the whole, 52; will be a source of conflict, 2059-60; will be an improvement over Confederation, 2131, 2133; will bring good government, 1351; will create a government partly national and partly federal, 615; will establish a government of the few over the many, 337, 1000-1001; will have power to provide happiness, 52; will not create a consolidated government, 177-78, 491, 603-4, 605-6, 1141, 1142; will provide best form of government over large territory, 175; will provide government founded with wisdom and justice on equal liberty and energy, 124; will reestablish feudal system, 636; will totally change condition of the people, 210; would change nature of

- See also Aristocracy; Balanced government; Checks and balances; Civil liberties; Delegated powers; Democracy; Despotism; Division of powers; Federalism; Monarchy; Republican form of government; Reserved powers; Revolution, right of; Separation of powers; Social compact theory; Sovereignty; States, impact of Constitution upon; States under the Articles of Confederation
- GOVERNMENTS, ANCIENT AND MODERN: ancient confederacies based on wrong principles, 173, 1725, 1726; ancient confederacies rested on particular legislation, 1963, 1965; ancient republics were all small, 1927, 1931; ancient republics were not like U.S., 1034; in Europe come from ancient war, 1197; history of should be examined in debating the Constitution, 187; inadequacies of medieval and modern confederacies, 381n, 1713, 1862; little dependence can be put on the history of, 982; primitive communities with simple governments, 362-63; pure democracy in ancient republics, 1716; some republics have a rotation in office requirement, 1016; Achaean League, 1726, 1731, 1732, 1734; Amphyctionic Council, 1060, 1062-63, 1725-26, 1726, 1734; Austria is despotic, 1726; Cappadocia (Turkey), 258, 261n; Carthage, 1009, 2157; Chinese Empire, 2539; Denmark, 1038, 1039; Egypt, 1305; Geneva as an aristocracy, 396; Holy Roman Empire, 1690, 1698n; Ionic Council had original jurisdiction, 2272, 2273; Lycian League, 1726, 1734n, 2538, 2545n; Mongol Empire, 2539; Morocco, 963n, 1611, 1657, 1660n; Poland, 64, 250, 342, 2157; Prussia, 282, 1611, 1657, 1660n; Russia, 250, 311, 567-68; Scotland, 268, 311; union with England, 268-69, 298, 298-300; great emigrations to America, 269, 298; Sweden, 1038, 1039, 1611, 1657, 1660n, 2072; loses freedom when it lost jury trials, 169, 480, 482n; Syria, 258, 261n; Tripoli, 963n; Tunis, 963n; Turks (Ottoman Empire), 250, 282, 311, 619, 2539; Venice, 101n, 404, 753, 972-73, 1009, 2001, 2003, 2008n-9n
- —German Confederation, 1062–63, 1738n, 1939, 2539; Germanic states, 1062–63, 2539; as a failed federal republic, 1686–87,

1694, 1696; government not similar to Articles of Confederation, 1709; government of not comparable to the Articles, 1720; government of not similar to U.S. Articles of Confederation, 1706; misstated, 1734; not like the Articles of Confederation, 1719; requisitions not paid, 1732; structure of cause perpetual war, 1726; Germany, Supreme Court in had original jurisdiction, 2272, 2273; variety of reasons for failure not merely the confederation form of government, 1713

- Israelites, 1239, 1239n, 1561; making bricks without straw, 1383; desire for a monarchy, 451–52, 1683, 1688, 1691, 1697n, 1706, 1709, 1714–15, 1719, 1721, 1739n; Israelites would not accept God, 1695; religion was the goal of, 1561
- -Switzerland, 2292; cantons of are more different than are the United States, 322; cantons of have had no standing armies, 260; confederation works because of geographic isolation, 287; militia in, 282, 2246; importance of union of, 2538,
- See also Barbary States; Biblical references; Classical antiquity; Europe; France; Great Britain; Greece; Ireland; The Netherlands; Rome; Spain
- GOVERNORS, STATE: as part of natural aristocracy, 990; in Hamilton's plan, xlix; will probably be elected from the natural aristocracy, 1000. *See also* Clinton, George; Hancock, John; Randolph, Edmund
- GRAHAM, DANIEL (Ulster): at New Paltz meeting, 1544, 1547; carries letter, 1559n; delivers Schoonmaker's letter to Van Gaasbeek, 1558
- GRAHAM, JAMES (Ulster): at New Paltz meeting, 1544, 1547
- GRAHAM, JOHN (Saratoga): in Saratoga celebration (procession) of NY ratification, 2416
- GRAHAM, MORRIS (Dutchess): votes in Assembly, 704, 713, 714; nominated as Convention delegate, 1443, 1455; withdraws his nomination as Convention delegate, 1451–52, 1452, 1453n
- GRAHAM, NEIL (Albany), 1374
- GRAHAM, THEODORUS VAN WYCK (Albany): as a member of the Albany Federal Committee, 1375, 1399; Scotsman endorses Constitution, 1405; and Albany Fourth of July fracas, 1267, 1267n, 1268, 1268–69, 1270
- GRAND JURY INDICTMENTS. See Indictment

## CUMULATIVE INDEX

- GRANT, GREGOR (Albany): Scotsman endorses Constitution, 1405
- GRANT, JOHN (Albany): Scotsman endorses Constitution, 1405
- GRANT, JOHN, JR. (Albany): Scotsman endorses Constitution, 1405
- GRAVE ROBBING, 914-16
- GRAYSON, WILLIAM (Va.): id., 1800n; letter sent to by NY Federal Republican Committee, 1198, 1796; responds to the New York Federal Republican Committee, 1797 —letter from, 247
- GREAT BRITAIN, 610, 612n, 2078n; and appointments, 283; a blessed island, 250; corruption in, 250, 401; example of large territory not run by despotic government, 2158; great commerce, 975; old English custom of tarring and feathering, 1345; perpetual scene of revolution and civil war, 1924, 1928; and possible war with France, 250, 311, 378, 578, 602, 609, 1087; trying to abolish slavery, 292; Whig party in, 2141n -acts and charters: annual acts provide for support of militia, 112, 261, 261n-62n, 282, 489; Charter of the Forest not to be violated by parliamentary acts, 427, 428n; Declaratory Act (1766), 928, 941n; Petition of Right (1628), 1155; Septennial Act (1716), 360n, 400, 435, 1875n, 1895-96, 1908n, 2132, 2134, 2141n-42n, 2155, 2156; Stamp Act (1765), 349-50, 351n-52, 610, 612n, 1326, 1326n, 2413n; Statute of Merton (1236), 203n; Triennial Act (1694),
  - party enacts Septennial Act (1716), 2134
    Bill of Rights of 1689, 556n, 643, 994, 995, 1057, 1155; and security of the nation, 156, 427, 428n, 434

435, 1875n, 1895-96, 1908n, 2141n; Whig

- -Habeas Corpus Act (1679), 554, 556n; and pursuit of liberty, 995
- —Magna Carta (1215), 203n, 983; as contract between king and barons, 556; could be changed by Parliament, 555; importance of, 553–54; limits king, 994; and pursuit of liberty, 995, 1053–54, 1057; quoted, 556n; reason why it was regularly confirmed, 1054; and security of nation, 156, 169, 427, 428n, 434; wrested from King John, 642
- —and the American Revolution, 1111, 1170, 1174, 1279, 1386; accedes to U.S. independence, 342; army of wins great victory at Charleston, S.C., 2264n; attempts to overrule as cause of American Revolution, 893;

Continental Congress writes to people of concerning, 374; fight to retain civil liberties against attempts by Crown, 2115; fought because Britain violated the compact, 2138; fought for rights, 23, 26, 63, 297, 1501; God has delivered Americans from, 2558, 2560n; manufacturers will immigrate from to U.S. after adoption of Constitution, 1316; Northern Ireland gave a lot of trouble to during, 408; occupies American territory during, 1920n; occupies S.C. during, 1970n; Revolution against the assumed powers of Parliament, 644; surrender of Burgoyne, 557, 558n; U.S. opposed all-powerful nation during, 1840; use of a standing army to suppress Americans, 1381 -comparison of U.S. and British governments: American judges will be like great judges of, 374; common law and statute law incorporated into NY constitution of 1777, xxv, 474, 502; comparison of constitution of with U.S. Constitution, 64, 857, 1150-51, 1246-47, 1533; comparison of king to Confederation Congress, 959; has greater representation than specified in new Constitution, 665; judiciary of different from U.S. judicial system, 872, 874-75; king contrasted badly with U.S. president, 857, 1381; less representation in Congress proportionally than in Britain, 1767; taxes levied in are oppressive and will take place in U.S., 469

- -constitution of, 740; brief history of representation, 173, 280, 995-96; denial that it is republican, 1972; formed to have elements of monarchy, democracy, and aristocracy, 101n, 1262-63; has been called republican form of government, 2157; hereditary nature of criticized, 857; not able to abridge its powers, 2171; perfected representation, but not good now, 1720; praised, 49-50, 64, 233, 290; protects liberty primarily through election of Commons, 434; and representation, 665, 740, 1747, 1748; representation defective, 1721; a republican form of government approaching monarchy, 607; separation of powers, 2158, 2534; is superior, 605
- —Oliver Cromwell, 938, 1108n; dangerous attachment of people to, 841; and dissolution of the Rump Parliament, 596–97n; overthrows Charles I but becomes despotic, 653; reference to a new Oliver giving new

laws in America, 1108; George Washington not like, 654, 1362n

- -finances and taxation: annual appropriation for army, 112, 261, 261n-62n, 282, 489; borrowing money by, 2003; criticism of types of taxes discovered by, 1918-19; expenditure of funds mainly for common defense, 1962; expenses of, 1955, 1965, 1967, 1968; ingenious for the creation of new kinds of taxes, 413; marriage and death taxes in, 1939; militia acts are for one year, 1074; purse and sword, 2051; purse and sword separated, 1005, 1065-66, 2018, 2020; purse and sword together, 2022, 2051; restraints on borrowing money has had bad effects and should not be copied, 2070; taxation in, 1937, 1947; window tax, 1937, 1938, 1939, 1970n, 2028n, 2050
- —historical events: Battle of La Houge, 647, 651n; break with the Pope, 1170; Glorious Revolution of 1688 and evolution of democracy, 995–96, 998; Gunpowder Plot, 1362n; popish clergy and Norman plots, 1049; Scottish rebellions of 1715 and 1745 and punishment of rebels, 2251n; War of Roses, 2414–15n
- -House of Commons: check on the monarch, 1789; conflict between king and has benefited liberty, 917-18; corrupted even though it was large, 1783, 1784; corruption in denied, 1792; and defense of liberty, 994, 995; democratic features of retained, 359, 396; elected by plurality, 1022; election abuses in, 740, 989, 1024; elections to, 1795n; George Dempster's speech in, 269, 270n, 298; had 558 members, 1795n; has negative on all laws, 1007; has power of purse but not sword, 1005, 1007, 1065-66; not represented by woolen drapers, 1810. 1814, 1817, 1818; origins of, 740; proportionately more represented in than in Congress, 1767; protects rights, 434; representation in, 1082n, 1788-89; representation is eight times size of House of Representatives, 284, 1783; respectable nature of the large size of, 1009; Scottish members of, 1795n; term in set by acts, 2141n-42n; William Pultney's speech in against standing armies, 595-97
- —House of Lords, 310; appellate court of last resort, 2102, 2103, 2273, 2275n; criticism of hereditary nature of, 1141; defense of liberty, 994; and law lords, 1045, 1050; money bills cannot be amended by, 283

- -legal and judicial system of, 1238; Americans derive their judicial proceedings from the British system, 1050; authorizes impressment of seamen, 2018; Bushell's Case (1670), 203n; Lord Camden (Charles Pratt), 201, 202n; civil law courts came to U.S. from English ecclesiastical courts, 259-60; Lord Coke (Edward Coke), 164-65, 247; Lord Coke quoted on certainty, 1973; Lord Coke's Institutes, 1975n; common law protects rights, 1057; Court of Exchequer, 2146; courts do not have judicial review, 872, 874-75; courts have broadened their jurisdiction by fiction, 1078; courts have expanded their jurisdiction, 685, 775; courts of Wales retain original jurisdiction with appeals to Westminster, 2102, 2103; divided into law, equity, and trial judges, 230; Entick v. Carrington (1765), 202n; equity a special part of the judiciary, 1051; George Jeffreys, 201, 202n; judiciary different from U.S., 872; judiciary independent from crown, 873; King's Bench, 2146; and law lords, 873, 1045, 1050; Lord Mansfield (William Murray), 164, 165n, 199, 201, 202n, 260; praise of judiciary, 260, 850; Rex v. Broadfoot (1743), 2028n; Rex v. Woodfall (1770), 164, 165n; Star Chamber, 164, 165n, 2101, 2103, 2105n, 2548, 2554, 2560n; Robert Tresilian, 201, 202n; trial by fiery ordeal, 555; John Vaughan, 202, 203n; Wilkes v. Wood (1763), 202n; writs of error for appealing cases, 850
- —jury trial, 1084n–85n; as bulwark preserving liberty, 995, 1053; Court of Exchequer in proceeds without a jury, 2245; in Scotland, 2245
- —liberty in: acquiring by inches, 553; before the Norman conquest, 994; British people and, 358, 360; conflict between king and Commons has benefited, 917–18; and danger of standing army, 653, 655; description of and how it came about, 993–94; freedom of the press as bulwark for preserving, 995, 1053, 1060; and happiness of people, 858; leading men direct the people toward, 994–95; rights are individually listed in fundamental documents, 1057; rights of Englishmen are not grants of king, 642; small size of island helped to preserve, 998; standing army no threat to, 355; union of representatives and commoners secured,

995-96; and U.S. government, 997; viewed as commonplace, 1059, 1085n

- —military of: and borrowing money to carry on war, 2075; and encroachments into U.S., 655; and possible war with France, 1087; and provisions for militia, 2246, 2252n
- -monarchs and monarchy of: Alfred the Great, 828, 829n; Anne ascended throne not through hereditary right, 643; Anne's Tory ministry, 442, 444n; attempts to preserve liberty under Norman kings, 994-95; can corrupt House of Commons, 1784; Charles I, 653, 1155, 2105n; Charles II, 744n, 998, 2485, 2486n; checked by the House of Commons, 1789; conflict between Commons and has benefited liberty, 917-18; Constitution's president compared to, 903; control over judiciary, 873; Edward I, 686n; Edward the Confessor, 555; Elizabeth, 975; expenses of monarchy, 1955; George III misled by his ministers, 928; George III, 635; George III, statue of in New York City, 2413n-14n; has power of sword but not purse, 1005; Henry III, 556n, 740, 744n; James I, 2105n; James I and Gunpowder Plot, 1362n; king has power over common defense but not all other powers, 1065-66, 2039; king's absolute veto power seldom used, 1042; kings have been banished and murdered, 1924-25; House of Lancaster (War of Roses), 2415n; Magna Carta limited authority of, 554; Mary II ascended throne not through hereditary right, 643; monarch has great powers, 2534; prerogative of, 647, 873; restoration of, 998; Stuarts, 1170; Tudors, 2105n; William I, 647, 651n; William III, 643, 744n, 1155: House of York (War of Roses), 2415n; William and Mary, 554
- —Parliament, 635; American colonies not represented in, 2193; Americans could not be adequately represented in, 64; attempts to reform elections to, 555–56, 556n; bribed, 647, 651n; Convention parliaments, 744n; in limiting the king compared to states in limiting Congress, 959; Long Parliament abolishes Star Chamber, 2105n; observes the opinions of a free people in passing laws, 233; orators in both houses condemn standing armies, 261; origins of, 554, 556n, 642, 743; parliamentary acts violating Magna Carta ruled null and void, 427, 428n; Parliaments have been abolished.

1924; Parliament's system of elections compared with Constitution's provisions, 359– 60; provides inadequate representation, 118n; and pursuit of liberty, 995; representation in is adequate, 257; restrains vices under William I, 647, 651n; retains sole power of voting funds for military, 282; Scottish representation was too small in, 269; supremacy of, 554, 555; term is too long, 118n; would pass another law to avoid judicial review, 875

- —places in and parts of the Empire: Bedlam, 948; history of contact with Rome, 975, 976n; poetical reference to Scotland, 311; Scotland and union with England, 268–69, 298, 298–300, 599, 939; Scottish immigration to America, 269, 298; Scottish relations with France, 268, 300; unification of England, Scotland, Wales, and Ireland praised, 939. See also Ireland
- -political leaders of: Arlington, Earl of (Henry Bennet), 2486n; Duke of Buckingham (George Villiers), 2486n; Earl of Bute, 635; Jack Cade, 1449, 1451n; Sir Thomas Clifford, 2486n; Anthony Ashley Cooper (1st Earl of Shaftesbury), 2486n; Guy Fawkes as an Antifederal leader, 1361, 1362n; George Augustus Frederick, Prince of Wales, 250, 251n; Warren Hastings' impeachment, 250, 251n; Earl of Hillsborough mentioned, 635; Earl of Lauderdale (John Maitland), 2486n; Simon de Montfort calls Parliament, 556n, 744n; Lord North, 635; orators of modern, superiority of, 2495; William Pitt the Younger, 555-56, 556n; William Pitt, the Elder, 2413, 2413n-14n; Robert Walpole, 1794n; John Wilkes, 678
- —political, legal, philosophical, and literary writers and writings of: Letters of Junius (Philip Francis), 1081n; Montesquieu praises British constitution, 858; publication in one volume of the works of great literary figures, 460. *See also* Blackstone, Sir William
- —relations with the American colonies: American colonies broke compact with, 2181; American colonies not represented in Parliament, 2193; American rights derived from, 216; colonies connected with monarchy of before Revolution, 904; criticism of imperial power before the American Revolution, 37; directed American foreign affairs before the Revolution, 929–30;

and Franklin's attempt to change Pa. into a royal colony, 347-49; gives NY control over Vt., xxxii; God has delivered Americans from British and Iroquois, 2558, 2560n; oppressive excise tax of 1763, 473n -relations with the United States: America and admiration for English precedents, 630; America is descended from, 553; Antifederalists accused of wanting reunion with, 857, 858; British are natural enemies of NY, 2551; called an inveterate enemy, 88; claims fisheries, 2074; Clinton might seek an alliance with if NY does not ratify, 1340; commercial restrictions on U.S. by, 1699n, 2544, 2545n; continued occupation of Northwest endangers NY, 1688, 1692; criticism of commercial policy toward U.S., 12, 114; danger from if NY fails to ratify, 2141; denial that Prince William Henry will become monarch of U.S. under Constitution, 439, 440n; dispute with NY over Northwest forts, xxxiv-xxxv; dominates U.S. commerce, 1693, 1696; effect on peace treaty with if all states do not ratify Constitution, 2293, 2294; has secret emissaries sowing seeds of division, 23-24; holds Northwest posts because of weakness of Articles, 1688; idle charges U.S. is weak and there is distress, 2469; insults U.S., 877; might influence a section of America to prevent borrowing money, 2070, 2071; might use influence to defeat treaty with Spain, 2071; NY cannot exist out of Union without an alliance with, 2194, 2195; and overtures to Vt., 1697n; provides example for U.S. to develop government, 607; seizes American merchantmen for imaginary reasons, 877; still occupies Northwest posts, 1199, 1201, 1402, 1407, 1685, 1695, 1696, 1698n, 1701, 1706, 1709, 1712, 1724, 2038, 2040; still wants to control America, 23-24; truly united U.S. has nothing to fear from colonies of, 114n; U.S. imports manufactures from, 819-20; U.S. would be happier connected with than under new Constitution, 636; violates Treaty of Paris, xxxiv, 151, 1402, 1685; will be forced to relinquish Northwest forts under Constitution, 151; will not assist NY even if it remains out of Union, 2195, 2197; will serve as an example

for America to follow, 975 See also Canada; Ireland; Treaty of Peace

GREAT MEN AND THE CONSTITUTION: Bibles should be read more, 451; Constitution

should not be ratified only because of support of, 61, 79, 165, 191, 191-92, 212, 257, 349, 393, 405, 646, 855, 943, 961-62, 977, 979, 982, 1108-9, 2196, 2197; criticism of the praise of the Constitutional Convention while it sat, 825; denial that delegates to the Constitutional Convention were all great, 961-62; great men differ on important issues, 2019; no great name can justify injustice or make slavery better than freedom, 273; lack of rotation in office will lead to lifetime officeholding by, 2532; many great men (i.e. Antifederalists) fear their influence will be less if Constitution is adopted, 2354; much depends on in NY, 1742; as reason to ratify, 15, 151, 392, 563, 626, 680, 760, 855-56, 878, 940, 982; Washington and Franklin have gained luster by being members of Constitutional Convention, 63: will be appointed to offices under the Constitution, 944. See also Constitutional Convention; Federalists; Franklin, Benjamin; Washington, George

- GREECE, 250; Achæan League, 1726, 1731, 1732, 1734; American public speaking over Constitution is reminiscent of, 1437, 1438n; Amphyctionic Council, 1060, 1062-63, 1725-26, 1734; ancient democracies were terrible governments, 1769; ancient republics destroyed by corruption, 1758, 1759; ancient republics of failed from too small a representation, 1753; Athens, 19, 127, 262, 267, 395, 574, 2496n; city states became tyrannical when they grew, 110; city states in do not pay their requisitions, 1062; civil law does not protect liberty in, 995; even small confederacies under could not succeed, 2538; factions caused fall of, 840; inadequacies of Greek confederacies, 378: introduction of writing into, 1654; Ionic Council had original jurisdiction, 2272, 2273; Lacedemon, 127, 172; law sophists, 310; Lycian League, 1726, 1734n, 2538, 2545; military of praised, 2399; praise experiences of union among, 177; republics of, 110, 260, 328–29; Sparta, 127, 172, 173, 329, 989, 994, 1082n, 1561, 1770, 1775, 1778, 1780, 1781, 1782, 1795n, 2156; state governments under Articles excel governments of in protecting rights, 1154; states of were once as free as Americans, 840. See also Classical antiquity
- GREEN, TIMOTHY (Conn.), 920
- GREENBUSH, ALBANY COUNTY, 1433n

GREENE, NATHANAEL (R.I., Ga.), 2447, 2448n GREENE, RICHARD, 2447, 2448n

GREENLEAF, THOMAS (New York City): accused of Antifederalist bias when candidate for state printer, 2489n-90n; accused of being a partial printer, 389; and Antifederalist newspaper printer for Albany, lxiii, 679, 834; believes that there were some people seeking to ruin him and his newspaper, 2408-9; as candidate for state printer, 2489n-90n; charges of false reporting, 1451, 1451n, 2496n; controversy over description of New York City procession, 1587, 1614-19, 2406, 2412, 2414, 2428, 2438, 2440, 2442n; criticized as engaging in newspaper flummery, 2406; and criticism of post office's policies, 582-93n; described as an Antifederal printer, 2438; declares his impartiality, 73-74, 102, 2409; delay in arrival of Antifederalist pamphlets in Albany, 898; editorial statement marking end of second quarter as a daily paper, 1105; Ebenezer Hazard criticizes, 584; house and shop sacked, lxi, 942, 1334, 1335n, 1619, 1626, 1630, 1660n, 2403, 2403n, 2404, 2406, 2407-10, 2411, 2412, 2414, 2428, 2438, 2439-40, 2441, 2442n; lost subscribers because of publication policies of, 2493; motto of says people in power must be challenged, 2410; opinion sought on an Antifederalist printer for Albany, 2444; praised for his liberal principles for printing Antifederalists pieces, 2414; and publication of Convention proceedings, 2355-56; publishes defense of publication policies and account of violence against him, 2407-10; receives Convention material for from De Witt Clinton, 2356n; receives copies of Antifederalist Albany Register, 2445n; satirical piece warning him to beware of consequences if Constitution is ratified, 404-5; severe criticism of publication policies of, 2493; spells out publication policy for his now weekly newspaper 2410; would be pleased to see Constitution rejected, 2362 -prints or sells: criticized for printing The Federalist, 558; prints Antifederalist pamphlets, 734-35, 1536; as printer of New York Journal, lvii-lxi, 45, 102, 659, 667, 669, 671n, 687, 747, 1483, 1489, 1493, 1495,

NY version of A Columbian Patriot, 894-

95; prints Constitution as pamphlet, 45;

2513

- 1496, 1499, 1501, 1507, 1509n, 1513, 1520, 1528, 1535, 1544n, 1617, 2028, 2032; prints
- GROSS, JOHN DANIEL (New York City): and address from the German Society, 1378, 1379n GRUMMOND, MR. (Pa.), 590
  - GUILDS: and New York City procession, 1609
  - "H. G." (Alexander Hamilton), lii, 2007n,
  - HABEAS CORPUS, WRIT OF: all states agree on importance of, 322; already widely protected therefore questioned why it should be protected in Constitution, 1055; amendment proposed concerning considered in NY Convention, 2089-90, 2111, 2119,

sells A Plebeian, 942; as probable printer of Federal Farmer pamphlets, 203, 206; sells Federal Farmer, 976; as printer of proceedings of NY legislature calling NY convention, liv, 687; as printer of Observations on the Proposed Constitution, 895; and reprinting of Genuine Information, 613-14. See also Newspapers, New York, New York Journal

- -letter from, cited, 2356n
- -letter to, 1744-45n
- -letter to, cited, 1698n
- GREGORY, URIAH (Ballstown), 2395, 2395n-96n
- GRESWALD, MR.: comments on speech by John Williams, 1796
- GRIFFIN, CHRISTINA (MRS. CYRUS) (Va.): held a reception and assembly in New York City on Fourth of July, 1242
- GRIFFIN, CYRUS (Va.): id., 1175n, 1626n; dining with Abraham Yates, 1115, 1115n; and New York City procession, 1626, 1630n; as president of Congress, 1287, 1288, 1289n, 1290n, 1659n, 2362n, 2406n
- -letters from, 1174-75, 1211
- -letter from, quoted, 748

- sembly, 1458
- New York City procession, 1656
- New York City procession, 1637
- pointed election inspector, 1494
- GROSBEEK, DAVID (Albany): in Albany proces-35 Objections, 1400

- -letter to, 1527
- GRIFFIN, JACOB (Dutchess): in Assembly votes, 515, 521, 1444n; elected to Assembly, 1466
- GRIFFIN, JAMES (Dutchess): nominated for As-
- GRIM, DAVID (New York City): pavilion and
- GRINDLEMEYER, JACOB (New York City): and
- GRISWOLD, EDWARD (New York City): ap-
- sion, 2388; endorses Federalist response to

2661

2125, 2238, 2273, 2275n, 2306, 2314, 2327, 2331, 2547; cannot be given up but by constitutions approved by the people, 984; constitutional protection for endangers other rights, 158, 234; and English pursuit of liberty, 995; importance of, 555; men entitled to, 1057; need for limitation on suspension of shows Constitution departs from true republic, 2221; protection of, 1972; protected in the Northwest Ordinance, 1085n; under the common law, 823; available in America, 985, 1057; praise of, 618; praise of Constitution's guarantee of, 618, 1058, 2552–53; should not be guaranteed in all cases, 489. *See also* Bill of rights; Civil liberties

- HAIR DRESSERS: and New York City procession, 1586, 1599, 1639, 1663
- HALDIMAND, SIR FREDERICK (Canada), XXXV
- HALE, DANIEL (Albany): in Albany procession, 2388; as a member of the Albany Federal Committee, 1375, 1399
- HALF MOON DISTRICT, ALBANY COUNTY: celebrations of NY ratification in, 2398–2400
- HALLENBAKE, ANTHONY (Albany): endorses Federalist response to 35 Objections, 1400
- HAMILTON (federal ship): city will only be at peace after it sails away, 2413; launched, 1592, 1596; and New York City procession, 1245, 1245n, 1286, 1289n, 1327, 1584, 1586, 1587, 1591n, 1592-95n, 1596, 1600, 1610, 1620-21, 1633, 1645-46, 1648, 1664, 1665, 2402, 2407; James Nicholson as captain of, 1243, 1593, 1596, 1610, 1645-46, 2406n; perhaps to be sent to Lafayette, 1602; ship not yet ready, 1243; takes part in celebration of NY ratification, 2349, 2404, 2411; wood cutting depicting, 1598. See also New York City procession
- HAMILTON, ALEXANDER (New York City, F-Y), 8, 1700n, 1875; id., 496; accused of wanting to be U.S. attorney general or chief justice, 342; shown copy of An American (Tench Coxe), 463-64; appointed to Annapolis Convention, xliv; authorship of newspaper attack on Clinton, xlix, li, 9-36, 423n; and Bank of New York, xli; and British occupied forts, xxxiv; Cæsar essays attributed to, 69, 421-22, 423n, 600n; certifies Abraham Yates's cautionary certificate, 2450; congratulated and praised on ratification of Constitution, 2473; criticizes Clinton for opposing Impost of 1783, lii, 2007n; elected to Congress, 667-68, 669-70, 670n, 688, 1105; in Congress opposes Impost of

1783, xxxvi; as delegate to Congress at time of organization of new government, 2448n, 2449n; discounts Antifederalists assertion he was too young, 65; and distribution of Tench Coxe's address to the Va. Convention, 1110, 1110n; and doctors' riot, 914, 915; fears democracies, xlix; as Federalist leader, 1121; as possible governor, 32; as "H.G." attacks Gov. Clinton, lii, 2007n, 2513; as leader of political party, xxx; mentioned in letter from John Langdon on NH ratification, 2354n; newspaper article written by, 11-14; and NY reprinting of An American Citizen, 74; opposes paper money, xli; patriotism of, 20; will be shown A Pennsylvanian, 1140; referred to as Phocion, 778, 781n; praised and defended, 9-10, 11, 21, 26, 29, 34, 35, 99, 102n, 139, 453, 609, 785, 914, 2473; praised in New York City celebration of NY ratification, 2411; responds to Gov. Clinton's rejection of criticisms of legislature for not calling earlier session, 2513; responds to Federal Farmer describing government leaders as aristocrats, 1028n; is qualified to be president, 54; Philip Schuyler's influence on career of, 2252; as secretary of the treasury estimates state debts, 327n; spurious letter to, quoted, 138; supports a stronger central government, xxix; supposes NY will ratify with proposed amendments, 1115; tax proposals of in Congress, 571n; toasted, 2396, 2415, 2417; tries to use army to obtain tax revenue under Confederation, 658; writing of not as effective as the fear of doctors' riot, 916

- —criticism of, 4, 11, 31–34n, 345; burned in effigy, 139, 783, 808n; for literature written by, 31–32, 353; as dangerous to society and two faced, 10; for attacking Clinton, 18; described as the "little Great Man," 2357–58; for using Philip Schuyler to gain power, 11; for despising common people, 11; for supporting Loyalists, 11; called a usurper, 274; charge he palmed himself off on Washington, 11, 31, 33n, 34–35, 35; charge he was dismissed by Washington during Revolution, 31, 34–35, 35
- —in Assembly: motion to increase size of delegation to Constitutional Convention, xlvii, 521, 522, 523; on call of Constitutional Convention, 508; votes for delegates to Constitutional Convention, 515; speech of

in quoted, xliii; speech of in supporting Impost of 1783, xxxix-xl, xlv, 33n, 36, 507, 519

- -in Constitutional Convention, 671n; appointed to, xlvii, 454, 509, 515-16, 517, 518, 519, 520, 524n; attends, xlviii, 454, 1808; on Committee of Style in, xlix, 1828n; criticized for violating instructions as delegate to, 344-45; as NY's only signer of Constitution, 244n, 274, 384-85, 428n, 634-35; criticism of his support for threefifths clause, 665; criticism of his voting as sole NY delegate, 665; attacked for monarchical statements in, 11; perceived approbation of for service, 669-70, 671n; on representation, 1828n; speech of in quoted, xlix; speech of in on plan of government, xlix, 33n, 2009n; denies he opposed states, 2004: opposed state governments, 1798, 2002, 2004
- —and Publius: The Federalist; as author of Publius, 137, 138–39, 139, 139–40, 271n, 342, 453, 540, 541–49, 558–59, 609, 678, 763, 798, 802, 818, 852, 861, 862, 871, 879, 1117, 1118–19, 2448n, 2452, 2453, 2462n; and distribution of The Federalist by, 907, 913, 1136, 1136n; and publication of Publius as a book, 878, 880; as Publius, quoted, 104; criticized for repeating argument of Publius in Convention, 2357–58; praise for his work on, 2447, 2448n; as Publius rejects idea of previous amendments and second convention, 2503
- -in NY Convention, 1169, 1670, 1677; amendments proposed by, 2372, 2373n, 2442n; called American Cicero, 1742, 2176; attempts to convert Antifederalist delegates, 1795; apologizes for strong language, 1989, 1994, 1997; assisted in writing NY circular letter, 2504; condemns indifferent individuals, 1989; criticized for repeating argument of Publius in Convention, 2357-58; defends himself from criticism, 2164; denial that Hamilton was convincing, 2081; denies he has personal ambition from the Constitution, 1989-90; did not advocate democratic form of government, 1778; did not entirely approve of the Constitution, 2004; elected to, 1105; and Federalist express between NH and NY, 1125, 1126; as Federalist leader, 2378; on granting dictatorial powers to commander in chief during Revolution, 2007n; had talents to pervert any sentiment, 2039; leaving to attend,

1150; and conflict with John Lansing, 2005, 2009n, 2009-14, 2016-17, 2082, 2359, 2490, 2495n; accused of using arguments of Publius, 139-40; James Madison sends address of Va. Convention minority to, 2216n; manuscript copy of Jay's resolutions of 11 July in Hamilton's handwriting, 2141n; manuscript history of amendments of, 2218n; motion of amending amendment concerning Congress' jurisdiction over federal capital, 2269-70; motion of calling for yeas and nays on amendment concerning appropriations for the army, 2257; motion of calling for yeas and nays on amendment concerning direct taxation, 2257, 2259-60, 2267-68; motion of calling for yeas and nays on amendment prohibiting members of Congress from being appointed to offices under U.S., 2260; motion of for yeas and navs on roll-call vote on excise amendment, 2256; motion of overruling Antifederalist motion to ratify conditionally, 2174; motion of for unconditional ratification with recommendatory amendments, 2373, 2373n; moves that a circular letter be written, 2291; offers an amendment on a court for trial of impeachments, 2273; opposes Antifederalist plan for conditional ratification, 2175-76, 2176; opposes Lansing's motion calling for NY to recede if a convention is not called, 2297-98; opposes poll taxes, 1996; opposes amendment's fettering of central government's control of militia, 2262, 2262-63; and plan for ratification, 2087, 2175, 2175n, 2176, 2178-79, 2183n, 2207-8, 2230, 2309-10; as a principal speaker, 1671, 2015-16, 2030, 2232; praised as eloquent, persuasive, and pathetic, 1976, 2198, 2350-51, 2352, 2358, 2360, 2380, 2432, 2489n, 2491; presents NY's ratification document to Confederation Congress, 2334n, 2335; proposes plan for ratification that includes recommendatory amendments, 2175, 2175n; reads his plan of ratification that includes amendments, 2178-79; reads James Madison's letter stating Congress will not accept conditional ratification, 2291, 2297n, 2298; recommends a substitute for proposed amendment on federal capital, 2269; requests reading of several reports and resolutions concerning taxes during war, 1976-77; and revision of his speeches for publication, 2490; as speaker in responds to

George Clinton, 2358n; speaks on an amendment moved by Melancton Smith, 2347; supports Wilson's theory of reserved powers, 2034, 2035, 2036–37, 2039–40; takes part in debate on amendments, 2252; transmits NY's ratification to Congress, 1674, 2404, 2405n; tries to deceive NY delegates that he is a republican, 1796; wants a republican form of government, 1861; withdraws motion that a circular letter be written, 2292, 2297n

- —in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- —speeches of in NY Convention, 1722–37, 1767-80, 1782, 1787-93, 1793, 1794, 1807-8 1809, 1861-70, 1890-97, 1905, 1917, 1952-67, 1976-77, 1980-98, 2004, 2005, 2017, 2028n, 2072-73, 2074, 2076, 2091, 2092-93, 2156-62, 2164-66, 2171-73, 2173, 2174, 2180, 2182, 2189, 2192, 2193-94, 2193-94, 2194-98, 2209, 2244, 2245, 2246, 2247, 2248, 2249, 2265, 2266, 2267, 2270, 2271, 2272, 2273, 2277, 2291, 2292, 2294, 2295; speeches of, quoted, 978, 1082n, 1801n; speeches of, cited, 1740, 1741, 1742, 1742n, 1743, 1744, 1920, 2012, 2022, 2252, 2253n; speeches of, described, 1740n, 1796, 2015-16, 2080, 2151, 2219n; speeches of, praised, 1966, 1976, 2163; speeches of, responses to, 1737, 1739n, 1743, 1744, 1748-67, 1755, 1780-82, 1783, 1793, 1796, 1801n, 1802-3, 1804-5, 1808, 1833, 1850, 1871-72, 1872, 1877-78, 1880-81, 1881-82, 1897, 1898, 1902, 1968, 1971, 1978-79, 1998, 2000-2001, 2002, 2003-4, 2018-22, 2023, 2033, 2034-35, 2036-37, 2040, 2049, 2049, 2051, 2052, 2054, 2058-59, 2062, 2063, 2065, 2066, 2142-43, 2223, 2224
- notes of debates in NY Convention, 1734– 37, 1843, 1847, 1852, 1858, 1870, 1872, 1873, 1875n, 1933, 1939, 2156–61, 2163n, 2196–98
- —letters from, 34–35, 36, 270–71, 889–90, 1102–3, 1104–5, 1126, 1135–36, 2084, 2116–17, 2344–45, 2346, 2373–74, 2375
- —letters from, quoted, xxvi, xxix, xxx, xxxiv, xxxiv-xxxv, 11, 58-59, 749, 1125, 1671, 1672, 1673, 1700n, 1876, 2462n, 2507
- -letters from, cited, 1124, 1673-74, 2354n, 2373, 2374, 2375, 2461

- -letters to, 35-36, 1126-27, 2374-75, 2461-62
- letters to, quoted, xxvi, xxvii, 2297n
- —letters to, cited, 11, 878, 889, 890n, 1124– 25, 2216n, 2346, 2346n, 2373, 2506, 2507
- HAMILTON, ELIZABETH (New York City), 2176, 2253n
- HAMILTONIAN PARTY: policies of, xli. See also Federalists
- HANCOCK, JOHN (Mass.): and amendments in Mass. Convention, 751, 754, 768, 1187; is qualified to be president, 54; role of respecting NY circular letter, 2508; said to support Constitution, 175, 180n; speech in Mass. legislature, 180n, 1188; toasted at Plymouth, Mass., celebration of NY ratification, 2423
- HANSON, JOHN (Md.)
- —letter to, quoted, xxix
- HAPPINESS, 1750; toasted in Hurley celebration of NY ratification, 2402; amendment proposed guaranteeing right to, 2200, 2234, 2305, 2326; amendments to Constitution needed to obtain, 636, 784, 948, 2522; Americans are happy, 803, 974, 976, 1088, 1088n, 1410, 2469; Americans will be either happy or miserable depending on Constitution, 105, 625, 761, 1091, 1745; is attainable for U.S., 483, 974; Antifederalists do not pursue, 1203, 1404; Antifederalists needed to form government to establish, 1258; Antifederalists seek, 1565; Antifederalists should join Federalists in promoting, 2448; Antifederalists endanger, 75, 1223; can only be preserved under a partially consolidated federal government, 214; confidence in rulers will result in, 24; Constitution will not destroy, 628, 1064; Constitution endangers, 80, 82, 114, 126, 130, 213, 306, 457, 1304, 1363, 1373, 1410, 1424, 1487, 1501, 1502, 1503, 1504, 1799, 1929, 2524; if Constitution will provide it should be adopted, 61; continued existence of the states is required for, 472, 1958; cannot happen in a country that is too large, 677; dangerous to trust in hands of one ruler, 647, 1682; debate on is momentous, 15, 79, 187, 275; defeat of Constitution will ruin chance of, 842; defended if Constitution is rejected, 1514; definition of, 190; dependent on bicameralism, 435-36; dependent on proper management of domestic affairs as well as foreign, 473; depends on administration of justice and on internal police

powers, 567, 1070; depends on giving up some liberty to preserve the rest, 87; depends on good disposition, wise regulation and good conduct of inhabitants, 190; depends on individual's own exertion, 208; determined by rights reserved to the people not the division of sovereignty, 1683; domestic comes from God, 865; as end of government, 39, 170, 188, 212-13, 254, 255, 313, 567, 570, 617, 893, 944, 1155, 1442, 1688; endangered by self-interest, party spirit and corruption, 801; endangered by state officeholders who will oppose Constitution for selfish reasons, 26; energetic federal government needed for, 275; foundation has been laid for, 1064; fostering as a sovereign power of government, 189; generally reserved for the few, 378n; government aimed at could be stable after Revolution, 904; government must be given enough authority to make laws to provide for, 155; Greenleaf prizes, 1324n; if states are necessary for they will be retained, 1945; jury trial and freedom of the press thought to be essential for in U.S. and Britain, 1053; laws do not distinguish between different classes, 1756; and liberty diminishes as public virtue decreases, 452; making Americans happy without new Constitution will raise foreign opinion of U.S., 451; of men and nations depends on peace, 1682; most important to have free government, 62; only natural aristocracy will be under Constitution, 1001; hope that NY ratification will increase, 2382; not to be expected that states will do what will make their citizens happy, 364; opposition to Constitution will bring, 452; people do not know how to obtain, 1899; people experiencing will not change their government, 740; of people in Great Britain, 858; power will not be sacrificed by princes for the happiness of the people, 1682; preserved when the people exercise free and frequent election with judgment and firmness, 432-33; pride and vanity are enemies to, 451; public media needs to stay open in national discussions to retain, 1462; republican form of government is most compatible with, 73; requires strengthening Confederation Congress' powers, 921; safeguarded, 1622; second convention will promote, 2527; should choose system that best promotes, 2046; Society of the Cincinnati sworn to support for the country, 1450; sought for U.S., 812; hope that NY ratification will increase, 2382; to mankind one of objects of Constitution, 2398; toasted in Hurley celebration of NY ratification, 2402; toasted at Poughkeepsie Fourth of July celebration, 1291; toasted in Brooklyn, 1276; Union necessary for, 436, 921, 1374–75, 1455, 1470, 1683, 1804; U.S. needs government that will assure, 1372; virtuous representatives needed to have, 1312; wise and good men will provide under any form of government, 219, 318–19

- Constitution will promote, 51, 52, 59, 66,
  67, 89, 90, 105, 124–25, 134, 146, 147–
  48, 174, 187, 391, 392, 394, 431, 652,
  789–90, 819–20, 854, 860, 877, 883, 884,
  886, 941, 1143, 1214, 1216, 1224, 1229,
  1254, 1276, 1279, 1283, 1304, 1305, 1306,
  1307, 1308, 1312, 1316, 1329, 1334, 1337,
  1366, 1367, 1368–69, 1369, 1399, 1428, 1429, 1434, 1446–49, 1455, 1457,
  1469, 1474, 1476, 1497, 1514, 1515, 1539,
  1608, 1620n, 1621, 1633, 2029, 2398
- See also Civil liberties; Government, debate over nature of; Human nature; Property, private; Public good; Virtue
- HARBECK, JOHN (Albany): in Albany procession, 2387
- HARDENBERGH, JOHANNIS G. (Ulster): elected to Assembly, 1571, 1572; nominated for Assembly, 1566, 1569; and Hurley meeting, 1548
- HARDENBROOK, WILLIAM (New York City), 1649
- HARING, JOHN (Orange, A–N), 612, 613n; id., 700n; appointed agent to settle western lands dispute between NY and Mass., li; as member of Congress and debate over Constitution, 56–57; not reelected to Congress, 688
- —in NY Senate: as chairman of committee of the whole, 695; on oaths, 700; on committee to respond to governor's speech, 695; on appointment of delegates to Constitutional Convention, 512, 513; on calling Constitutional Convention, 509; votes in, 715, 720, 727; speech of, 720
- —in NY Convention, 1677; on rules committee, 1678–79, 1703, 2343; appointed to committee to arrange amendments, 2128, 2129; in roll-call votes, 2199, 2210, 2243, 2267, 2268, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2313, 2319,

2323; and vote of on 25 July report of Committee of the Whole (30 to 25), 2318n

- HARISON, RICHARD (New York City, F-Y), 1702; id., 714n; description of, 1492
- —in Assembly: elected to with vote results, 1527; nominated for Assembly, 1496, 1500, 1504, 1512n; as speaker in calling state convention, 730; text of Assembly speeches of, 710, 713, 2526–27; votes, 704, 713, 714; member of committee to draft application to Congress for a second convention, 2511
- -in NY Convention, 1481, 1677; declares his sentiments on amendments appear in Convention journals, 2526, 2528n; elected to, 1104, 1522n, 1524, 1526; nominated to, 1487, 1489, 1493, 1496, 1497, 1498, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; praise for speeches of, 1222, 1232, 1238, 1239n, 2352, 2360; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; as a supporting speaker in, 1671; member of committee of four to arrange amendments, 2250, 2252, 2254, 2281n; notes of debates in, 175, 193, 208, 1710, 1711, 1720-22, 1784, 1786, 1795n, 1934-35, 1966, 1967-69, 2088, 2091, 2092-93, 2095-96, 2102-3, 2104-5, 2107-8, 2112, 2117, 2118, 2135, 2138, 2152, 2154-56; opposes Antifederalist plan for conditional ratification, 2175-76; speeches of, 1801-6, 1827-28, 1855-57, 1908-9, 2075-76, 2169-70, 2171; speeches of, cited, 1743, 1744, 1831; speeches of, description of, 1834, 2080; speech of, newspaper summary of, 1829; speeches of, response to, 1813, 1826, 2076; supports calling of second convention, 2515
- HARNESS AND WHIP MAKERS: in Albany procession, 2387; and New York City procession, 1600, 1652, 1664
- HARPER, WILLIAM (Montgomery, A–N): id., 601n, 2174; in Assembly votes, 515, 521; campaigns on Constitution in Montgomery County, 600; and censure of Francis Childs, 2496n; described as "a beast, dreadful and terrible to behold," 2495, 2496n; and distribution of Antifederalist literature, 896– 97, 1477
- —in NY Convention, 1477, 1677; votes for as a delegate, 1480; as a supporting speaker in, 1671; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267,

2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; moves that Oothoudt be appointed chair of the committee of the whole, 1700; spoke against Hobart's motion to adjourn, 2189, 2192–93, 2230; speeches of, 2171, 2174, 2178, 2179–80, 2182, 2186, 2188, 2192, 2193–94, 2209, 2231, 2242, 2243, 2248, 2279, 2280, 2302, 2304, 2492; votes against ratification, 2495n

- HARPUR, ROBERT (New York City): nominated as Convention delegate, 1482
- HARRISBURG, PA., 2471; Antifederalist meeting in, 1252, 2216n, 2459, 2461n
- HART, MR. (Va.)
- —letter from, cited, 1128
- HARTFORD AGREEMENT (1786): over NY western lands, xxxiv
- HARTFORD CONVENTION (1780): NY appoints delegates to, li; seeks to strengthen powers of Congress, xxvii–xxviii; call and meeting of, 2006n, 2007n; documents concerning read in NY Convention, 1979; endangers civil liberties, 1979; George Clinton disapproved plan of for a dictator, 1981; Hamilton disapproved plan of for a dictator, 1981; NY legislature approves report from, 1977; NY legislature's instructions to delegates attending, 1977
- HARTSHORN, COLONEL (Dutchess): of Fishkill killed in public fray over Constitution, 1202
- HATFIELD, RICHARD (Westchester, F-Y)
- —in NY Convention, 1575, 1677; elected delegate, 1578, 1579; appointed to committee to arrange amendments, 2128, 2129; in roll-call votes, 2199, 2210, 2243, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- HATHORN, JOHN (Orange): id., 965n; and distribution of Antifederalist literature, 896–97; and Doctors' Riot, 965; votes in NY Senate, 512, 513, 524
- HATTERS: in Albany procession, 2385; and New York City procession, 1599, 1639, 1663
- HAVENS, JONATHAN N. (Suffolk, A–Y): id., 1538n; code name of St. Patrick, 1538n; and distribution of Antifederalist literature, 896–97
- —in Assembly, 2498, 2498n; elected to Assembly, 1541, 2498, 2498n; not nominated for Assembly, 1537; votes, 516, 704, 705, 713, 714; member of committee to draft application to Congress for a second convention, 2511

## CUMULATIVE INDEX

- —in NY Convention, 1536, 1677; elected as Convention delegate, 1541; as Antifederalist votes for Hobart's motion to adjourn, 2230; as Antifederalist votes to ratify Constitution, 2219n; as Antifederalist votes with Federalists for adjournment, 2219n; not nominated for Convention delegate, 1537, 1538; as possible Convention candidate, 1537; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2279, 2281, 2284, 2287, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- -letters from, 1537-38, 1538-39n
- -letter from, quoted, 1536
- —letter from, cited, 1537
- HAWKINS, BENJAMIN (N.C.): on committee of Congress on post office, 591
- HAYS, JAMES (New York City): and New York City procession, 1637
- HAZARD, EBENEZER (New York City): id., 267n; appointed postmaster general, 593n; and criticism of policies of post office, 582– 93n; defense of himself, 587–88; kept informed about Mass. Convention, 747; response to, 587
- —letters from, 267, 772–73, 809, 1130–31n, 1221–22, 1228–29, 1260–61, 1317–18, 1323, 2362, 2428
- —letters from, quoted, lxi, 584, 748, 768, 1614, 1614–15
- —letters from, cited, 2345n, 2355n, 2362
- -letter to, 2420
- -letter to, cited, 768
- HAZARD, JONATHAN J. (R.I.): id., 2362n
- HAZARD, NATHANIEL (New York City), 610; id., 783n, 1522n; nominated as Convention delegate, 1501
- -letters from, 783, 1522, 1528
- —letter from, quoted, 1209n
- HEDGES, DAVID (Suffolk, A–A): id., 1538n; called the Deacon, 1538, 1538n
- —in Assembly: elected to, 1541; nominated for, 1537; votes in, 516, 704, 713, 714
- —in NY Convention, 1536, 1677; campaigns in Suffolk County, 1537; elected as delegate, 1541; absent on vote to ratify Constitution, 2219n, 2337n; absent for vote on Hobart's motion to adjourn, 2219n
- HENDRICKSON'S TAVERN (Poughkeepsie): and Fourth of July celebration, 1291
- HENLEY, DAVID (Va.): id., 1219n; express rider, 1125, 1211, 1213, 1214, 1215, 1243
- HENRY, MR. (Albany): in Albany procession, 2386

HENRY, PATRICK (Va.), 244n; id., 1800n; deserves to be distinguished by his talents, ambition, and influence on people, 1227–28n; influence of in N.C. rejection of Constitution, 2471; sent letter by NY Federal Republican Committee, 1198; wants to split Va. away from the Union, 1227–28n; corresponds with New York Federal Republican Committee, 1796, 1797; leader in Va. House of Delegates that requested Congress call a second convention, 2508

- —letter from, quoted, 1797
- HENRY, ROBERT (Albany): supports Federal Committee slate, 1375
- HENRY IV (France): European plan of unification, 1682, 1697n, 1705
- HEREDITARY HONORS: not allowed in America, 985
- HERKIMER, GEORGE (Montgomery): id., 1479n
- —letter to, 1479
- HERKIMER, NICHOLAS (Montgomery), 2557, 2560n
- Hewsen, Robert (Albany): in Albany procession, 2387
- HEWSON, CASPARUS (Albany): assistant marshal of Albany federal procession, 2390; endorses Federalist response to 35 Objections, 1400
- Hewson, DANIEL I. (Albany): endorses Federalist response to 35 Objections, 1400
- HEYER, WALTER (New York City): id., 1591n; tavern as site for Committee of Arrangements, 1589, 1590
- HEYER, WILLIAM (New York City): and New York City procession, 1647
- HICKS, RICHARD PENN (Pa.): id., 1232n, 1319n
- -letters from, 1232, 1318-19n
- -letter from, cited, 2355n
- HILLSDALE, COLUMBIA COUNTY: Antifederalists win a majority vote in, 1422; meet and nominate candidates, 1428n; population of, 1421; reported election in favor of the Antifederalists, 1436
- HILTON, WILLIAM B. (Albany), 1121, 1122n; Albany supervisors meet at his house to count ballots, 1414, 1415, 1416; location of house of, 1363n; tavern in Albany, 1264, 1267n, 1267n, 1268, 1356, 1363; house in Albany Fourth of July fracas, 1269, 1272
- HISTORY: Constitutional Convention drew upon, 64, 932; Constitution has no precedent, 1924; experience is the safest guide,

401, 607, 929; good to appeal to and see what other nations have done in similar occasions, 2536; hope historians write well of the present generation, 932; cannot put much dependence on, 982; confederacies failed because local units always destroyed central governments, 919, 1866; of the Constitution and the amendments to it should be published in America, 1317; Constitution will signal new era in American history, 773, 2466; demonstrates that men cannot be trusted with power, 790-91; denial of Antifederalists' referral to over size of republics, 606; more relevant than theoretical models, 189; no instance of government once established giving up powers, 2147; praise of America's development over one hundred years, 975; no precedent in for adopting constitution using cool reason, 602; of previous governments should be examined in debating the Constitution, 187; proves the danger of a standing army, 618, 653; proves that monstrous example of Sparta existed, 172; reason from history, 1255, 1256, 1940; referred to in examining nature of government, 604; representative government best way of having the people pass laws, 313; representatives often succumb to will of the people, 1891; has shown that those who overthrow tyrants become tyrants themselves, 1383-84; usurpation of rights of the people by an executive have occurred, 1039; weaker communities absorbed by larger, 866-67; will confirm justness that qualified leaders will avoid tyranny, 433; James Wilson said to be ignorant of republics that had no standing armies, 322

-demonstrates that: ancient and modern republics failed, 1862; clergy behave weakly or wickedly when they meddle in politics, 335; danger of great national revolutions, 176; danger to man from powerful governments, 2000-2001; discretionary power is almost always abused, 319; few examples of governments conquered by foreigners who preserve peace and good order and proper administration of law and justice, 567; government based on broad elective principles will not violate rights, 435; government cannot exist without party spirit, 839; government powers are not relinquished by persuasion but by compulsion, 944; governments accrue power by persuasion, 944; no governments were derived from reason and reflection, 957; men and states act foolishly and contradictory to their interests, 364; necessity of ex post facto laws, 475; overgrown ancient republics became tyrannical, 110; people are unfit for any part of governing, 290; persons possessing power do not resign it willingly, 950, 2147; republics with laws that addressed member states failed, 1809; rule by one man ends in despotism, 277; state legislatures are not as volatile as the people, 1897-98; that a confederation over a large expense cannot safely collect taxes, 1932; that people cannot determine what is for their own good, 1899; too little firmness in government leads to despotism, 146; tribunes did not work to protect rights in Rome against Senate and consul, 330; veto power not trusted, 285

- See also Biblical references; Classical antiquity; Governments, ancient and modern; Political and legal writers and writings
- HOBART, JOHN SLOSS (New York City, F–Y): id., 496, 1491; appointed to Hartford Convention, li; appointed to NY Supreme Court, xxiv; returns to New York City from Convention, 2404; travels to NY Convention, 2342
- -in NY Convention, 1104, 1169, 1481, 1670, 1677; elected delegate, 1356, 1522n, 1524, 1526; nominated as delegate, 1481, 1482, 1486, 1487, 1489, 1495, 1496, 1497, 1498, 1500, 1503, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; as a supporting speaker, 1671; debate in over motion of to adjourn and meet again, 1673, 2185, 2185n, 2186-90, 2192-99, 2219n, 2225, 2226, 2227, 2227n, 2229, 2230; appointed to committee to arrange amendments, 2128, 2129; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2259, 2260, 2261, 2267, 2269, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323; rejects Antifederalist proposal for ratification with conditions, 2114; speeches of, 2186, 2189, 2194-98
- HODGE, ROBERT (New York City): sells A Plebeian, 942; sells Federal Farmer, 976
- HOFFMAN, MR. (New York City): and New York City procession banquet, 1596
- HOFFMAN, ANTHONY (Dutchess): votes in Senate, 715, 720, 727; call Federalist meeting in Nine Partners, 1446, 1455

- HOFFMAN, ANTHONY A. (Ulster): signs affidavit against Elmendorf, 1549, 1553
- HOFFMAN, HARMON (Dutchess): nominated as Convention delegate, 1443, 1455; withdraws his nomination as Convention delegate, 1451–52, 1452, 1453n
- HOFFMAN, JOSIAH OGDEN (New York City): and New York City procession, 1654
- HOFFMAN, NICHOLAS (New York City): elected to Assembly with vote results, 1527; nominated for Assembly, 1496, 1505
- HOGEBOOM, MR. (Conn.), 1223
- HOGEBOOM, CATHERINE (Conn.): id., 1223n
- —letters from, cited, 1223, 1510, 1522
- --letters to, 1222-23, 1249-50, 1293-94, 1314, 1331, 1510, 1522-23, 1619-20n, 1975-76, 2403-4
- -letters to, quoted, 768, 916, 924, 1587
- -letters to, cited, 1285n, 1293
- HOGEBOOM, LAWRENCE (Columbia): id., 1435n; campaigning for Antifederalists in Columbia, 1435
- HOGEBOOM, STEPHEN (Columbia), 1223; id., 1223n
- HOLDRIDGE, ABRAHAM (Columbia): signs Claverack grand jury address, 617
- HOLLAND. See Netherlands, The
- HOLLENBAKE, ANTHONY (Albany): in Albany procession, 2388
- HOLLINGSWORTH, LEVI (Pa.)
- -letter from, quoted, 915-16
- HOLT, JOHN (New York City), 349–50, 352n, 2082; pillar and cap used by in his *New York Journal*, 2061–62; R.R. Livingston defends his reference to, 2067, 2068
- HOLTEN, SAMUEL (Mass.)
- —letter to, 1168–69
- "Honestus," liii; criticism of, 1513; text of, 1507–9
- HONESTY: honest men will benefit from Constitution, 1422–23. *See also* Corruption; Virtue
- HONEYWELL, ISRAEL (Westchester): as defeated Antifederalist candidate for Assembly, 1579
- HONOR: debate over Constitution important to, 957; republican form of government is most compatible with, 73. See also Corruption; Virtue
- HOOGLAND, JERONEMUS (Albany): id., 1364n; nominated as Convention delegate, 1363, 1368, 1418, 1419
- -letter from, 1364
- -letter from, cited, 1357

- HOPKINS, DAVID (Washington, A–N), 865; id., 727n, 865n; and distribution of Antifederalist literature, 896–97
- —in NY Senate: votes, 512, 513, 715, 720, 727; speeches of, 718, 721, 723
- —in NY Convention, 1573, 1677, 1678;
   elected delegate, 1574; in roll-call votes,
   2199, 2210, 2243, 2256, 2257, 2258, 2259,
   2260, 2261, 2269, 2270, 2272, 2279, 2281,
   2284, 2287, 2288, 2301, 2303, 2309, 2311,
   2313, 2319, 2323; speech of, 2231
- HOPKINS, JOHN (Va.): id., 1210n; delivers letter to Madison, 1210, 1210n
- HOPKINS, LEMUEL (Conn.), 367n
- HOPKINS, REUBEN (Orange): as committeeman who burned Constitution, 804, 805, 808n; and distribution of Antifederalist literature, 896–97
- НОРКІNSON, FRANCIS (Pa.): "А.В.," 1177, 1179; The New Roof, 5, 772n, 1180, 1317, 1318n; Ode, 1181; spurious letter from Centinel, 1178
- HORSE DOCTORS: and New York City procession, 1648
- HORTON, JONATHAN (Westchester): elected to Assembly, 1578, 1579
- HOSACK, ALEXANDER (New York City): signs Scotsmen address endorsing Constitution, 1404
- HOUSE OF REPRESENTATIVES, U.S., 432, 785; apportionment of, 278, 280, 281n, 629n, 751-52, 1715-16, 1719, 1721, 1803-4, 1804-5, 2128; aristocrats in will not levy a land tax, 418; will be difficult to get people to attend, 1735; in Constitutional Convention, xlix, 1083n, 1807, 1808, 1809; criticism that blacks can be elected to, 662-63; criticism of no role in adopting treaties, 419-20, 881, 2071; criticism of filling vacancies in, 823-24; criticism of NY's apportionment in, 280, 281n; compared to NY Assembly, 1160; is on the plan of consolidation, 221; defense of exclusion of in treaty-making, 881, 2071; democratic element of American government, 87-88, 219, 236, 254, 284, 320, 606-7, 1013, 1263, 1768, 1841, 1856, 2157, 2535; will not be democratic, 316, 1756, 1758; described, 253; no equality of representation in, 253-54, 254; few people will have opportunity to serve in, 280; will be filled with factions, 993; part of Hamilton's view of Constitution as representative democracy, 2157; impeachment power of praised, 178; will be

inadequate, 1714-15; journals of should be published on a more specific basis, 1952; need not have knowledge of the individual states, 766, 1789; will not be knowledgeable of entire country, 1924; and laws calling for election of, 1966; will not defend liberty, 658; will protect liberty, 1013; majority vote required in, 2071; members will have state allegiances, 2046; members of will want federal appointments, 993; money bills originate in, 1755; should be composed of mainly middle class, 1782; no need for representatives to take oath not to violate states right, 2468; objection to Article I, section 6, on dual officeholding of, 2353; objection to House's power over its numbers, 2545; open to wide range of candidates not merely wealthy, 402; people will not trust, 316; people will elect men of good sense and virtue to, 802; potential for corruption of, 419, 1746-47, 1783, 1784, 1815, 1816, 1824, 1943; will be powerful, 1917; powers of, 889, 890n; and election of President, 1961; and election of proposed privy council, 2098; properly composed from each section would make a disjointed body, 221; proportional representation in as trait of consolidation under Constitution, 440; proposed power to limit term of to 6 years in 12, 2546; proposed power to recall members of, 2546; publication of record of expenses of will be done sufficiently, 1952; quorum of, 1794n; ratio of representation, 432; representatives act not for a single state but for whole body politic, 2468; represents the people of the states, 1850, 1852, 2144; rich and great would be elected to, not the middling, 219-21, 254, 255, 256, 314; will properly represent the people, 792 -amendments proposed on, 2159; to allow election by districts, 2120-26; apportionment of, 2261n-62n; citizenship and residence requirements for members of, 2274, 2276n; compensation of members of, 2208; that Congress not have power to regulate elections for, 2122, 2126; to give power to appoint an auditor general, 184; increasing size of, 2353, 2354n, 2545-46; that members of Congress be natural born citizens, 2312, 2314, 2331; prohibits members of from holding other federal offices, 2123, 2260, 2315, 2332, 2239, 2546; ratio of population in, 2207; to permit elections by districts, 2120, 2546; to specify ratio of

1:30,000 in House of Representatives, 2125, 2129, 2545–46; that no money be borrowed without consent of two-thirds vote, 2123; that Representatives must take oath not to violate state constitutions, 2124; roll-call vote for removing property requirement to hold office of representative, 2812–13; second amendment from the Mass. Convention read in NY Convention, 1738

- —elections of: criticism of Congress' power to regulate, 220, 2144, 2546; debate in NY legislature over provision for election of, 2498; method of accepted, 1008, 1141, 1953; method of criticized, 1020; should be required by districts, 318; by majority or plurality, 1021–25; of officers of is acceptable, 663, 824; praised, 789, 2533; should be elected in small districts, 1721
- —qualifications for, 1020–21, 1161–62; for age, 1145; citizenship requirements for, 1145; of electors of, 432, 760, 1020–21; criticism of, 661; residence requirements for, 1145, 1199, 2120, 2127n
- -role of in system of checks and balances: will be a check on corruption, 1857, 1945-46; will be easily corrupted, 1783, 1889–90; checked by President, 174; based on different principles than Senate, 1890-91; checked by Senate, 174, 1824-25, 1826, 1846, 1895, 1900, 1961; checked by state legislatures, 174; impeachments will be affected more by parties than by sectionalism, 2070; proper body to make impeachments, 1013, 1900; criticism of impeachment power of, 658, 824; only safeguard for states under Constitution, 573-74; power to impeach negated by Senate's power to try, 283, 284, 320, 371; President will not help in any struggle with Senate, 223; will not be able to check the President, 407; Senate and President will destroy independence of, 374, 419; should have checks, 2019; will be endangered by Senate, 283, 284-85, 419, 1263; will not be able to check the Senate, 407, 419, 1897, 1899; will be managed by President and Senate, 993
- —size of, 1401n, 1834; amendment proposed in NY Convention on, 1738, 2030; Congress cannot reduce size of, 1728–29, 1735; Congress has discretion to increase size of, 1729, 1735, 1749, 1754, 1759, 1765, 1765– 66, 1775; criticism of lack of set number of members of, 1719; Delaware sets the basis for representation in, 1803–4, 1804–5,

1807, 1813, 1827, 1828; Eastern States want small size to save money, 1749; large size opposed because of cost of, 1808, 2033, 2034; large states and size of, 1727, 1732, 1735, 1736, 1755, 1758, 1759, 1768, 1775, 1783, 1806; and Mass. Convention amendment on size of, 1740n; not safe to allow it to grow in size at discretion of Congress, 1783; objection to setting size of, 1716; principle of increase in is unjust, 278; will be too small to check Senate, 419; smallness creates danger of bribery and corruption by President, 315, 374, 419; smallness of will lead to corruption in making laws, 223, 1757; too small, 215, 217, 219-21, 223, 238, 255, 256, 257, 269, 278, 279-80, 284, 314, 316, 336, 407, 458, 658, 952, 953, 979, 988, 988-89, 992, 999-1000, 1001-2, 1006, 1007, 1008, 1009-10, 1013, 1018, 1024, 1160, 1263, 1380, 1714-15, 1716, 1717, 1720, 1721, 1722, 1737, 1741, 1742, 1746-47, 1748, 1749-50, 1753, 1753-54, 1755, 1757, 1759, 1763-68, 1780, 1781, 1782, 1783, 1784, 1784-85, 1793, 1821, 2019, 2020, 2213, 2532, 2545; denial it is too small, 401-2, 464, 626-27, 1082n, 1141, 1144, 1145, 1390, 1728-29, 1733, 1735, 1736, 1742, 1768, 1774, 1791-92, 1802-3, 1804-5, 1813-14, 1814, 1816, 1823-24, 1826; small states prefer small size of, 1734, 1808; uncertain what is best size for, 1809-10; will increase in size as population grows, 792, 1730, 1736, 1737, 1775, 1792, 1803-4, 1804-5, 1825, 1828; will not want to increase its own size, 1749, 1755, 1758; will want to increase its own size to ensure their chances of reelection, 1813

- —term of office: charge that it can be changed by Congress by law, 295–96; defense of, 400, 432, 626, 627, 1144, 1145; criticism of biennial elections for, 278, 279, 303, 427, 621–22, 1008; biennial elections defended, 400, 432, 1953, 1961, 1964
- See also Congress under Constitution; Elections, U.S.; Impeachment; Large States versus Small States; Money bills; President, U.S.; Recall; Representation; Senate, U.S.; Slavery; Three-fifths clause
- HOUSTOUN, WILLIAM (Ga.), 55
- HOWARD, JOHN (Suffolk): id., 820n; campaigns in Suffolk with a Federalist nomination list, 1540, 1540n
- —letter from, 818–20
- -letter from, quoted, 750

- HUBBARD, WILLIAM A. (Dutchess), 2396
- HUDSON, COLUMBIA COUNTY, 2401; celebration at Gordon's, 1280; celebrates NY's ratification, 2401, 2427; Claverack slate opposed, 1421; Federalists support for Peter Van Schaack in, 1432; Federalist win a majority vote in, 1422, 1436; Fourth of July celebration in, 1280–81; and Livingston faction conflict in Columbia, 1421; celebrating militia of attacked by Antifederalists, 1281; newspaper in, 733; overwhelmingly Federalist, 1434, 1582; population of, 1421; vote of Hezekiah Dayton challenged in, 1435; votes appears to be even in, 1435
- HUDSON RIVER: and advantage gained in intra-state commerce, 1684; creates danger for NY during war, 1685, 1688, 1692, 1695; praised as a means of commerce within NY, 1691
- HUGER, DANIEL (S.C.): id., 1245n; as observer of NY Convention, 1245
- -letter from, quoted, 1876
- HUGHES, HUGH (Westchester), 2082; id., 271, 496, 891n; capable of giving a good report on Convention, 2357, 2357–58; as A Countryman, 6, 36, 96, 138, 143, 204–5, 243n, 244n, 245n, 271–74, 291–93, 312, 347– 52n, 424–28n, 634–37, 667, 670n, 776– 82n, 2503; as Expositor, 658–66, 667, 670n, 833–34n, 1184; as Interrogator, 6, 138, 143, 272, 342–46n, 667, 670n
- -letters from, 312, 890-91
- —letters from, quoted, 190-91, 204
- -letters from, cited, 103, 244n, 271, 669
- -letter to, 667-71n
- -letters to, quoted, lx, 77, 297, 338, 342, 659, 688, 748, 749
- -letters to, cited, 271-72, 637n, 644n, 747
- HUGHES, JAMES MILES (New York City), 312, 2151; id., 312n, 1203n, 2151n; Antifederalist letter carrier, 2016, 2028; and NY Antifederalist Society meeting, 2475, 2476; on committee to draft letter to other Antifederalists concerning a second convention, 2509–10; and distribution of Antifederalist literature, 896–97; nominated as Convention delegate, 1487
- -letters from, 1202-3, 2343
- —letter from, quoted, 1671
- -letters from, cited, 1202, 2343
- HUGHES, JOHN (Pa.), 351n-52n
- HUMAN NATURE, 1280-81
- ambition and power: all classes are ambitious, 1811; all men love power and want

to expand it, 116, 150, 168, 375, 386, 1410, 1761, 1775, 2000, 2001, 2101, 2103; ambition is powerful spring to human actions, 399-400; ambitious men would take advantage of turbulent times, 2045; beware of popularity, 841; depravity of leads to abuse of power, 40, 109, 156, 167, 226; easy to alarm and inflame the multitude, 886; fear of power in other people's hands, 1301; great ambition of frail mortals be, 2497; interest or ambition biases men, 113, 145, 152, 155, 475, 486; mankind not disposed to give up advantages they possess, 2524; man will abuse power, 626, 654, 790-91, 841, 856, 857, 907, 997, 1003; men afraid of anything that decreases power or salary, 150; men are fond of accumulating power in the hands of one man, 1038; men do not give up powers they once possess, 1749; men sharing power will conflict, 286; mere implication is too feeble to restrain ambition of bad men, 277; most men incorrectly think that they would not abuse power, 319; rulers cannot be trusted to amend what they have already done, 2521-22; rulers never disposed to contemplate abuse of power which they hold in own hand, 2522; rulers never say that they have been trusted with too much power, 2521–22; those who govern want to expand their powers and abridge the public liberty, 156

depravity of, 790-91, 839, 860, 892, 1206; absurd lengths to which humans fight with each other, 264; can be guilty of cruelty when actuated by interest, 115; cannot depend on appearance because men are deceptive, 303-4; compelled to do wrong thus government required, 929; difficult to reason with, 886; disgraced by vices of Rome, 653; easy to deceive men, 886; envy is its own punisher, 1463; envy of those who have things men want, 561; excess on the true side is equally pernicious, 860; from folly or blindness people put wicked men in office, 52; jealousy is both bane and blessing of liberty, 176; knavery as pest of society and bane of good neighborhood, 248; lack of positive argument descends to character assassination, 1472; lack of principle and honesty, 1761; large infusion of envy and malice, 886; leads to abuse of power, 40, 109, 156, 167, 226; little Christian charity, 886; majority of men are slaves to sound, they follow the crowd, 329; man is not contented with his lot, 763; man is prone to party and faction, 173; man is querulous, 763; mankind too tractable, 791; men destitute of character enjoy destroying reputation of others, 870; men are intemperate, 1810–11; men are subject to corruption, 1717, 1720; men follow their own interest, 1761; men succumb to money, influence, and office, 1852; men will prostitute their abilities for gain, 166; rejoices in political strife, 18; subject to the curse of ingratitude, 892; those who overthrow tyrants become tyrants themselves, 1383–84; vanity will lead some people too far, 31

- -good or noble side of: best men have most virtue and goodness of heart, 1776; easier to baffle ignorance with open and public attempts at virtue, 1361; fools admire but men of sense approve, 119; forbearance is importance, 1302; good often arises out of bad, 1088; honest men will differ in opinion, 935-36; hope and fear are two most active attributes, 955; human beings can be noble, 80; to judge fairly, must view object in its natural colors, 38; love of freedom is congenial, 188; a love of novelty in the heart overcomes attachment to native soil, 298; men do not change their minds quickly on important matters, 712; moderation is important, 1302; most sensible men are modest and reserved, 31; natural for man to have his veracity stand in good light, 34; no man prefers evil to good, 39; people want to store away money for a rainy day, 48; prerogative of to cast off ignorance and credulity, 755; the proposal and adoption of Constitution demonstrates a dignity of, 66; strong-minded men may change their opinions in peculiar circumstances, 1310; there is a just mean between prodigality and niggardliness, 48; virtue is only a graceful appendage of wealth, 1772
- -and government: apprehension of danger motivates, 947; beware of pride and vanity which favors new Constitution, 451; can abuse patriotism, 175; cannot get everyone to agree to a plan of government, 356; cannot predict all government needs in future, 569; chimerical idea that perfection in government is possible, 1683; compelled to do wrong thus government required, 929; Constitutional Convention shows in best

light, 1455; dignity of promoted if Constitution turns out well, 105; do not possess the discernment and stability for systematic government, 1862; education causes like humans to favor different types of government, 1053; extended republic is based on broad basis of, 331; from folly or blindness people put wicked men in office, 52; good men will generally govern well with almost any constitution, 220; if not for, government would not be needed, 2060; indifference to government leads to cruelty and oppression, 754-55; in forming governments we should presume all men are dishonest, 1882; liberty never found advocates among the great, 997; malcontents would object to a constitution delivered by an angel, 356; mankind will never universally agree on a plan of government, 1457; men can be blind to the interest of their country, 177; the multitude are captivated by the pomp and splendor of government, 1225; not able to live together without government, 155; parties in non-ratifying states will fight, 1255; people and states do not always do what is to own benefit, 364; prone to violate law, 648-49; reserved for people of America to determine whether men can govern themselves, 144; revolutions like the Constitution will naturally arouse opposition, 65; some people want change in government as in amusements and fashion, 1059; those elevated in society do not like changeableness of democracy, 990-91; those serving long in government lose their sense of dependence and become callous, 1887; uneasy and fickle part of people will accept any form of government, 212; to vote on one's government is the dignified temporal act of, 1140; weaker communities absorbed by larger, 866-67; will give rise to hostility between state and federal governments, 2033; wise and good men will govern any form of government well, 318-19 -passion and prejudice: absurdities when man submits to guidance of passion and prejudice, 172; angry and malignant passions will let loose over great national discussions, 145; men adhere to old prejudices, 553; passions flow from one extreme to the other, 1981; passion is a driving force, 393; passion, opinion, and self-will always has influence in conduct, 1257; prejudice can convert everything to its purpose, 266; under dominion of strong prejudices and violent passions, 886; willingly listen to tales in prejudice, 886

- uniformity of: always diversity on every subject, 1137; best of men are subject to error, 889; differences among individuals, 289; different classes have no more virtues or vices, 1777; early habits persist, 1790; easier seeing the bad qualities than the good, 1953; to err is common, 646; few men reason, 886; good memory often confused in over-rating people, 31; impossible for all to agree, 784; inconsistency of man, 839; inevitable that men will disagree about best way to promote public weal, 35; man should act within his own limits, 575-76; a man who is used to military life will not adjust to civilian way of thinking, 558; mankind infinitely diversified in their situations and faculties, 1152; men are apt to be deceived about their own disposition and those of others, 319; men are corruptible by slow degrees, 997; men are not mad, 1778; men will have different political opinions, 1763; need legislature large enough not to be corrupted, 1954; people love individuals closest to them, 1959; there will always be three different classes, 1777; men run into extremes, 275; men will give up less of what they have well secured than what they hold tenuously, 950; mutability of, 80, 277; no human creation is perfect, 114, 246, 432, 441, 815, 839, 934, 1397, 1440, 1457, 1691, 1695; not all men can be pleased with a thing, 932; nothing is new to human beings, 1349, 1350n; people in dissimilar situations have different opinions, 866; principles of are as infallible as mathematical calculations, 1986; the same in all ages, 1239, 1885; usually pessimistic, 974
- —weakness of, 630; connections weaken as distance increase, 128–29; consummate imprudence sometimes works, 31; desire for security and certainty induces men to stipulate for things absolutely, 265; every man has his price, 1753, 1757, 1758, 1759; few men have time or inclination to read whole books, 933; fickleness of, 1714; hate those who do a good thing with a bad grace, 731; he who proves a fault is often guilty of it himself, 620; human reason, 899; imbecility of age, 839; lies degrade character of, 869;

man does not possess the goodness and justice of God, 647; man is prone to party and faction, 173; men are frail and imperfect, 78, 93, 116, 183, 252, 1714, 1721, 1851; men are governed by interested motives, 955, 997, 1005, 1030, 1819; men criticize what they do not like and overly praise what they do like, 209; men do not do their duty in a state of nature, 857; men have astonishing credulity in integrity of man, 116; the mind cannot concentrate on a subject for a long time, 950; most men cannot be ruled by opinion, 47-48; objects to people who preach one thing and act differently, 839; over-rated, shallow capacity is discovered, 31; people act for themselves when danger threatens, 2252-53; people are easily led by misinformation and passion, 1862; people will do imprudent things when wearied with distress, 1980; in political concerns men state facts not as they are but as they wish them to be, 209; subject to false bias in judgment, 145; and swearing to oaths that are unclear, 598; understanding when not enlightened and enlarged by the lessons of experience, 885; the wisest and best men can err, 30, 61; will not exert

itself unless threatened, 1724 See also Corruption; Happiness; Virtue

- HUMPHREY, CORNELIUS (Dutchess): id., 728n; nominated as Convention delegate, 1443, 1455; withdraws his nomination as Convention delegate, 1451–52, 1452, 1453n
- —in NY Senate: speeches of, 721, 724, 725; votes, 512, 513, 524, 715, 720, 727
- HUMPHREYS, DAVID (Conn.), 367n; praises Hamilton's attack on Clinton, 9–10
- HUN, THOMAS D. (Albany): endorses Federalist response to 35 Objections, 1400; as a member of the Albany Federal Committee, 1375, 1399
- HUN, WILLIAM (Albany): endorses Federalist response to 35 Objections, 1400
- HUNT, ALSOP (New York City): and New York City procession, 1637
- HUNT, LEAKE (Westchester): id., 1577n; as possible sheriff of Westchester, 1576
- HUNTER, JAMES (Ulster): campaigning to come up with candidates, 1564
- HUNTER, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- HUNTING AND FISHING RIGHTS: ridicule of the desire to protect these rights, 490–91

- HUNTING, BENJAMIN (Suffolk): nominated as a Convention delegate, 1536, 1537, 1538
- HUNTINGTON, BENJAMIN (Conn.): id., 1349n —letter to, 1347–50n
- HUNTINGTON, SAMUEL (Conn.), 54, 2508; and Conn. toasted in Fredericksburgh, NY, 1279; letter to as president of Congress, quoted, xxviii; letter to as president of Congress, cited, 2006n
- HUNTINGTON, SUFFOLK COUNTY: celebration of NY ratification in, 2401–2; inhabitants of celebrate NY ratification in Smithtown, 2418
- HURLEY, ULSTER COUNTY; celebrates NY's ratification, 2401–2; Federalist meeting in endorses Newburgh meeting's candidates, 1545, 1548
- HUSTED, EBENEZER (Dutchess): nominated for Assembly, 1455
- HUTCHINS, JOHN NATHAN: almanac of contains Constitution, 45
- HUYSMAN, AERT (New York City): appointed election inspector, 1494
- ILLUMINATIONS: in New York City procession, 1597, 1597n
- ILLUSTRATIONS: Federal banquet pavilion in New York City, 1656; dome with eleven pillars, 2454; eleventh pillar banner, 2562; non-ratifying states will ratify, 2561; pillars cartoon, 2402n-3n, 2435, 2436, 2438; Society of Pewterers flag in New York City procession, 1651; voucher for paying Henry Wisner as Convention delegate, 2501; reference to a transparent painting of Columbia's eagle in Smithtown celebration, 2419
- IMMIGRATION: Constitution will encourage, 85, 88, 89, 124, 125, 134, 175, 298, 561, 652, 819–20, 1316; criticism of provision for, 1381; criticism of possible taxing of, 408, 448; Declaration of Independence condemns King George for restraining to America, 409, 410n; large emigration from Scotland to America, 269; flooding into NY, 611; U.S. could expect from revolutionary France, 1344. See also Census; Population
- "AN IMPARTIAL ADDRESS," 734; text of, 1388–1401n
- IMPEACHMENT: amendment concerning but should not be made conditional, 2159, 2273; amendment for exclusion of double jeopardy except in cases of, 2111, 2119, 2127n, 2235, 2306, 2327; amendment establishing court for trial of, 2207, 2240–41,

2316, 2333; bribery as grounds for, 874; Congress as check on judiciary, 2158; Congress as check on President, 178, 2158; criticism of power of House of Representatives concerning, 658, 824, 828; criticism of Senate's power to try cases of, 222, 223, 278, 283, 284, 320, 371, 419, 572, 824, 825, 828, 852, 911, 1019, 1166, 1262, 1904; criticism of Senate's power to try federal judges, 850, 908-10, 1839, 2096-97; defense of House of Representatives power over, 1900; defense of Senate's power to try, 178, 852, 1013, 1900, 1908n, 2072; defense of power of Senate over senators, 632; delegates to Constitutional Convention should be impeached, 350; denial of need for another body to try, 632; federal government will have to impeach and try officers, 1071; judges cannot be impeached for faulty judgments, 681; legislatures have power to indict and try, 1036; less effective if legislature is involved in appointment of officers, 1036-37; no provision for reelection in case of removal of, 2095; as only way to remove a federal judge, 874; power of will not lead to tyranny, 1900; praise of procedure for, 1013; proposed privy council to be subject to, 2096; provisions for in NY constitution, xxv; requirement for twothirds majority vote on, 2071; Senate as check on House of Representatives, 2072; to be effective the House and Senate must not be biased in favor of officeholder. 1032: when the democratic branch controls rights will be protected, 1011; will be affected more by parties than by sectionalism, 2070; will not work on senators who abuse their authority to ratify treaties, 1019

IMPLIED POWERS: amendment to limit, 2089; Congress be given under the Articles of Confederation, 2006n; Congress will be only judge of what is appropriate, 470-71; Congress will have to provide common defense and general welfare, 470-71; Constitution will have, 131-32, 158, 162-63, 167, 411-13, 663, 663-64, 684, 773-74, 999, 1058, 1071; criticism of, 1936-37, 1938; criticism of prohibition on titles of nobility as proof of existence of, 449; danger of, 968, 1975n; Federalists accused of trying to deceive people about, 132-33; framers intended, 200; Hartford Convention proposes for Congress, xxvii-xxviii; necessity of, 631; NY's rejection of Impost of 1783 justifies for Congress, xxxix; opposition to, 1749, 1759, 1973–74; people give in the Constitution, 1054; implied consent in a compact, 742; should be precisely limited in constitutions, 1054–55; war powers from common defense provision, 1964. *See also* Delegated powers; General welfare clause; Reserved powers

- IMPORT DUTIES: criticism of under Constitution, 1998; NY will pay more in taxes, 1997, 1998; states denied power to levy, 2042; will decrease over years, 1948. *See also* Commerce; Duties; Impost; Impost, New York; Impost of 1781; Impost of 1783
- IMPORTATIONS: are excessive, 946, 1064, 1709, 1745–46; should be reduced or shipped in American vessels, 819–20; states may limit under Articles of Confederation, 984. *See also* Commerce; Luxuries
- IMPOST: all but two states have given Congress power over, 1709; benefits of, 224, 381-82; called an external tax, 224; Congress has exclusive power to tax, 1926, 1983; Congress has power to levy, 2183n; Congress' power to levy gives permanent funds, 1067; Congress to be given power to levy to pay public debt, 2006n; Constitution will cause revenue to be raised from duties not land tax, 85, 1067; criticism that all revenue goes to federal government, 1381; criticism of Congress' power over, 109; criticism of prohibition on states to levy without consent of Congress, 108; revenue from which will pay federal governments needs, 1927; thought to be sufficient and thus states do not push for full compliance with requisition, 2021; denial that main revenue for U.S. under Constitution will be from, 324-26, 367-68, 417-18; federal government will have power to pass all laws affecting, 107; Hartford Convention proposes for Congress, xxvii; income from will greatly increase, 2021; NY Antifederalists do not object to loss of state impost under Constitution, 954, 963n; opposition to NY Impost as reason for N.J. and Conn. ratifying Constitution, 954, 963n; power over should be given to Confederation Congress, 1709; revenue of should be equitably shared, 917-18; states cannot lay, 2002; states rely on under Confederation, 1932; temporary power for was sought, 1980; will not always provide sufficient revenue for federal government,

863, 1474, 1476; will be insufficient in wartime, 1947; will be only source of revenue necessary, 1684; will find its own level, 2042; will only pay current debt, 1945; with excise will be sufficient under Constitution, 1942; would have changed the constitutional system of government, 1063

- IMPOST, NEW YORK, 954, 963n; after passage Clintonians support commerce power for Congress, xliv; coveted by new Congress, 2183; importance of to NY economy, xxxi, xliii; important factor as Antifederalists speculate in state securities funded by, 424; lucrativeness of, 1170, 2183n; and NY's dominance over N.J. and Conn., 245n, 247, 1143–44; NY will not be permitted to enjoy if it remains out of Union, 2194, 2195; one of three corrosive forces that gave rise to the new Constitution, 1152; will be lost to NY under Constitution, 628, 673, 858
- IMPOST OF 1781, 116, 2006n; and accompanying requested funds, 1970n; NY adopts, xxviii, xxix, 1295, 1977, 1990, 1995, 2007n; attempts to deceive Americans that it was near to being adopted, 646, 651n; George Clinton wanted it given to Congress, 1977; proposal for, xxviii, 210, 568; NY repeals its previous adoption of, xxxi; R.I. rejects, xxviii, 368, 1981, 2008n; would not have been sufficient to pay creditors, 645. *See also* Amendments to Articles of Confederation; Commerce; Duties
- IMPOST OF 1783, xxxvi-xl, 36, 116; assemblymen vote against because of pressure from Gov. Clinton, xlv; attempts to deceive Americans that it was near to being adopted, 646, 651n; Congress adopts, 2040; Congress' estimate of revenue to be derived from, 327n; Congress requested only limited funds, 1926, 1929; Congress should be granted, xli; criticism of NY legislature for killing, 98; and George Clinton's opposition to, xxxvi, xl, xlv, lii, 39, 1977, 1980, 1981-82, 2007n; expects that it will pass, 1968; Hamilton's Assembly speech in support of, xxxix-xl, xlv, 33n, 36, 507, 519; NY adopts with restrictions, xxxviii, 385, 482, 1295, 1339, 1339n, 1442, 1444n, 1475n, 1981-82, 1990, 1995, 2161, 2163n, 2197, 2217n; NY Assembly refuses unconditional ratification of, xxxix-xl, xlv, 519, 525n; NY political parties divide over, 36-37; NY Senate rejects, xxxvi; opposition to, 2008n, 2048; people would have objected to it had

it been adopted, 1301; proposed, 568–69; reaction to NY's rejection of, xxxvii; Melancton Smith opposition to, 2033, 2035; Vt. opposes NY's rejection of, xxxvii; Va. accepts, xxxvii; would not have been sufficient to pay creditors, 645. *See also* Amendments to Articles of Confederation; Commerce; Duties

"Iмркомрти," 24

- INCRIMINATION, SELF: proposed amendment prohibits, 2111, 2119
- INDEPENDENCE, SAFETY OF: Constitution will secure, 63
- "AN INDEPENDENT ELECTOR": text of, 1486–87 INDIANS: in American Revolution, xxviii, xxxii; and British occupied forts, xxxiv, 1402; danger from if NY rejects Constitution, 439; danger from in Northwest Territory, 656, 1685, 1688; danger to NY, 1701; mentioned (slaughter of savages), 2141; and Ga. western lands, 2008n; Congress has power to regulate affairs with under Articles of Confederation, 984; criticism of Congress' power to regulate trade with, 1158; danger from will be used to raise a standing army, 620; danger of only an excuse to get power for central government, 655; depicted in the New York City procession, 1638-39, 1663; federal government alone should deal with, 213, 223, 637, 1070; and fur trade, 1407; God has delivered Americans from Iroquois and British, 2558, 2560n; ineffective in fighting whites because tribes were not united, 2487; land purchase from mixed with elections politics, 1423, 1424n; natural liberty as goal of, 1561; NY constitution protections for violated by Confederation Congress and U.S. Constitution, 1157–58; NY Constitution provides that land sales with must be under authority of NY legislature, 1156; have primitive governments, 362-63; recent hostilities with shows need for energetic federal government, 362; ruled over wasted land before Americans came, 1305; took part in Smithtown celebration of NY ratification, 2420; Sullivan-Clinton expedition against, xxxiii; U.S. will not be able to defend against attacks by, 365; too weak to mount a major war against U.S., 570; U.S. army needed to defend against, 565; wars will occur, 366. See also Iroquois
- INDICTMENTS: amendment guaranteeing grand jury, 2111, 2119, 2200, 2206-7, 2235,

2306, 2327–28; criticism that there is no guarantee of, 2105; by grand jury guaranteed in NY Bill of Rights, 504; Mass. amendments require by a grand jury, 752; men entilled to be protected from being charged with a crime not described to them, 157, 1057; must be charged with a crime in America, 985; state bills of rights protect against prosecuting someone unaware of the charge, 156, 504

- Indigo, 1735
- INDUSTRIOUSNESS, 1259; America must be, 976; as a blessing, 980; Constitution will encourage, 124, 175, 1470; not followed after the war, 946; lack of in U.S. causes problems, 1745–46; only way to restore the economy, 946, 956; needed, 1608, 1622; prevalent among New Yorkers, 699; returning to America, 193, 209; taxes must not be high to encourage, 417; toasted in Jamaica, NY, 1282. See also Virtue
- "INSPECTOR," 11, 69, 100, 670n; text of, 31– 34n
- INSPECTORS OF FLOUR: in Albany procession, 2386; and New York City procession, 1599
- INSTRUCTIONS TO LEGISLATORS, 1817; right of people, 1768; states have power of under Articles of Confederation, 984, 1825. *See also* Recall
- INSURRECTIONS, DOMESTIC: America needs domestic tranquillity at home, 72, 73; and benefit of congressional regulation of federal elections, 1145; civil tumults raise passion and hurt clergy, 86; Confederation cannot deal with appropriately, 856, 1685, 1686; Congress must have power to protect against, xxix; Congress' power to suppress will be dangerous, 336-37; Congress can call out militia during, 1474; Constitution will protect against, 67, 134, 175, 271, 271n, 421, 466, 566-67, 639, 736, 815, 1312, 1329, 1523, 1609; Constitution's power to control will give broad powers to federal government, 758, 759, 1926; Constitution will bring to U.S., 128, 426, 1306; danger of, 249, 980; endangered private property, 972; endemic in republics, 329; fear of, 1315; God will not allow anarchy, 886; will increase if Constitution is not adopted, 763, 842, 941, 980, 1207, 1303; U.S. is on the brink of commotion and disturbances, 885; endemic in republics, 329; government needed to protect against, 39; often caused by local leaders with personal interests,

420–21; southern part of NY will secede from state, 1320; spirit of rebellion pervades U.S., 362; Union will check, 271; U.S. has had fewer since end of Revolution than other countries, 305; will occur against tax policies of new government, 418. *See also* Albany, City of, Fourth of July fracas in; Civil war; Habeas corpus, writ of; Invasions. foreign; Shays's Rebellion; Violence

- INTEREST GROUPS: Constitution as compromise among, 52; Constitution will unfairly favor some, 239; differ in U.S., 1727; Hamilton knows no interest group that will take advantage of the Constitution, 1989; should be represented, 1770, 1810, 1814; should not mirror occupations, 1082n. See also Clergy; Creditors, private; Debts, private; Factions; Farmers; Human nature; Lawyers; Mechanics; Merchants; Officeholders, state; Officeholders, U.S.; Party spirit; Printers and booksellers; Property, private; Rich vs. poor; Virtue
- INTERESTS, PERSONAL: Antifederalists criticized as, 696, 765; denial that Antifederalists have, 912; drives Antifederalist literature, 603; criticism of, 800–801; does not give rise to opposition to Constitution, 1101; favored over general good, 937; men favor in preference to public good, 599, 928, 929, 1005; pursued under Articles, 854; usually works to suppress liberty, 791; more important in determining stance on Constitution than public good, 600
- INTERNAL IMPROVEMENTS: amendment to restrict post roads without consent of states, 2080, 2083n, 2083–84; state governments will legislate for, 1963; will promote navigation in U.S., 1684
- INTERNAL POLICE. See Police powers; Sovereignty
- "INTERROGATOR" (Hugh Hughes), 138, 143, 667, 670n; text of (unpublished), 342–46n
- INTERSTATE COOPERATION: among Antifederalists for amendments to Constitution, 1097–1102n, 1133–34, 1203, 1204n, 1796n, 1796–1801n; NY Circular Letter calls for cooperation among states in calling for a general convention, 2335–36, 2338, 2339, 2340. See also Federal express
- INTERSTATE RELATIONS: Constitution will prevent conflict between states, 271n; danger of conflict between states, 268; other states will become jealous of NY's prosperity, 1684; state concerns were subservient to

NEW YORK

public good during war, 15. See also Commerce; Large States versus Small States; New England; Northern States; Separate confederacies; Southern States; Union

- INVASION, FOREIGN, 51, 938-39, 1688, 2535; always possible and means of defense not always known, 570; America needs government that will protect liberty from, xxix, 72-73; Antifederalists do not appreciate, 1854; Canada a threat to NY if NY rejects Constitution, 438-39, 1688, 1692, 2141; Confederation Congress cannot protect against, 1685, 1693, 1696, 1705; Congress can call out militia during, 1474; Constitution will protect against, 124, 134, 566-67, 639, 815, 917, 917-18, 1224, 1457, 1497, 1515, 1622; danger from if Constitution is defeated, 438, 842, 1207, 1225; no danger from, 193, 208, 305, 570, 947; defense against as objective of Union, 1696; elections need to be held during, 1909-10; federal impost will help U.S. protect itself from, 1392; government is expected to do more than protect against, 1469; navy will help protect from, 313, 362; NY threatened by, 1692, 1724; only an excuse to get power for central government, 655; people will protect against if they live under a just government, 567; as a reason for congressional regulation of federal elections, 1145; republics destroyed by, 1726; more likely in unstable republic, 329; distant sections would not rally to fight, 1874n; standing army needed to protect against, 489; all states would come to the aid of those invaded, 1855; Union protects against, 13, 40, 185. See also Habeas corpus, writ of; War; War power
- IREDELL, JAMES (N.C.): id., 1295n
- -letter from, cited, 1294
- -letters to, 1294-95, 1295-96n, 1347
- -letter to, quoted, 1659n
- IRELAND, 250, 387, 819–20; during American Revolution, 374, 388n, 408; reference to immigration to from England after civil war, 1344; immigrants will come from after adoption of Constitution, 1316; starving, 311
- IROQUOIS: God has delivered Americans from, 2558, 2560n. See also Indians
- IRVINE, WILLIAM (Pa.): id., 2431n
- -letter from, 2431
- —letter to, quoted, 481n
- ISLIP, SUFFOLK COUNTY: celebrates NY ratification in Smithtown, 2418

- Ivory Turners: and New York City procession, 1641–42
- IZARD, RALPH (S.C.): id., 1298n
- -letter from, 1297-98
- —letter from, quoted, 2085
- "J.M.": responds to "W.M.," 1367n; text of, 1373
- JACKSON, HENRY (Mass.): sends information out about Mass. Convention, 747
- JACKSON, WILLIAM (Pa.): id., 1203n-4n; as secretary of Constitutional Convention, 42, 56, 539
- —letter from, 1203–4n
- JAMAICA, QUEENS COUNTY: celebration of Fourth of July in, 1281–82; Federalists do well in, 1531
- JAMIESON, NEIL (England): id., 78n 2466n
- —letter from, cited, 785
- --letters to, 77-78, 785-87n, 843, 1128-29, 2465-66
- -letters to, quoted, 750, 799
- —letters to, cited, 1132, 2465
- JANSEN, CORNELIUS T. (Ulster): at Newburgh meeting, 1547; praise of as moderator of New Windsor meeting, 1562
- JAY, JOHN (New York City, F-Y), 1426, 2175-76; id., 496-97, 1490-91, 2150n; appointed agent to represent NY against Mass. land claims, xxxiii; appointed NY chief justice, xxiv; conflicting public statements about position of on Constitution, 7-8, 306-8; denial that he opposes Constitution, 402-3; illness of, 746, 746n; and NY Constitution, xxii, 1921n; as potential NY delegate to Constitutional Convention, 509, 522, 523; praise of, 402, 403, 523; recommends NY gives up some of its western lands, xxxiii; suggested as possible author of Brutus, 103, 160, 306; toasted in Dover, Dutchess County, celebration of NY ratification, 2396
- —in NY Convention, 1137, 1169, 1481, 1670, 1677; agrees with Madison against limited-term ratification, 1674; appointed to committee to arrange amendments, 2128, 2129; asks for and receives permission to attend, 1527, 1527–28; attempts of to convert Antifederalist delegates, 1795; attends, 1681n; and Circular Letter, 2300, 2311, 2312, 2321, 2324, 2339–40, 2504; copy of Constitution printed by order of Convention annotated by, 1681n; elected to, 1104, 1108n, 1356, 1522n, 1524, 1526; as Federalist leader, 1339, 1342n, 1671, 2378; and

Hamilton-Lansing conflict, 2009, 2013, 2495n; in debate on bill of rights complains about lack of precision in wording, 2254-55; leaving New York City to attend, 1150; manuscript copy of Jay's resolutions of 11 July in Hamilton's handwriting, 2141n; motions by, 2129, 2147, 2151n, 2219, 2228-29, 2258, 2309, 2312; nominated as delegate, 1481, 1482, 1484, 1486, 1487, 1489, 1495, 1496, 1497, 1498, 1500, 1502, 1503, 1504, 1506, 1510, 1511, 1512, 1512n, 1515, 1524; opposes Antifederalist plan for conditional ratification, 2176; opposes Lansing's motion calling for NY to recede if a convention is not called, 2297-98; opposes amendments fettering of central government's control of militia, 2262-63; personally very effective at lobbying Antifederalists, 1795, 2432; plan of ratification, 1673, 2177-78; questions need for a declaration of rights, 2243; rejects Antifederalist proposal for ratification with conditions, 2114; and revision of his speeches for publication, 2490

- -in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323 -speeches of, 1822-27, 1905, 1907, 2023, 2024, 2027, 2044-47, 2069-70, 2070-71, 2071, 2074, 2128, 2129, 2130-35, 2135-36, 2136, 2136-37, 2137, 2148, 2151-52, 2164, 2169, 2170, 2173, 2179, 2180, 2187, 2189, 2190, 2193, 2193-94, 2204, 2208, 2232, 2243, 2244, 2245, 2247, 2258, 2265, 2266, 2274, 2280, 2289, 2290, 2292, 2295, 2296, 2300, 2303; cited, 1744, 2016, 2164n; described, 1835, 2080, 2147, 2150; praised, 1222, 1232, 1238, 1239, 1239n, 1243, 1340-42n, 1345, 2163, 2352, 2360, 2380, 2432, 2489n, 2491; responses to, 1827, 2025, 2032, 2047, 2049, 2075, 2142-47, 2155-56, 2223; newspaper summary of, 1830; uses vulgar phrases in, 2252-53
- —letters from, 91, 308, 746, 963, 1119–20n, 1137–38, 1527, 1580, 2083n-84n, 2098–99, 2114–15, 2227–28, 2286, 2346, 2349, 2363, 2363–64, 2370, 2464, 2472–73, 2474–75
- —letters from, quoted, xxv, 91, 91n, 306, 308n, 749, 923, 924, 1119n-20n, 1670-71, 1672, 1876, 2085, 2506
- —letters from, cited, 923, 2218n, 2227n, 2349n, 2446, 2446n

- —letter to, 2446
- —letters to, quoted, xxvi, 746n, 923, 925–26, 927, 1120n, 1492n, 1582n, 2099n, 2475n
- —letters to, cited, 307, 1119n, 1120n, 2349, 2349n, 2363–64, 2473n, 2474
- A Citizen of New-York, 734, 959–62, 963, 964, 964n, 1086, 1086n, 1119n, 1467n, 1509, 1510, 1536; text of, 922–42n; effectiveness of, 1440, 1466–67, 1509, 1539, 1540n; praise of, 924, 925, 927n, 1086, 1086n, 1120n, 2503–4; sent a friend, 1509
- —Publius: as author of, 137, 139, 181, 185, 247, 540–41, 548, 845, 852, 2452, 2453, 2462n; text of, 151–52
- JAY, SARAH (New York City): id., 2099n; identifies Jay as author of pamphlet, 923; illness of, 746
- —letters from, quoted, 925–26, 2099n, 2346, 2370
- —letter to, 2098–99
- —letter to, quoted, 1670–71
- JEFFERSON, THOMAS (Va.): id., 123n; hope that he would see A Citizen of New-York sent to Short, 927; is qualified to be president, 55; is sent volumes 1 and 2 of *The Federalist* by Edward Carrington, 2452, 2453
- -letter from, quoted, 916
- —letter from, cited, 916
- --letters to, 121, 122, 1137-38, 1338-39, 1352-53n, 1353, 2451-52
- -letters to, quoted, 91, 91n, 138, 139, 205, 978, 2506
- -letters to, cited, 2451, 2452n, 2452n, 2506
- JEFFREY, WILLIAM, JR.: and authorship of Brutus, 103
- "JEMIMA LOVELEAP": text of, 556-58
- JENIFER, DANIEL OF ST. THOMAS (Md.)
- -letter from cited, 455
- JENKINS, SETH (Columbia): id., 750
- -letter from, quoted, 750
- JENKINS, THOMAS (Columbia): id., 1430n; defeated in Assembly elections, 1438; nominated for the Assembly, 1423, 1433; opposition to his candidacy for Assembly, 1429, 1430; will decline nomination for Assembly if necessary, 1431
- JENSEN, CORNELIUS T. (Ulster): defeated Federalist candidate for Convention, 1571
- JEOPARDY, DOUBLE: amendment proposed safeguarding, 2111, 2119
- JEws: denial of danger from them holding office under Constitution, 627; New York City procession delayed because of interference with holiday of, 1327, 1595, 1595n-96n

- JOHNSON, ROBERT C. (Conn.): id., 2358n
- -letter from, 2358
- -letter to, cited, 2358
- JOHNSON, SAMUEL WILLIAM (Bermuda): id., 484n
- -letter to, 483-84
- JOHNSON, SETH (New York City): id., 1326n
- -letters from, 1325-26, 2428-29
- -letter to, cited, 2428
- JOHNSON, WILLIAM SAMUEL (Conn./New York City): id., 2358n; defense against charges against him, 99, 101n; dining with Abraham Yates, 1115, 1115n; as president of Columbia in NY procession, 1660n; qualified to be president, 54; speech of in Constitutional Convention, quoted, xlix
- —letter from, cited, 2358
- -letter to, 2358
- -letter to, quoted, xxxviii
- JOHNSTON, JAMES (New York City): signs Scotsmen address endorsing Constitution, 1404
- JOHNSTON, JEREMIAH (Albany): in Albany procession, 2387
- JOHNSTON, SAMUEL (N.C.)
- -letter to, 2430
- Johnstown, NY: hostility of for New England, 247-48
- JOINERS: Constitution will benefit, 1594
- JONAS, LYON (New York City): and New York City procession, 1639
- Jones, Joseph (Va.)
- -letter from, cited, 748
- JONES, SAMUEL (Queens, A–Y), 1904–5, 1907; id., 103, 497, 2480n; as Antifederalist leader, 103; asked by Smith for advice on Constitution especially judiciary, 638, 639; attends NY Antifederalist Society meeting, 2475; attends trial in Poughkeepsie, 2342; claims all printers deviate from truth and newspapers filled with lies, 2493; is a tool of Gov. Clinton, 1468, 1470–71; and distribution of Antifederalist literature, 896–97; Charles Doughty and Cornelius Wyckoff are under control of, 1468, 1470–71; discusses Ulster County nomination list with Peter Van Gaasbeek, 1542; meets with Van Gaasbeek in Poughkeepsie, 1546n
- ----in NY Assembly (Jan.-April 1787): votes, 515, 521
- —in NY Assembly (Jan.-March 1788): on committee to respond to governor's speech, 694; elected to, 1532; votes, 704, 705, 707n, 713, 728; on calling NY Convention, 690, 702; proposes amendment to

Benson's motion, 704, 713; proposes amendment to resolution calling state convention (defeated), 728; rumored quarrel with Egbert Benson, 729, 729n; speeches of, 708–9, 710–11, 712, 713, 730

- —in NY Assembly (Dec. 1788–March 1789): and motion for calling second convention, 2511, 2514, 2514–15, 2516; in debate says there are falsities in all newspapers, 2496n; speech of, 2526
- -in NY Convention, 1531, 1677; absence from due to alleged sickness, 2176; amendments proposed by, 2029, 2030-31, 2083n, 2100-2101, 2106-7, 2263, 2351-51n, 2354n; amendment concerning post offices and post roads read and passed, 2087: amendment to ratification plan, 1673; takes part in debate on amendments, 2252; as Antifederalist leader, 1352, 2365-66; blamed for division among Antifederalists, 2233; described as a moderate, 2128; described as much terrified respecting dispute over manner of ratification, 2176; does not believe that a conditional ratification was possible, 2176; appointed to committee to arrange amendments, 2128, 2129; elected as delegate to, 1356, 1531, 1532; intimidated into favoring Constitution, 1330; motions by, 2080, 2088, 2102, 2280, 2283, 2285, 2286; nominated as delegate, 1487, 1489; openly says NY must join Union and trust for amendments later, 2232; report he wants to ratify, 1329; resolution proposed by, 2099-10; on rules committee, 1678-79, 1703, 2343; as a supporting speaker, 1671, 2360; will vote to ratify Constitution despite his opposition to it, 2232, 2380; votes to ratify, 2438, 2441, 2442 -in roll-call votes, 2199, 2210, 2243, 2256,
- In Foli-Call Voles, 2199, 2210, 2243, 2250, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- -letters to, 729, 1308-10, 1527-28
- —letters to, cited, 1537, 1557–59, 2297n
- JONES, SAMUEL, JR. (New York City): id., 729n —letter from, 729

JONES, SEABORN (Ga.): id., 1130n

—letter to, 1129-30

- JONES, WILLIE (N.C.), 244n; and NY Federal Republican Committee, 1101n
- JUDICIAL REVIEW: British judges do not have, 872, 874–75; as check on Congress, 2158; federal government can remove impediments to its exercise of powers, 2034; federal judiciary will have, 632, 874; federal judiciary will have over state laws in contravention of the Constitution, 775–76; justification for, 757, 1118; only had by Supreme Court, 876; opposition to, 876; praise of in Constitution, 173; and *Trevett v. Weeden*, 435, 849, 851n. See also Judiciary, U.S.
- JUDICIARIES, STATE: amendment to Constitution needed to protect, 218; amendment proposed that state courts are to have original jurisdiction and federal courts appellate jurisdiction, 2125; amendment to protect by limiting enlargement of jurisdiction of federal courts, 2202, 2236, 2307, 2329; appeal from one court to another not practiced in NY, 847; appeals from to be by writs of error only, 2100; appellate jurisdiction of state laws should be left to, 223; bound by supremacy clause of Constitution, 850; Constitutional Convention made up of merchants, lawyers, and judges, 305, 449; as creditors only resource, 1260; criticism of abandoning in many cases, 230-31; description of, 987; in Eastern States had practice of appealing cases from one court to another, 847; federal judiciary will subvert, 108, 109, 337, 386, 681, 774, 875, 952, 2101-3, 2214-15; judges dependent on legislatures for their salaries, 987; judicial tenure described, 987; justice has been obtained from, 849-50; need simplification, 488; NY or Mass. judiciary will be model for federal judiciary, 1046; will be under oath to support Constitution, 2034; oppose Constitution for selfish reasons, 1513; praise of in enforcing laws strictly and affording the least injustice to individuals, 229, 849-50; procedures and appeals in Mass. court of common pleas, 851n; have protected rights, 1044, 1057; provision of NY constitution limiting new courts to proceed according to common law, 504; have raised fees and not necessarily protected rights, 1044; resolution that state courts have original jurisdiction and federal courts have appellate jurisdiction, 2100, 2107; should be

used to try cases under Impost of 1783, xxxviii; should continue its exclusive jurisdiction in cases involving individuals, 229; sometimes staffed with non-professionals, 86; should retain jurisdiction over crimes between individuals, 567; should serve as inferior federal courts, 850; supreme courts of have some checks upon it, 871; under the Confederation, 1043; will give justice better than federal courts, 1079; working hard for Antifederalists in Westchester County, 1577. *See also* Sovereignty; States, impact of Constitution upon

- JUDICIARY: superior judges as part of natural aristocracy, 990; every judiciary needs a supreme court, 1045; indiscretions and abuses take longer to discover than in legislature or executive, 1044; purpose of, 795
- [UDICIARY, U.S., 2317, 2333, 2548; bad interpretation of laws could become oppressive, 1043, 1383, 1387, 1512; and bad uses of naturalization in, 1078; benefit of from not being restricted by state laws, 1308; benefits rich, 337, 374, 847-48, 1381, 1395; Brutus criticizes under Constitution, 680-86n; will clinch all other powers of the system, 638-39; can remove impediments to federal laws, 2035, 2036; as check upon Congress through interpretation of laws, 2158; clashing jurisdiction of, 2548; compared to Star Chamber, 2101, 2103; Congress as check upon through impeachment, 2158; Constitution does not indicate which law will be used in courts of, 2553; Constitutional Convention performed a Herculean task in devising, 1238; Constitutional provisions described, 1044-45; criticism of Congress' power to invest sole power to appoint some officeholders, 231-32; criticism of Constitution's failure to guarantee jury trial in civil cases, 135, 157, 200-202, 234, 242, 258-59, 320, 1118, 1936; criticism of lack of vicinage in jurisdiction of, 135, 157, 168, 215, 229, 231, 235, 336, 827-28, 1045, 1046, 2104, 2105; danger in from wicked judges, 2554; is defective, 2221; defended, 815; defense of President's power to make recess appointments of, 631; depends on revenue, 2037; difference between the court and the jury, 1047-51; will be elite, 374; endangers rights, 774, 1058; exalted above all other branches of the federal government and subject to no control, 871-76; will be expensive, 135, 215, 217, 374, 821-22, 967, 1383, 1387, 1512, 2548; extent

of powers mentioned, 2159; federal powers will be increased and states lessened, 638-39, 683-85, 757-58; will flourish in federal capital and other federal properties, 1077-78; in Hamilton's plan, xlix; impeachment is the only way to remove, 874; importance of, 103; issues concerning should be paid attention to in the NY Convention, 1238; judges of would be like the great judges of Great Britain, 374; modeled on NY or Mass. judiciary, 1046; must have knowledge of the law, 908; called a monster by some, 1045; needed to enforce federal laws, 1686; needed to determine treaties, 1686, 1690, 1696; needed to regulate revenue matters, 1696; needed to rule on commercial regulation, 1690; objection that original jurisdiction of is without appeal, 2107; objection that all questions arising between U.S. and states to be determined by, 2548; part of Hamilton's view of Constitution as representative democracy, 2157; powers of not defined, 2548; will be numerous and will secure property, 615; will be under oath to support Constitution, 1964, 2034; power may be extended to any degree short of almighty, 2555; praise of under Constitution, 72, 1238; Publius essays on have not appeared in newspapers before book edition, 1103; purpose of, 1043; settles disputes between states and federal government, 1927; simplification needed, 215, 488; Melancton Smith asks Abraham Yates and Samuel Jones for advice on, 638-39; speedy trial in the vicinage available in U.S., 985; is superior to legislature, 873-75; taking cases out of vicinage will deprive accused of many rights, 2553-54, 2554; will decide conflicts over taxes, 1932, 1998, 2000; criticism of on

matters of taxation, 2103–4, 2104; toast calls for impartiality to the judicial branch, 2419; U.S. best country for understanding of jurisprudence and civil liberty, 66 -amendments proposed concerning: amendments needed to change, 1512; appeals in common law jury cases are to be by writ of error, 2121, 2127n; debates and amendments concerning in NY Conven-

tion, 2105, 2105–6, 2248, 2249; limiting jurisdiction of in cases involving states, 2121, 2202, 2236, 2241, 2274, 2276n, 2307, 2317, 2328, 2333–34; prohibiting judges of Supreme Court from holding other offices, 2100, 2102, 2103, 2124, 2208, 2241, 2268,

2275n, 2317, 2333; prohibiting Supreme Court and inferior courts from extending jurisdiction, 2202, 2236, 2307, 2329; provides for a commission to correct judgments of Supreme Court, 2106-7, 2125, 2241, 2316-17, 2333; providing for establishment of a Court of Errors considered, 2272-73, 2548; restricting power of respecting land controversies, 2208, 2276n; restricts power of Congress to create inferior courts, 2240, 2271, 2316, 2332-33; limiting in cases between citizens of same state, 2100, 2100-2101, 2103; limiting suits between citizens of different states, 2121; includes right of appeal from state courts to federal courts, 2125, 2548; prohibiting suits against states, 2121; stating that cases may be appealed from state courts to Supreme Court, 2125; stating that Congress has right to regulate appellate jurisdiction, 2125; that all inferior courts are to have only appellate jurisdiction, 2125; that all judicial officers must take oath not to violate constitutions of the states, 2124; that jurisdiction of not be increased by legal fiction, 2107, 2121; that jurisdiction should not extend to cases between inhabitants, 2109-10, 2124; that process be in name of people of U.S. and tested in name of the president, 2099, 2124; that suits in which states are a party not include criminal prosecutions, 2121; to require indictment by a grand jury: 2111, 2119; that U.S. judiciary does not have jurisdiction in cases to which a state is a party, 2100, 2102, 2103; restricting appellate jurisdiction of Supreme Court, 2206; restricting jurisdiction of concerning states, 2206; limiting jurisdiction in cases between citizens of different states, 2100, 2102; rollcall vote on amendment concerning jurisdiction of, 2271-72

—appellate jurisdiction of: appeals from state courts to be by writs of error only, 2100, 2548; Congress to have power to make exceptions and regulations concerning appellate, 2100; creating an appellate court over treaties and commerce, 1699n; criticism of, 851, 953; criticism of uncertainty that Congress will limit, 232; criticism of right of foreigners and citizens of other states to sue a state in, 230–31; criticism of as to law and fact, 168, 170, 201, 230, 260, 294, 821–22, 827, 847–51, 961, 1047, 1048, 1263, 1381, 1387, 2103, 2104, 2215; criticism of in criminal cases, 230, 821–22; defense of appellate jurisdiction as to law and fact, 1394–95, 1395; extends to law and fact, 1238; intermediate appellate courts are necessary, 2103; listed, 1045, 1045–46

- —equity jurisdiction of: Congress could create a court for, 1046; criticism of federal judiciary under, 682–83, 874, 2104; no jury trial involved in cases of, 2245; justified, 795; meaning of equity not known, 2548; questioned, 638–39; will interpret the spirit of the Constitution broadly, 758; will use spirit and reason of Constitution to expand jurisdiction of, 774; would interpret spirit of Constitution to increase power of central government, 756, 758, 2145–46; criticism of the same judges having power over law and equity and law and facts, 222, 230
- —and federal-state relations: will decide in federal government's favor in disputes over concurrent tax power, 1034, 1930, 2025– 26, 2036; denial they will always decide cases in favor of federal government, 1964; disputes between states and federal government will be decided by, 1922, 1927; potential conflict between state and federal courts over bankruptcy, 2101, 2103; potential conflict between state and federal courts over immigration, 1078, 2101, 2103; would interpret laws in favor of federal government, 2025–26, 2032–33, 2033
- independence of: accountability of, 1118;
  are too independent, 104, 638–39, 681,
  850, 873, 874, 908, 1043–44, 2004, 2101,
  2103, 2145; praised, 64, 1393, 1953, 1961
- —inferior courts, creation of, 2159; Congress will have power, 1045; criticism of Congress' power to establish inferior courts, 1381, 2101, 2102–3; defense of Congress' power to create inferior courts, 1395, 2102; every new court without jury trial is step toward aristocracy, 169; fear of establishment of a court like the venal courts of Europe, 337; federal government has power to institute courts, 107, 109; many will be created to deal with tax matters, 468

- -jurisdiction of, 1071, 1118, 1163; acceptance of with some exceptions, 795-96; criticism of, 682-85, 753, 796-98, 952, 953, 1078, 1998, 2002, 2004, 2101-3, 2103-5, 2107, 2214-15; defense of, 633, 1394-95, 1472; equity, 773-76, 874, 2104; expanded by power over bankruptcies, 1075; powers of will be extensive, 229, 758; over land claims, 1299; maritime jurisdiction on original jurisdiction remains with U.S. judiciary, 2100; Mass. amendment limits, 752; should not extend to citizens of different states, 1078, 2104; should not extend to suits against any state, 2102, 2104, 2105, 2145; state judiciaries endangered by, 108, 109, 337, 386, 467, 875, 1118, 1512, 2101-3; praise of in Supreme Court, 795
- Supreme Court: acceptance of equity jurisdiction of, 795; bypassed in favor of general government, 2548; Chief Justice to appoint all judges and judicial officers, 183, 184; Congress to determine number of justices on, 1045; should be court of last resort, 2272, 2273; should not be a court of errors, 2272, 2273; criticism of creation of Supreme Court and as many inferior courts as Congress decides, 2553; criticism of original jurisdiction of in cases involving ambassadors, consuls, 820-21, 1381; decisions of will have force of law (danger because of), 683; defense of original jurisdiction of, 1394-95; description of, 1045; distribution of federal judicial power between supreme court and inferior courts, 1118; has sole power of judicial review, 876; is too independent, 850; provides independent judiciary, 2158; judges of not to hold any other state or federal office, 2100, 2548; and jurisdiction over law and fact, 1047, 1048, 1381; no juries in cases before, 230; lacks a court to correct of Supreme Court, 2548; must be unbiased and independent, 2102; Senate's role praised in appointment of judges to, 401; no shadow of

British common law found in, 230; resembles Star Chamber, 2548; will determine all matters under Constitution, 757; will be too costly for people to travel to, 135, 847–48

- —tenure of, 1118; Chief Justice to hold office during good behavior, 183, 184; good behavior tenure in U.S. is less important than in Britain, 873; good behavior tenure of praised, 1045, 1046, 1953, 1964; no objection to good behavior tenure, 872; independent as to tenure and salaries, 873; rotation in office should not be mandatory, 1016–17
- See also Admiralty law; Common law; Great Britain, legal and judicial system of; Judicial review; Judiciary; Judiciary, state; Jury trial; Law of nations; Separation of powers; States, impact of Constitution upon
- "JUNIUS": quoted, 997, 1083n
- JURY, GRAND. See Indictments
- JURY TRIAL, 382; in admiralty cases, 488, 2245-46, 2252n; as bulwark of freedom, 98, 170, 201, 202, 235, 375, 378n, 555, 644, 983, 995, 1053, 1055, 1057, 1382, 2245; cannot be given up but by constitutions approved by the people, 984; could be adopted for all cases, 1046; none in Chancery, 2245; not in civil law, 1238; Declaration of Independence valued, 409, 410n; as a democratic element of American government, 235-36, 236, 1049; every new court without jury trial is step toward aristocracy, 169; fear loss of right of to challenge jurors for cause or peremptory challenges, 2554, 2560n; in Great Britain, 995, 1053, 1084n-85n, 2245; Mass. amendment guarantees in federal courts if requested, 752; men cannot be convicted without, 1057; in NY bill of rights guarantees, 504; in NY constitution, xxv, 503; not always used, 488; can usually not be overruled in U.S., 1050; praised in Congress' letter to Quebec concerning Americans' revolt, 375, 378n; essays on in Publius have not appeared in newspapers before book edition, 1103; to be trusted in property cases, 375; property confiscated without in Netherlands under Philip II, 2551, 2554, 2559n, 2560n; question whether libel cases would have under Constitution, 164; in Rome, 259; satirical piece criticizing, 405; in Scotland, 2245; should not be unalterably guaranteed, 488; speedy trial entitlement, 1057; state constitutions have held sacred, 156-57, 159n,

202; described in the state judiciaries, 987; Supreme Court will sit without, 230; Sweden lost freedom when lost, 169; prevents tyranny, 170; violated by radical legislation in R.I., 435; Wilson forgets passage from Blackstone on loss of in Sweden, 480, 482n -in amendments proposed concerning,

- 2159, 2200, 2201, 2235, 2245–46, 2306, 2327–28, 2328; appeals in common law jury cases are to be by writ of error, 2121, 2127n, 2202, 2236, 2307, 2328; requiring in civil cases, 2111, 2119; unanimous verdicts in, 2111, 2119; juries of the vicinage, 2111, 2119, 2235, 2244, 2306, 2327–28
- in civil cases: available in America, 985;
  criticism of lack of guarantee of in civil cases, 121, 135, 157, 168, 200–202, 234, 235, 258–59, 320, 336, 449, 475, 624, 872–85, 952, 960–61, 967, 1045, 1047–51, 1056, 1394, 2104, 2215, 2532, 2553; guaranteed in state courts, 229, 2104; Mass. amendments for civil cases, 1401n; is a fundamental right, 235, 1055, 1057; defense of Constitution in not specifying for, 917–18, 933, 1450; court must have jurisdiction of law and fact but refer latter to the jury, 2104; guaranteeing speedy and public trials, 2111, 2119, 2200, 2235, 2306, 2327–28
- —Constitution endangers, 293, 850, 903, 1050–51, 1162–63; can easily be destroyed under, 168–70; already widely protected therefore questioned why it should be protected in Constitution, 1055; may be taken away by Congress, 375; by having appellate jurisdiction over law and fact, 163–64; denial of, 98, 628
- —in criminal cases, 2159; available in America, 985; endangered under Constitution, 135, 229, 2215; is a fundamental right, 1055; guaranteed in criminal cases, 917– 18, 933, 1045, 1046, 2533; danger to on appeal of, 847; trial for life must be by, except in cases of impeachment, 2533
- —in the vicinage: amendment on considered in Convention, 2111, 2119, 2235, 2244, 2306, 2327–28; all of the states agree on, 322; criticism of Constitution's failure to provide, 135, 157, 168, 215, 229, 231, 235, 336, 635, 827–28, 1263, 1382, 1387, 1409– 10, 2104, 2105; hope that Congress will guarantee, 229–30; is sufficient security, does not have to be in vicinage, 2244; as a traditional American right, 235, 827–28; necessity of, 157, 214, 215, 375, 378n

See also Bill of rights

- JUSTICE, 1259; administration of, 1965; Antifederalists do not have, 1360; and bankruptcy legislation, 1075; can be obtained in state judiciaries, 229; civil courts subject to fraud, corruption and oppression, 259-60; Constitution supports principles of, 75, 124, 175, 238-39, 774, 815, 860, 1043, 1277, 1306, 1604, 1608, 1614, 1634, 1647, 1664; Constitution will change how it is administered, 680; Constitution's power to administer will give broad powers to federal government, 758, 759; dependent on proper management of domestic affairs as well as foreign, 473; dishonesty of people produces a knavish legislature and corrupt executive and legislature, 248-49; federal judiciary will have jurisdiction in giving private justice, 758; government needs power to collect taxes to provide, 490; guaranteed in NY Bill of Rights, 505; inconsistency of with slave trade clause, 292, 409, 448; lack of under Articles of Confederation, 72, 177, 177-78, 1044; politics interferes with, 447; poll tax is unjust, 448-49; praise of, 1650; Preamble to Constitution says it is to be established, 294; should not be so near geographically as to tempt law suits, 215; state courts have provided, 849; states will be treated more equally under Constitution, 151; when people abandon justice and liberty no government is safe, 435; will be hampered under Constitution by stamp act for suits, 136; will be more difficult to obtain from federal judiciary, 337; importance of securing, 1070; possessed by Americans before the Revolution, 930; as right belonging to Englishmen, 643; served by having central government levy the impost, 863; states need to pay their requisitions to obtain, 883; symbolized in the New York City procession, 1642, 1663; trial by jury in the vicinage gives distributive justice, 828; upheld by state judiciaries under the Confederation, 1044; will be costly and difficult to obtain under Constitution because of appellate jurisdiction of Supreme Court, 135, 848-49; will prevail and Constitution will be adopted, 1086; will support the Constitution, 1643. See also Political conditions under Articles of Confederation
- KAIN, CAPTAIN (Ulster), 1558
- KAMINSKI, JOHN P., 59; on authorship of Federal Farmer, 205

- KAYADEROSSERAS: proprietors of asked to campaign in Duanesburgh, 1367, 1368n
- KEATING, GERRIT (Albany): in Albany procession, 2387
- KEESE, JOHN (New York City): appointed election inspector, 1494; nominated as Convention delegate, 1507
- KELLY, ROBERT (Albany): in Albany procession, 2386
- Kelly, V N, 2465
- KELSEY, JONAS (Dutchess): id., 1219n; and NH-NY express, 1213
- KEMBLE, PETER (New York City): and Doctors' Riot, 965n
- KEMPTON, SAMUEL (New York City): and New York City procession, 1649
- KENNEY, JOHN (Columbia): signs Claverack grand jury address, 617
- KENNIER, ROBERT (Albany): nominated for Convention, 1365
- KENT, JAMES (Dutchess), 62n, 203; id., 71–72; as author of A Country Federalist, 4, 142, 430–38n, 581–82n; and distribution of book edition of Publius, 879–80; as possible author of newspaper essay, 71–73
- -memoirs of, quoted, 72
- --letters from, 245-47, 379-80, 453-54n, 1702-4
- —letters from, quoted, 72, 138–39, 142, 206, 1700n
- —letter from, cited, 1210, 1210n
- KENT, MORSE (Albany): in Half Moon District celebration of NY ratification, 2399
- Kent, William, 62
- KENTUCKY: delegates to Va. Convention from oppose ratification, 1798, 1801n; efforts to create statchood for, 1094, 1229, 1698n, 1699n, 1729, 1736; example of separatist movement that shows Confederation Congress cannot preserve the Union, 1693, 1699
- KERR, SAMUEL (New York City): nominated for Assembly, 1496; signs Scotsmen address endorsing Constitution, 1404
- KETCHUM, CAPTAIN (Albany): in Half Moon District celebration of NY ratification, 2399
- KETCHUM, WILLIAM (New York City): id., 1505n; carpenters meet at house of, 1504
- KIDNEY, JONATHAN (Albany): role of in Fourth of July violence in Albany, 2391n
- KINDERHOOK, COLUMBIA COUNTY: Antifederalists are detached in, 1436; Antifederalist win a majority vote in, 1422, 1436; celebration in on arrival of news of NY ratification,

2402, 2427; divided over Constitution, 763; Federalists support for Peter Van Schaack in, 1432; hotly contested election in, 1436; over 700 votes cast, 1435, 1436; population of, 1421

- KING, RUFUS (Mass./New York City): id., 1128n; is qualified to be president, 54; as potential author of Publius, 137; and slave trade in the Constitutional Convention, 341n; distributes A Citizen of New-York, 925; in Mass. in June and July 1788, 2368n; and Mass. ratification, 747, 768; and NH-NY express, 1211, 1219n, 2368n
- —letters from, 1125, 1126, 1126–27, 1127, 1229, 1522n
- —letters from, quoted, xxxix, 563–71, 800, 925, 1124, 1172
- -letters from, cited, 1124, 1124-25, 2346n
- -letters to, 1171-72, 1226n, 2367-68
- -letters to, quoted, 153, 153n, 612n, 1220n-21n
- —letter to, cited, 1171, 1172n, 1229
- KINGS, COLUMBIA COUNTY: Antifederalist win a majority vote in, 1422, 1436; meet and nominate candidates, 1428n
- KINGS COLLEGE. See Columbia College
- KINGS COUNTY: George Clinton has strong influence in, 1470; and distribution of Antifederalist literature, 896–97; elections to state Convention favorable to Antifederalists, 1123; becomes Federalist, 864, 1524, 1524n; will elect Federalist Convention delegates, 1378, 1427, 1581; election of Convention delegates in, 1468–76; have same interests as New York City, 1468, 1470
- "A KING'S COUNTY FARMER" (not located): criticism of, 1472, 1475n; response to, 1475–76
- KINGSTON, ULSTER COUNTY: Antifederalist Circular, 1565–66; Antifederalist meeting in, 1543–44; people of are Antifederalists, 1564–65; celebrations on Fourth of July, 1282–83
- KINGSTON ANTIFEDERAL COMMITTEE
- -letter from, quoted, 1544
- KINNEY, MR. (KENNY) (Columbia), 1436
- KIRBY, EPHRAIM (Conn.): id., 891n
- -letter to, 890-91
- KIRK, JOHN (Albany): Scotsman endorses Constitution, 1405
- KIRKMAN, HOLMES, AND COMPANY (England): id., 1260n
- -letter to, 1259-60
- KISSAM, PETER (Albany): and Federalist campaigning in Duanesburgh, 1367

- KNAVERY: in New England is a science, 248; as pest of society, 248. *See also* Corruption; Virtue
- KNICKERBACKER, JOHN, JR. (Albany): nominated for Assembly, 1368
- KNOX, HENRY (Mass./New York City): id., 766n; chairs Society of the Cincinnati meeting in New York City, 1287; as a clearinghouse of Federalist information, 747; and Doctors' Riot, 915; and federal express system, 1127; kept informed about Mass. Convention, 747; is qualified to be president, 54; toasted, 1621
- --letters from, 852-53, 1096, 1110, 1139, 1152-53, 1214, 1234-35, 1261, 1580, 2367-68, 2431-32
- —letters from, quoted, 139, 800, 1139n, 1209n, 1220n, 1235
- —letters from, cited, 768, 1153n, 1197n, 1582n
- -letters to, 765-66, 1127, 1211, 1359
- -letters to, quoted, 141, 206, 747, 753, 799, 853n, 1124, 1219n, 1357, 1575
- -letters to, cited, 609n, 768, 1124-25, 1211, 1234, 1235n, 1362n, 2432
- KORTS, JOHN. See Kortz, John
- KORTZ, JOHN (Columbia): nominated for Assembly, 1424, 1425, 1426; elected to Assembly, 1200n, 1438
- "L.C." (New York City)
- —letter from, 1626–27
- —letter from, quoted, 1631
- "L.S.": text of, 783-84
- LABOR: lack of encouragement for under Articles of Confederation, 175
- LABORERS: said to be having hard times, 765; should rejoice that civil war has been averted, 2393; will pay higher prices for their purchased goods, 418; will benefit from Constitution, 1422. *See also* Mechanics
- LACE AND FRINGE WEAVERS: and New York City procession, 1643
- LAFAYETTE, MARQUIS DE (France): perhaps to receive Ship Hamilton, 1602
- -letter from, cited, 2468
- -letters to, 1096, 2468-69
- —letter to, quoted, 139
- -letter to, cited, 1582n
- LAGRANGE, ARIE (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- LAIGHT, EDWARD (New York City), 610, 612n
- LAIGHT, WILLIAM (New York City): and New York City procession, 1654

- LAMB, ANTHONY (Westchester), 670n, 1201n; attends NY Convention, 1796; staying with John Lamb, 1799
- LAMB, JOHN (New York City), 366, 367n, 1975n, 2082, 2150, 2362; id., 497, 2151n; as Antifederalist, 68, 204, 1336, 1337n; as Antifederalist coordinator, 669; as chairman of NY Federal Republican Committee, 1099-1102n, 1133, 1134n, 1198; corresponds with Va. Antifederalists, 1796, 1797; defense of, 353; and George Mason's objections, 338; and NY Antifederalist Society meeting, 2475, 2476; on committee to draft letter to other Antifederalists concerning a second convention, 2509-10; criticized in Conn. newspapers, 352, 610, 612n; and distribution of Antifederalist literature, 576-77, 644n, 659, 667, 896-97, 978, 1086-87; New York City mob plays rogues march before house of, 2438, 2441; nominated as Convention delegate, 1481, 1483, 1493, 1506n; place of residence, 2151n; salary paid by state impost, 610; and use of A Plebeian pseudonym, 942; and writing of A Countryman (Hugh Hughes), 637n
- -letters from, 1292-93n, 1797-98
- —letter from, quoted, 1671
- -letters from, cited, 834, 1797, 2509
- —letters to, quoted, 139, 139–40, 1099, 1198, 1373n, 1671, 1794n, 1797, 1876, 2085, 2086
- —letters to, cited, 888, 1202, 1261, 1292, 2252n, 2343
- LANCASTER, PA.: as potential U.S. capital, 1251, 2452, 2453
- LAND: danger of direct tax on under Constitution, 224–25, 2069; value of will increase under Constitution, 85, 89, 864. *See also* Property, private
- LAND COMPANIES: Ohio Company, 78n, 763n; speculators in the Western Reserve, 367n
- LANDED INTEREST: as part of natural aristocracy, 990. *See also* Agriculture; Farmers; Property, private
- "A LANDHOLDER": cited, 1449n; text of, 1454
- LANDHOLDERS: people of property are Federalists, 61–62n; should support Constitution, 85; will not be taxed under Constitution, 664; Constitution will help preserve private property, 1346
- LANDLORDS: hard times for, 764
- LANGDON, JOHN (N.H.), 54; id., 1128n; being sent NY Session Laws, 1228; and news from

NH Convention to NY Convention, 1211, 1213; and NH toasted in Fredericksburgh, NY, 1279; pleased with Dickinson's Fabius essays, 1345, 1346n; and reprinting of A Citizen of New-York, 925

- -letters from, 1211-12, 2452-53
- —letters from, cited, 1211, 1213, 1219n, 1296, 1297n, 1316, 2354n
- -letters to, cited, 748, 1124, 1235n, 2452
- LANSING, ABRAHAM G. (Albany): id., 637n; as a member of the Albany Antifederal Committee, 835, 1363; arrested over Albany fracas, 1264, 1265, 1265n, 2466, 2467n; nominated for Convention, 1366; will send district vote totals from Albany to Abraham Yates, 1418, 1419; and distribution of Antifederalist literature, 896–97; health of, 1172
- —letters from, 637, 678–79, 835–36, 836, 1120–22n, 1172–73n, 1207–8, 1235–36, 1306–7, 1330–31, 1367, 2443–45, 2464–65
- —letters from, quoted, lxiii, 454–55, 834, 1121n–22n, 1153, 1373n, 1416n–17n, 1418n
- —letters from, cited, 767, 818n, 1122, 1174, 1239, 1306, 1418, 1419, 1921n, 2031n, 2233n, 2343n, 2445n, 2465n
- -letters to, 861, 864-65, 1115, 1123, 1173-74, 1228, 1239-40, 1580
- —letters to, quoted, 115, 1153, 1438n, 1530, 1575
- —letters to, cited, 834, 1121, 1174, 1207, 1208n, 1235, 1236n, 1239, 1245n, 1876–77, 2343n, 2355n, 2443
- LANSING, GERARDUS (Albany): in Albany procession, 2388; endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- LANSING, GERRIT (Albany): nominated for Convention, 1365; in Saratoga celebration (procession) of NY ratification, 2416
- LANSING, GERRIT, JR. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- LANSING, HENRY (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- LANSING, JACOB (Albany): in Albany procession, 2383; supports Federal Committee slate, 1375
- LANSING, JACOB G. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385

- LANSING, JACOB JOHN (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- LANSING, JEREMIAH (Albany): as a member of the Albany Federal Committee, 1375, 1399
- LANSING, JOHN, JR. (Albany, A-N), 2310; id., 497-98; as Albany Antifederal Committee member, 835, 1363; as Antifederalist leader, 1243; and distribution of Antifederalist literature, 896-97, 898, 1357; complains about Francis Childs's rendition of Hamilton's speeches in his published Debates, 2489n, 2490; Hamiltonians attack, xl; as leader of political faction, xxx; not reelected to Congress by NY legislature, 688; NY legislature allegedly critical of, 688; a person of slender talents and narrow capacity who is full of himself, 2467; recommends meeting of Antifederalist Convention delegates before Convention convenes, 2341-42; sent draft of amendments to the Constitution, 1174; supports calling second convention, 2515, 2522-24; more trustworthy than Cato, 99-100, 102n
- —in Assembly: nominated to Assembly, 1370, 1384; elected to Assembly, 1415; appointed agent to settle western lands dispute between NY and Mass., li; opposes Impost of 1783 in NY Assembly, xl; speeches of, 2522–24, 2526, 2527; will write Abraham Yates from the NY Convention, 1173
- —in Constitutional Convention, 671n; appointed to, xlvii, 454, 509, 515–16, 517, 518, 519, 520, 523, 524n; attendance, xlviii, l, 244n, 454, 454–55, 637n, 844, 1828n, 2468n; criticized as Antifederal delegate, xlvii; for his own education he should have remained longer in, 2468; opposes a national government, xlviii; perceived censure of for service, 669–70, 671n; position taken, 454; speech of, quoted, xlviii
- —and exchange with George Metcalf over authorship of A Citizen, 674n, 830–33, 835, 838–43, 851–52, 852n, 1178, 1179
- —in NY Convention, 1670, 1676; leaves Albany for, 1172; as Antifederalist leader, 1352, 1671, 2030, 2378; on committee to arrange amendments, 2128, 2129; assisted in writing NY circular letter, 2504; debate on motion of giving the right of secession if a second convention is not called, 2290–99; defeat of motion of allowing NY to recede from Union after a specified time if a convention had not considered NYs

amendments, 2310; encouraged to draft amendments for, 1121; calls Hamilton to order in debate on Hobart's motion to adjourn, 2219n; and conflict with Hamilton in, 1231, 1248, 2005, 2009n, 2009-14, 2016-17, 2359, 2490, 2495n; answers R.R. Livingston's opening speech, 2347; conflict with R.R. Livingston in, 1235, 1236n, 1242n-43n, 1297-98; elected to, 1356, 1416, 1417, 1419; election certificate, 1416; not as great an orator as R.R. Livingston, 1831; nominated for, 1356, 1366, 1370, 1380: opposes Smith motion of 17 July on ratification, 2232; plan of ratification, 1673, 1674, 2161, 2233-42, 2373, 2373n; as possible author of a speech prepared for NY Convention but not delivered, 2549n; praised as speaker, 2349-50, 2360; on rules committee of NY Convention, 2343; speaks often in but with erroneous principles, 1222; votes against motion changing upon condition to "in full confidence" in form of ratification, 2282, 2284, 2285n; votes against ratification, 2438, 2441, 2442

- amendments proposed by, 1672, 1672– 73, 2029, 2031, 2069, 2088, 2089, 2089– 90, 2106n, 2108, 2110–12, 2113n, 2116, 2118–19, 2119–20, 2126–27, 2127–28, 2150–51, 2151n, 2243–44, 2252, 2351, 2351n, 2467–68, 2468n, 2515, 2549n
- makes motions, 1670, 1679n, 1681n,
  1700, 1703, 2012, 2088, 2128, 2129,
  2234-42, 2242, 2250n, 2251n, 2270,
  2271-72, 2288, 2290, 2308-9, 2310,
  2312-13, 2430n
- —in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323

sent to James Madison, 2349; defended, 1831; described, 1834, 2080, 2088, 2147, 2148, 2150; newspaper summary of, 1829; printed in *Daily Advertiser*, 2350n, 2356n; responses to, 1240, 1710–11, 1730, 1743, 1744, 1746, 1787, 1792, 1812, 1815, 1844, 1849, 1864, 1868, 1870, 1874n, 2042–43, 2072, 2074; revises for publication, 2489n, 2490

- —letter with Robert Yates sent to Gov. Clinton, 1, 8, 454–59, 1738n; answer to, 674–77, 815–18, 830–33; Clinton encourages to write, liii; turned over to NYlegislature, 688
- -letters from, 836, 1122-23, 1418, 1702, 2010-11, 2490
- —letters from, quoted, lxiii, 834, 1357–58, 1373n, 1671, 2489n
- —letters from, cited, 1698n, 2343n, 2531n, 2534
- —letter to, 2341–42
- —letters to, quoted, 1115n, 1207, 1235, 1236n
- —letter to, cited, 2490
- LANSING, JOHN J. (Albany): endorses Federalist response to 35 Objections, 1399
- LANSING, JOHN JAMES (Albany): supports Federal Committee slate, 1375
- LANSING, PETER (Albany): endorses Federalist response to 35 Objections, 1399; supports Federal Committee slate, 1375
- LANSING, PHILIP (Albany): in Albany procession, 2388
- LANSING, ROBERT (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- LANSING, SANDER: endorses Federalist response to 35 Objections, 1400
- LANSING, THOMAS (Albany): endorses Federalist response to 35 Objections, 1400
- LANSINGBURGH, ALBANY COUNTY: celebrates Fourth of July, 1283–84; Federalist strength in, 75, 638, 1412–13; women of celebrate NY ratification, 2400–2401
- LARGE STATES, 1737; in Constitutional Convention demand proportional representation, 1806; in their interest to increase size of House of Representatives, 1768; not interested in expanding size of House of Representatives, 1758; want an increase in House of Representatives, 1736; want proportional representation, 1727, 1732, 1735; will not favor increase in size of House of Representatives, 1759; will want larger representation, 1783; will want to increase size

of House of Representatives, 1806; will want to increase the number of their representatives, 1775; will not favor increasing size of House of Representatives, 1755

- LARGE STATES VERSUS SMALL STATES: in Constitutional Convention, 1807; criticism of equal state representation in Senate, 214, 221, 221–22, 254, 278, 314, 374, 419, 673, 903, 908, 909, 1263; denial that large states will dominate under Constitution, 632; possibility large states will require more representation in Senate, 296; praise of equal state representation in Senate, 178, 432, 439, 440, 633, 820, 864, 1012; Small States wanted to protect their equal representation, 296; said that increase of states lessens power of Small States, 2154; Union protects Small States from larger, 41. See also Senate, U.S.
- LATHROP, JOSHUA: id., 2443n
- -letter from, quoted, 2443n
- -letter to, 2443
- LAURANCE, JOHN (New York City), 52, 589; id., 52n, 593n, 727n; said to be Antifederalist, 453; brings information from Poughkeepsie to New York City, 1209; and New York City procession, 1652; nominated as Convention delegate, 1481, 1489, 1493, 1495, 1496, 1500, 1502, 1503; nominated for Assembly, 1500, 1502; presents to U.S. House of Representatives NY's application for second convention, 2516
- —in NY Senate, 865; speeches of, 716, 718, 721, 722, 726; votes in, 715, 720, 727
- -letters to, 245-47, 379-80, 453-54n
- -letters to, quoted, 72, 138-39, 142, 206
- LAURENS, HENRY (S.C.): pleased with Dickinson's "Fabius" essays, 1345, 1346n
- LAW OF NATIONS: Congress' powers over will give it broad implied powers, 163; defense of Constitution's clause concerning, 266; federal government will legislate for defining and punishing violations of, 1070; state courts had jurisdiction over under the Confederation, 1043. *See also* Foreign affairs
- LAW OF NATURE: satirical piece that it supports aristocracy, 404. *See also* Natural law; Revolution, right of; Social compact theory
- LAW OF THE LAND: in Melancton Smith's motion of 17 July, 2200; men cannot be convicted without jury trial under, 1057; provision for in NY Act Concerning Rights, 504; provision for in NY constitution, xxv. See also Supremacy clause

- LAWRENCE, MR. (Queens): defeated for Assembly, 1532
- LAWRENCE, AUGUSTINE (New York City): and New York City procession, 1647
- LAWRENCE, DAVID (Columbia): circulates Federalist handbill in Columbia County, 1434
- LAWRENCE, JOHN. See Laurance, John
- LAWRENCE, JONATHAN. See Laurance, John
- LAWRENCE, NATHANIEL (Queens, A-Y): id., 1262n, 2480n; attends NY Antifederalist Society meeting, 2475; travels to NY Convention, 2343n
- —in NY Convention, 1531, 1677; as Antifederalist supports Smith's motion of 17 July on ratification, 2232; elected delegate, 1531, 1532; nominated as delegate, 1487; opposes giving central government control over militia, 2263; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; as a supporting speaker, 1671; speeches of, 2189, 2266, 2295, 2302
  —letters from, 1261–62n, 2341–42
- -letters from, guoted, 1672, 2085, 2086
- -letter from, cited, 1292
- —letter to, 1292–93n
- LAWS: advice is no substitute for, 929; all must be subordinate and in conformity to Constitution, 631-32; American Revolution fought for rights and, 79; Americans entitled to government of (and not men), 242; are characteristic of the people especially in republics, 421; are enforceable by state governments under Confederation, 305; are supported through affection or fear, 111-13; bad laws cannot be passed through the Constitution's complex procedure, 1953; cannot be enforced in large country like U.S., 112; Congress needed powers to enact where states were insufficient, 1686; in a consolidated government act upon people, 1061; Constitution will not provide equality of among all orders of men, 1005-6; danger they will be held in contempt if powers of people and legislatures are viewed differently, 487; denial that Congress will follow, 1003; denial that they are being violated, 945; difficult to obtain wise laws, 886; every nation should decide on its own and when they need changing, 555; equality of decreases chance of an aristocracy developing, 419; execution of in free government must rest on confidence, 216,

315; federal government has power to make and execute all, 107; free government can exist only where people or their representatives possess power of enacting, 111, 313, 983, 985; general laws cannot be effective over all of the states in internal matters, 214; good laws attempt to stop division of society into rich and poor, 378n; in every government the will of the sovereign is law, 111; intent of should dictate how they can be implemented, 411; with justice will maintain peace, 2439; lawyers write them to be obscure for selfish reasons, 1512; and legal systems can be more effectively administered, 488-89; Lex Talionis, 1311, 1311n; may easily be passed using bribery, 223; members of Congress liable to all, 313-14, 488, 739, 993, 1141-42; military will be necessary to enforce under Constitution, 218; must be compulsory, 364; must be enforced by fear in large territories, 216; must be locally adopted to make people happy, 893; national must operate on individuals, 1725; necessary for liberty, 436-37; need to govern for happiness to be obtained, 190; not properly executed under Articles of Confederation, 72, 207, 2532; object of free government is to establish laws people willingly obeyed, 218-19; ought to be sufficient to govern over large territory, 47-48; partial state laws put private property at jeopardy, 378; passed by Congress are supreme, 1982; passed by states have been generally good, 1924-25; people make in a free state, 1721; power to make and execute all civil and criminal prove states will not be abolished, 2051; remained in force after NY constitution of 1777 was adopted, 474; in a republic must apply to individuals, 1809; in republics receive spirit and tone from the people, 1768; secure private property, 946; Senate checked by both House and President, 1901; should apply to senators and president, 1840; should be molded about the people, 982; should be supreme, 738; should be wisely and impartially interpreted by the judiciary, 1043; should not regulate future generations, 739; some state laws are incompatible with morality and destructive of good faith, 362; state laws will not restrict federal judiciary, 1308; of states are endangered by federal law which is supreme, 158-59, 232, 233, 426-27; of states will be better executed, 1967;

states will pass for most cases, 1965; steady execution of needed, 207; contain subtleties, 2032; a toast that they may be mild and rulers wise, 2417; under Constitution will only be reluctantly obeyed, 316; are unsafe and of no use if inverted and abused, 1312; will be better enforced under Constitution, 465; will be mild with equal energy under Constitution, 1224; will be multiplied under Constitution, 225; will strengthen America under Constitution, 1305; when the democratic branch can propose laws and has a negative on laws rights are secured, 1011; will be adhered to if people expect them to be enforced, 1032; will be made by federal government to be executed by state governments, 1730, 1959; will operate better in small region than a large one, 1785, 1786

- LAWYERS: Antifederalist George Clinton is one, 1518; beware of the sophism of, 168; Constitution will benefit, 238, 450; defense of as Convention candidates, 1513, 1516-19n, 1519-20; do not like jury trial of the vicinage, 635; favor the Constitution, 86, 878, 599; have a great influence in government, 991-92; have invented legal chicanery over many years, 488; heavily represented in Constitutional Convention, 212, 305, 449; and New York City procession, 1586, 1600, 1609, 1653, 1665; only they will be able to know what states retain under Constitution, 597; only they will be elected from a large constituency, 1000; opposition to election of as delegates to Convention in New York City, 1511-12; prosperous times for, 764: satirical criticism of as Convention candidates, 1519
- LE ROY, DANIEL (New York City): as assistant in New York City procession, 1601
- LEAR, TOBIAS (Va.): id., 1351n; and printing of Mason's objections, 339
- —letter from, 1350–51
- -letter to, cited, 1350
- LEARNED MEN: favor Constitution, 1449–50, 1457
- LEARNING: toasted in Ballstown, may it be encouraged, 2395
- LEATHER DRESSERS: and New York City procession, 1599, 1663
- LEDLIE, HUGH (Conn.), 8; id., 612n
- -letters from, 610-13n, 888-89n
- -letter from, cited, 888
- LEDYARD, MR. (Queens): defeated as Convention delegate, 1532

- LEE, ARTHUR (Va.): id., 161; asserts that fourfifths of Virginians oppose the Constitution, 1189; on Board of Treasury, 327n; as congressional committeeman rejects Supt. of Finance Morris' report, 372n
- —as Cincinnatus (text of), 87–91, 160–65, 199–203n, 257–62n, 281–87, 319–27n, 367–72n. See also "Cincinnatus"
- -letters from, quoted, 68n, 658
- -letter from, cited, 2502
- -letter to, quoted, 1111n
- LEE, HENRY (Va.): in Congress on post office, 591; in Congress on location of capital, 1252
- -letter from, cited, 2507
- —letter to, quoted, 2506–7
- LEE, RICHARD HENRY (Va.): as an Antifederalist, 1081n; as delegate to First Continental Congress, 1082n; did not attend Constitutional Convention, 244n; in Congress debates on Constitution, 56, 57, 462, 2501-2; Federal Farmer perhaps written by, 204, 576-77; and George Mason's objections, 338; misconstrues Constitution, 340, 652, 652n-53n; NY reprinting of his amendments to the Constitution, 462-64; as possible author of Brutus, 103, 160, 306; as possible author of Cincinnatus, 160, 281; is qualified to be president, 55; refuses to go to Va. Convention for health reasons, 1094, 1095n; advocates a second convention to propose amendments, 2502; sent letter from the NY Federal Republican Committee, 1099, 1102n, 1581, 1796, 1797; virulence against, 981, 1081n
- -letters from, cited, 651n, 2502
- -letter from to Edmund Randolph, cited, 57, 2502
- -letter to, 1099-1102n, 1581
- -letter to, cited, 2502
- LEFEVER, SIMON (Ulster): and Hurley meeting, 1548
- LEFFERTS, DIRCK (Albany): and Federalist campaigning in Duanesburgh, 1367
- -letter to, cited, 1379
- LEFFERTS, JACOBUS (New York City): appointed election inspector, 1494
- LEFFERTS, JOHN (New York City): as assistant in New York City procession, 1601
- LEFFERTS, PETER (Kings, F-Y)
- —in NY Convention, 1468, 1677; election of to Convention announced, 1476; has not yet appeared in NY Convention, 2347; in NY Convention appointed to committee to arrange amendments, 2128, 2129; ratifies

Constitution, 2441; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323

LEGAL MAXIM: definition of, 2174

- LEGAL TENDER: Antifederalists object to provision allowing only gold and silver to be used to pay debts, 1472; and NY paper money, xl, xlii; federal government should also be prohibited from making anything other than gold legal tender, 624. See also Paper money
- LEGISLATIVE POWER: should be amenable to the people, 908; supremacy of in a democracy, 182. *See also* Congress under Constitution; House of Representatives, U.S.; Legislatures, state; Senate, U.S.
- LEGISLATURES, STATE: abuse their powers under Articles of Confederation, 174; amendment proposed that Senators be subject to recall by legislatures, 2030, 2123, 2125-26, 2259-60; civil liberties will be secure so long as state legislatures are their guardian, 2135; appointments of to Constitutional Convention admits defects in Articles of Confederation, 366; as check on Congress, 174, 486; civil liberties will be secure so long as state legislatures are their guardian, 2135; Congress sends Constitution to, 44, 55-57, 68, 76, 82, 193, 274, 463, 646, 651n, 702, 703, 703-4, 705, 708, 709, 711, 717; Constitutional Convention derived existence from, 350: Constitutional Convention violates instructions from, xlviii, 1, 25, 56, 81, 82, 99, 100, 100-101, 211, 273, 304, 343, 350, 407, 425, 457, 480, 625, 629, 634, 649, 661, 690, 703, 708, 709, 710-11, 717, 719, 728, 789, 790n, 803, 813, 814n, 816, 855, 891, 903, 917, 1157, 1371, 1373n, 1380; corruption unlikely in because too few jobs available, 1914; future ones should not be limited in their interpretation of freedom of the press, 487-88; length of senatorial term in each state, 986; limited by bill of rights, 617-18; lower assemblies elected annually in most, 985; in Mass. governor has partial veto power over, 986; not likely to abuse federal elections of representatives and senators, 1027-28; number of legislators in throughout America, 257, 985, 986; NY circular letter exhorts them to petition new Congress for a second convention, 2504-5; NY Council of Revision has

partial veto power over, 986; people cannot control, 174; qualifications for electors and elected, 985, 986; radical legislation violating rights had ill effect on national morals, 57-58; cannot regulate state elections that are fixed by state constitutions, 371; restraints on in Constitution are praised, 108, 238; should be reduced in size under Constitution, 1002; should have retained power to regulate federal elections since people are better represented in, 318; should propose amendments to Constitution to a second general convention, 305-6; staggered elections for state senates in NY and Va., 986, 1869; state senators as part of natural aristocracy, 990; will not serve as a check to despotism of central government under Constitution, 657-58; will survive under Constitution only at the pleasure of Congress, 414. See also Recall; Sovereignty; States, impact of Constitution upon

- L'ENFANT, PIERRE CHARLES (New York City): id., 1612n, 1660n; and New York City procession pavilion, 1587, 1657; thanked by committee on arrangements of New York City procession, 1611–12
- LENOX, ROBERT (New York City): signs Scotsmen address endorsing Constitution, 1404
- LEONARD, WILLIAM (New York City): id., 1506n; New York City Germans meet at house of, 1506
- "LEONIDAS," 1186; text of, 1262-63
- "LETTER BOX," 1188; text of, 802
- LETTERS PATENT, ETC.: amendment provides for regulations regarding issuance of, 2240, 2316, 2332
- "LETTERS TO THE REPUBLICAN." See Federal Farmer
- LEWIS, COLONEL (New York City): militia in New York City celebration, 1286
- LEWIS, MR. (Queens): defeated as Convention delegate, 1532
- LEWIS, FRANCIS, JR. (Queens): votes in Assembly, 704, 713, 714; and celebration in Jamaica, NY, 1281
- LEWIS, MORGAN (New York City): id., 1245n, 1582n-83n; nominated for Assembly, 1495, 1502; nominated as Convention delegate, 1485, 1495, 1496, 1503; appointed election inspector, 1494; questions who wrote speech for John Williams, 1794n, 1796
- -letters from, 1581, 2367, 2434
- -letters from, quoted, 1468, 1531, 1575

- LEWIS, ROBERT (Albany): owns City Tavern, 1264, 1269n; and Fourth of July fracas, 1268
- L'HOMMEDIEU, EZRA (Suffolk): id., 728n, 1245n; campaigns in Suffolk County, 1378, 1537; certifies Abraham Yates's cautionary certificate, 2450; elected to Congress, 670n, 688, 1379n; in Congress at time of organization of new government, 2448n, 2449n; does not want to attend Congress because of Convention election in Suffolk, 1377– 78; nominated as a Convention delegate, 1536, 1537; as possible Convention candidate, 1537
- —in NY Senate: nominated for Senate, 1494, 1495, 1496, 1497, 1502, 1504, 1512n; elected to Senate, 1527; votes, 512, 513, 524, 715, 720, 727; speeches of, 720, 721, 723; on committee to respond to governor's speech, 695, 696
- -letter from, 1328-30n
- -letters from, quoted, xxix, 1536, 1604n
- -letters to, cited, 1244, 1328, 2219n
- LIBBEY, JEREMIAH (N.H.)
- -letter from, quoted, 799
- LIBEL: Eleazer Oswald sued for libel by Andrew Brown of Philadelphia *Federal Gazette*, 2428n; questions whether jury trial would occur under Constitution, 164
- LIBEL, SEDITIOUS: Zenger and Woodfall cited as example of danger from tyrannical prosecution for, 165n
- "LIBERTAS": cited, 2406n; text of, 2414
- LIBERTY. See Civil liberty
- LIFE: amendment guaranteeing right to life, liberty and pursuit of happiness, 2200, 2234, 2305, 2326
- LINCOLN, BENJAMIN (Mass.): id., 1092n; elected lt. governor of Mass., 1131; and Shays's Rebellion, 16n
- -letters to, 1092, 1152-53, 2462-63
- letter to, quoted, 1139n
- -letters to, cited, 1197n, 2506
- LINDSAY, GEORGE (New York City): and New York City procession, 1640; signs Scotsmen address endorsing Constitution, 1404
- LISPENARD, A. (New York City): and New York City procession, 1635
- LITERARY REFERENCES: Joseph Addison, Cato, A Tragedy, 79, 83n, 97, 101n, 186, 187, 190n, 452; Joseph Addison, The Spectator, 367n; Aesop's Fables, 189, 199, 202n, 345, 346n, 445, 445n, 868, 869n; The Anarchiad, 365–66, 367n; Friar Bacon and the brazen

head, 83-84, 84n; Isaac Bickerstaff, The Padlock: A Comic Opera, 32, 33n; Hugh Blair, 460, 462n; Herman Boerhaave, 663, 666n; Samuel Butler, The Art of Poetry, 627-28; Miguel de Cervantes (Don Quixote in text), 1625, 2063, 2064, 2081, 2082; John Dryden, 16, 311, 366, 367n; Sir John Falstaff, 2067, 2068; Florio, 868, 869, 869n; flowery fields of fancy, 1714, 1722, 1730, 1739n; David Garrick, The Irish Widow (1772), 387; Hesiod, The Works and Days, 185; Homer, 251, 364, 480; John Hopkins, 482n; Horace, Epistles, 326n; Hounds in Couples: A Fable, 1320-21; Samuel Johnson, 312n, 460; Alain Reneæa Le Sage, 189, 190n; Charles Macklin, The Man of the World (1781), 386, 388n; James McPherson, 312n; John Milton, Paradise Lost, 575, 576n; Thomas More's Utopia, 1867, 1874n, 1893; John Newbery, Fables in Verse, 367n; John Newbery, A Pretty Book of Pictures, 367n; Ossian, 311, 312n; Ovid, 115; Matthew Prior, An English Padlock, 119n; Mrs. Candour (Sheridan, A School for Scandal), 1486n; Laurance Sterne, Tristram Shandy, 48; Thomas Sternhold, 482n; Jonathan Swift, 388, 442, 444n, 445, 445n; Gerard Van Swietan, 663, 666n; Joseph Warren's Ode to Fancy, 1722, 1739n; Isaac Watts, The Psalms of David, 345, 346n; Yahoo, 562

- —Alexander Pope, 208, 243n, 262, 266n, 311;
   Eloisa to Abelard, 1311, 1311n; An Essay on Criticism, 119, 121n; An Essay on Man, 243n, 293n; The Rape of the Lock, 119, 121n
- —William Shakespeare, 460; Antony and Cleopatra, 826, 829n; As You Like It, 251, 251n; Brutus, 2067, 2078n; Hamlet, 189, 190n, 321, 326n, 1319; Henry IV, 2067, 2078n; Henry V (a Band of Brothers), 884, 884n, 941, 1282, 1514, 2029; Julius Caesar, 2067, 2078n, 2360, 2361n; Macbeth, 1366, 1367n, 1373, 1373n; Othello, 386, 388n, 1311, 1312n; Richard II, 250, 251n; The Tempest, 363, 366n; Troilus and Cressida, 324, 327n
- See also Biblical references; Classical antiquity; Political writers and writings
- LIVINGSTON, CAPTAIN (Dutchess): leads militia in Poughkeepsie celebration of Fourth of July, 1291
- LIVINGSTON, BROCKHOLST (New York City), 2148; id., 2150n; as delegate to general convention of the Cincinnati, 1287; described

as a Federalist, 2495n; nominated as Convention delegate, 1485, 1501; and New York City procession, 1245

- —in NY Assembly, 2511, 2514, 2516, 2525, 2528; elected to with vote results, 1527; nominated for, 1496, 1505, 1512n; speeches of, 2492–94, 2516–20, 2524–26
- -letter from, 782-83
- -letters from, quoted, 139, 808n
- LIVINGSTON, COLUMBIA COUNTY: population of, 1421
- LIVINGSTON, EDWARD (New York City): id., 1431n; as assistant in New York City procession, 1601; as possible candidate for Convention, 1426, 1430; and Columbia County politics, 1425, 1426n, 1432
- LIVINGSTON, GILBERT (Dutchess, A–Y): called an Antifederalist, 453; description of, 454n; hoped his constituents would never rest until amendments are obtained, 2518, 2528n —in Assembly, 2498n; elected to, 1466; nom-
- in rise for, 1444; speech of, quoted, 2528n
- -in NY Convention, 1439, 1459, 1676; amendments proposed by, 1975n, 2029, 2030, 2090, 2354n; appointed to committee to arrange amendments, 2128, 2129; asks to get clergy to open with prayer, 1678; could not in conscience vote for Smith's first proposal on ratification, 2233; did not attend due to illness, 2255; elected delegate, 1466; incorrect report stating he voted against ratification, 2441, 2442n; makes or seconds motions, 1875, 2095-96, 2105n, 2174, 2175; nominated as delegate, 1439, 1441, 1444, 1458; ridiculed by R.R. Livingston for use of a metaphor, 1845, 2496n; in roll-call votes, 2199, 2210, 2243, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; says he voted for defeated amendment on expenditures, 2271; supports Jones's motion to change "upon condition" in form of ratification, 2283; supports Smith's motion of 17 July on ratification, 2232, 2253; as a supporting speaker, 1671, 2360; speeches of, 1836-41, 1855, 1904, 2058-63, 2079-81, 2095-96, 2173, 2180, 2256, 2300, 2321-23; speech of, cited, 1908n; speeches of, described, 2082, 2083-84; speeches of, response to, 1845, 1900, 2067-69, 2079, 2081; speech of explains why he voted to ratify, 2321-23; speech of supporting Constitution after it was ratified, 2233n; uneasiness of about his

position in, 2232; and use of metaphor liquid wall of gold and adamant, 1837, 1838, 1839, 1874, 2495, 2496n; voted for ratification despite being an Antifederalist, 2498n

- notes of debates in NY Convention, 2, 227, 232, 1839–41, 2169–71, 2171–74, 2178–80, 2198–99, 2203–4, 2208–10, 2231–32, 2233–34, 2242, 2257, 2259, 2260, 2261, 2267, 2268, 2269–74, 2288–96, 2300, 2301–4, 2311–12, 2317, 2321, 2326n
- —letter to, 2496–97
- —letter to, quoted, 2505 LIVINGSTON, HENRY (Columbia), 1428n,
- 1433; signs Claverack grand jury address, 617; campaigning for Federalists, 1435; as candidate to Convention, 1430; and Columbia County politics, 1421, 1432; nominated for Assembly, 1423; nominated as Convention delegate, 1421, 1423; as possible candidate for Assembly instead of Convention, 1426; reference to nomination of in Columbia County, 1428n
- LIVINGSTON, HENRY G. (Dutchess): id., 2397n; NY ratification celebration on Dutchess County estate of, 2396
- LIVINGSTON, JAMES (Montgomery): id., 714n; as chair of Assembly committee of the whole, 694, 701–2, 702, 703, 707; in Assembly votes for delegates to Constitutional Convention, 516; votes for as a Convention delegate, 1480; as a Federalist, 601n
- LIVINGSTON, JOHN (Columbia): id., 1433n; nominated for Assembly, 1428n, 1431, 1433; votes in Assembly, 510, 511, 516, 704, 713, 714; defeated in Assembly elections, 1438; and Columbia County politics, 1432; declines being a candidate for the Assembly, 1425, 1426n, 1429, 1430; not elected to the Convention, 1421, 1425, 1426n, 1438; in one Livingston faction in Columbia County, 1421
- LIVINGSTON, JOHN, JR. (Columbia): id.,
- 1432n; and Columbia County politics, 1431, 1432
- LIVINGSTON, JOHN HENRY (New York City): id., 1315n
- —letter from, 1315
- -letter to, cited, 1315, 1315n
- LIVINGSTON, JOHN ROBERT (Albany/Columbia): id., 700n; said to favor Schuyler's opponents, 699–700
- LIVINGSTON, JOHN R. (New York City): as assistant in New York City procession, 1601

- Livingston, John V. (Columbia): carries letter, 1433n
- LIVINGSTON, MARGARET BEEKMAN (Columbia), 1583n; id., 1583
- -letter to, 1581
- -letters to, quoted, 1468, 1531, 1575
- LIVINGSTON, PETER R. (Columbia): campaigning for Federalists, 1435; and Columbia County politics, 1421, 1425, 1426n, 1430, 1431, 1432
- LIVINGSTON, PETER VAN BRUGH (Columbia): and Westenhook Petition, 1427n
- LIVINGSTON, PHILIP (Westchester, F–Y): id., 2496n; elected to Assembly, 1578, 1579; speech of in Assembly, 2492
- —in NY Convention, 1575, 1677; elected delegate, 1578, 1579; ratifies Constitution, 2441, 2495n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- LIVINGSTON, ROBERT, JR. (Columbia): id., 1435n, 2448n; and tenant leases, 1492n —letters from, 1435, 2448
- LIVINGSTON, ROBERT CAMBRIDGE (New York City): id., 1512n; appointed to Annapolis Convention, xliv; in Assembly votes, 515, 521; nominated delegate to Convention, 1512
- LIVINGSTON, ROBERT R. (New York City, F-Y), 612, 613n, 1829; id., 498; aligned with Philip Schuyler and Alexander Hamilton, 1421; appointed agent to represent NY against Mass. land claim, xxxiii, li; appointed to Annapolis Convention, xliv; and Columbia County factional politics, 1421; as potential NY delegate to Constitutional Convention, 509, 515-16, 522, 523; in Council of Revision opposes paper money bill, xliii; description of, 1490; distributes Jay's pamphlet, 924; and doctors' riot, 915; as draftsman of NY constitution, xxii, 380-81, 381n; encouraged to campaign in Dutchess, 1445; predicts overwhelming Federalist victory in Kings election, 1468; property destroyed by British during Revolution, 1493n; is qualified to be president, 54; recommends NY gives up some of its western lands, xxxiii; signs Scotsmen address endorsing Constitution, 1404
- —in NY Convention, 1169, 1481, 1670, 1677, 1833; agrees with Madison against limitedterm ratification, 1674; amused at Antifederalist example, 1969n; attempts to convert

Antifederalist delegates, 1795; balance board metaphor, 2050, 2053, 2054, 2496n; a better orator than John Lansing, 1831; Francis Childs publishes 19 June speech of, 2356n; conflict with Smith, Lansing and Williams, 1297-98; conflict with John Lansing, 1235, 1236n, 1242n-43n; conflict with Melancton Smith, 2015-16; copy of Constitution, 1681n, 2545-46; criticized for using ridicule and terror in speeches, 2219; description of delivery of speech, 1704; elected to, 1104, 1355, 1356, 1522n, 1524, 1526; as Federalist leader, 1339, 2378; has been very effective in Convention debates, 2380; insulted by Antifederalists, 1241; makes motion, 1700, 1744, 2268-69, 2309; nominated as delegate to, 1481, 1482, 1483, 1485, 1486, 1487, 1487n, 1489, 1493, 1495, 1496, 1497, 1498, 1500, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; not nominated from Columbia because he was expected to be nominated from New York City, 1423, 1424n; one of best minds, 1241; opposes Lansing's motion calling for NY to recede if a convention is not called, 2298; oratory praised, 1831-32; ridicules Gilbert Livingston for use of a metaphor, 1845, 2496n; said to be a wretched reasoner, 2015–16; as primary speech maker, 1671, 2030; speaks in favor of Hobart's motion to adjourn, 2189, 2230; supports Jay's motion for ratification with explanatory and recommendatory amendments, 2129; text of annotations by of the Constitution, 2545-48; toasted in Dover, Dutchess County, 2396

1809-19, 1843-49, 1853-54, 1857-58, 1874n, 1899–1902, 1939–52, 1952.2049-56, 2064-67, 2067-68, 2081.2138-41, 2181-82, 2182, 2186-87, 2188, 2193-94, 2268, 2272, 2274, 2293-94, 2294; quoted, 1877; cited, 1703, 1722, 1730, 1740, 1741, 1743, 1744, 1908n, 2164n; condemned, 1975n; described, 1671, 1698n, 1699-1700n, 1700, 1702, 1834-35, 2079-80, 2082, 2147, 2148, 2150; have no effect, 1975n; newspaper summary of, 1829-30; sent to James Madison, 2349; opening Convention, 1681-99n, 1699, 1700, 1701, 2347, 2550, 2559n; praised, 1222, 1232, 1238, 1239n, 1243, 1956, 2056, 2083-84, 2163, 2350-51, 2352, 2360, 2489n, 2491; responses

to, 1704–10, 1712–22, 1740, 1742, 1743, 1744, 1819–22, 1852, 1858, 1860, 1879, 1881–82, 1884, 1902, 1903, 1904, 1999, 2003, 2016n, 2059–60, 2060–62, 2062, 2063–64, 2079–81, 2082, 2154, 2155; printed in *Daily Advertiser*, 2350n

- notes of debates in NY Convention, 1690–95, 1748, 1758, 1782, 1784, 1816– 19, 1839, 1847–48, 1853, 1858, 1860, 1885–86, 1898–99, 1904, 1907, 1908–9, 1910, 1911, 1914, 1915, 1916, 1917, 2031–32, 2035, 2049, 2095, 2096, 2198, 2204, 2209, 2210, 2216
- -letters from, 380-81, 1087-89n, 1427-28, 1437, 1451, 2468-69
- -letters from, quoted, 478, 924, 1376n, 1421, 1422, 1477, 1492n
- -letters from, cited, 767, 1429, 1451, 1468
- -letters to, 1375-76, 1423-24n, 1425-27n, 1429-31n, 1444-45, 1451
- -letters to, quoted, xxx, xxxiii, 800, 1357, 1421, 1421-22, 1477
- -letters to, cited, 768, 2468
- text of draft newspaper essay in defense of Constitution, 2536–45
- LIVINGSTON, WALTER (N.J.): appointed agent to represent NY against Mass. land claim, xxxiii

—letter to, quoted, 1129n

- LIVINGSTON, WILLIAM (N.J.): id., 783n, 2099n; born a republican, 2196, 2197; is qualified to be president, 54–55; as possible author of A Farmer, of New-Jersey, 182; and N.J. toasted in Fredericksburgh, NY, 1279; and Va.-NY express, 1215; signer of Constitution, 2216n; supports Constitution, 2196, 2197
- -letter from, 2443
- -letter to, 782-83
- -letters to, quoted, 139, 808n, 2443n
- LIVINGSTON, WILLIAM SMITH (New York City), 2085; id., 1220n; as assistant in New York City procession, 1601; and Federalist express carrying news of Va., 1211, 1214, 1217, 1218, 1260, 2080, 2082, 2083n, 2083– 84, 2098
- LIVINGSTON MANOR, COLUMBIA COUNTY: only talk of Constitution, 901; reported election in favor of Federalists, 1436; will decide the winner of the elections in favor of Federalists, 1436
- LOCKWOOD, EBENEZER (Westchester): in Assembly votes, 515
- Long, Pierse (N.H.): id., 1333n
- —letter from, 1332–33

- LONG ISLAND, NY: Antifederalists look strong on, 1557; appearances said to be favorable for Antifederalists, 895; endangered if disunion occurs, 1684–85; farmers in would suffer if NY does not ratify, 1148; will have a majority of Federalists in the state Convention, 1108; opposition to Clinton running for NY Convention from a county on, 1548; population of, 1453, 1453n; will secede from NY if Convention rejects Constitution, 1240, 1353
- LOSSING, BENSON J.: and reminiscence of Federalist expresses, 1217–18
- LOUDON, JOHN (New York City): and New York City procession, 1647; as printer of *New York Packet*, lxi, 1617, 1661. *See also* Newspapers, New York, *American Magazine*; Newspapers, New York, *New York Packet*
- LOUDON, SAMUEL (New York City): as printer of the NY American Magazine, lxii, 553; as publisher of New York Packet, lxi, 558, 559n, 1617, 1661; wants to print Publius book edition, 878; and New York City procession, 1625, 1647
- —letter from, cited, 878
- See also Newspapers, New York, American Magazine; Newspapers, New York, New York Packet
- LOUDON, SAMUEL AND JOHN (New York City): as owners of *New York Packet*, lxi, 1617, 1661; as publishers of John Jay's pamphlet, 734, 922–23; print Constitution in *New York Packet* and as a pamphlet, 43; sells Federal Farmer, 976; printers of laws and journals, 2011, 2014n. *See also* Newspapers, New York, *New York Packet*
- LOUIS XVI (France)
- —toasted in, 1660n; Brooklyn, 1275; Hudson, 1280–81; Jamaica, NY, 1281; New York City, 1287, 1288; New York City procession dinner, 1657. See also France
- LOVEL, JOSEPH (New York City): and New York City procession, 1637
- LOVELL, JAMES
- -letters from, cited, 2007n-8n, 2008n
- "A LOVER OF TRUTH AND DECENCY," 1185; text of, 869-71
- Low, NICHOLAS (New York City, F–Y): id., 1595n; votes in Assembly, 704, 713, 714; description of, 1491–92; as director of Bank of New York, 1454n; returns to New York City from Convention, 2404
- —in NY Convention, 1481, 1677; elected to, 1105, 1522n, 1524, 1526; nominated as delegate, 1481, 1484, 1486, 1487, 1489, 1496,

1497, 1498, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323

- —letters to, 1595–96n, 1596
- —letters to, quoted, 1129n, 1353n, 1585, 1595n
- Low, SAMUEL (New York City): as author of Ode in New York City procession, 1586, 1605–9, 1660n, 2561
- LOWNDES, RAWLINS (S.C.): as Antifederalist leader with weak support, 853, 853n; declines seat in SC convention, 1191; and NY Federal Republican Committee, 1101n
- -letter from, cited, 1099, 1292n-93n
- -letter to, cited, 1292n-93n
- LOYALISTS: in American Revolution, xxvi, xxviii, xxxii, 374; American sympathizers of seek to put a stop to uniting of states, 2487; Antifederalists compared to, 9, 89, 310, 353, 853, 857; citizenship not restored to, xxxii; confiscation of estates of, xxxi-xxxii, 37; criticism of no prohibition for election as U.S. Representative, 661; and desire for American bishopric, 2077n; emigration of from NY, 2469; estates have been purchased by speculators, 764; federal courts will be able to set aside previous state bills of attainder and confiscations, 639; Hamilton attacked for representing after war, 11; inveigh against Articles of Confederation and bad times, 764; must be compensated before British will evacuate western forts. xxxv; are natural enemies of NY, 2551; and The Whig Society, 33n-34n. See also American Revolution
- LUDENTON, HENRY (Dutchess): votes in Assembly, 516, 521
- LUDLOW, GABRIEL W. (New York City): appointed election inspector, 1494; nominated as Convention delegate, 1495, 1503
- LUDLOW, WILLIAM H. (Columbia): nominated for Assembly, 1423, 1427, 1428n; replaced as Federalist Assembly candidate, 1421, 1426; will decline nomination for Assembly if necessary, 1431
- "A LUNARIAN," 4, 160, 327n; text of, 445-47
- LUSH, RICHARD (Albany): as a member of the Albany Antifederal Committee, 835, 1385
- LUSH, STEPHEN (Albany): as a member of the Albany Federal Committee, 1399
- LUXURIES: America is abandoning, 193, 209; commercial society begets, 277; hopes

French imports will stop, 383; parent of inequality and foe to virtue, 277; should be taxed, 1996; spirit of prevalent, xli; too many imported after the war, xli, 694, 697, 699, 946, 975, 1276, 1709, 1745–46, 1747. *See also* Commerce; Virtue

- LUZERNE, COMTE DE LA (France)
- —letter to, 2455–56
- -letter to, quoted, 799
- LUZERNE, MARQUIS DE LA (France): id., 1088n; desire for him to be French minister to U.S., 1087
- -letter to, 1087-89n
- Lyon, Matthew: id., 2455n
- -letter from, 2455
- M'BAIN, JOHN (New York City): and New York City procession, 1643
- McCLALLEN, ROBERT (Albany): id., 1368n; as chair of Albany Federal Committee, 1368, 1369, 1375, 1399; and Albany Fourth of July fracas, 1265, 1268–69, 1269n, 1270, 1272; will receive copies of the book edition of Publius, 1378
- McCOMB, ALEXANDER (New York City): nominated for Assembly, 1495, 1496, 1504; elected to Assembly with vote results, 1527; motion in Assembly amending resolution for calling a second convention, 2515; nominated as Convention delegate, 1482, 1501, 1512
- M'COMB, JOHN (New York City): and New York City procession, 1640
- McConnell, Matthew (Pa.): id., 1311n
- McCORMICK, DANIEL (New York City): as director of Bank of New York, 1454n; nominated for Assembly, 1454, 1502; nominated as Convention delegate, 1496, 1501
- M'CRACKERS, JOSEPH (Washington): elected to Assembly, 1574
- M'CREADY, JAMES (New York City): and New York City procession, 1638
- M'CURKEY, GEORGE (Albany): in Albany procession, 2386
- M'DONALD, ANGUS (Albany): Scotsman endorses Constitution, 1405
- M'DOUGALL, PETER (New York City): signs Scotsmen address endorsing Constitution, 1404
- M'DOWELL (M'DOLE), MR. (Albany): among those most hurt in Albany Fourth of July fracas, 1268, 1272
- McGaughy, Joseph Kent: on authorship of Federal Farmer, 205
- MCGEORGE, MR., 1260

- McGREGOR, COLLIN (New York City): id., 78n; signs Scotsmen address endorsing Constitution, 1404
- --letters from, 77-78, 785-87n, 843, 1128-29, 1248, 2465-66
- -letters from, quoted, 750, 799
- -letters from, cited, 1132, 2010, 2465
- -letters to, cited, 785, 1128
- M'HARG, JOHN (Albany): Scotsman endorses Constitution, 1405
- M'INTOSH, WILLIAM (Albany): in Albany procession, 2387
- MCKEAN, THOMAS (Pa.), 482n
- McKesson, JOHN (New York City), 1247, 1247n; id., 498, 1123n; as Assembly clerk, 707n
- -in NY Convention: has Constitution printed, 47; appointed a secretary of NY Convention, 1678, 2343, 2344, 2345, 2346-47, 2347; as secretary of, 1675, 1676, 2250n, 2251n, 2378; notes of differ from Childs's Debates, 1738n; notes of NY Convention debates, 2, 19, 179, 186, 189, 191, 196, 200, 211, 213, 1675, 1689-90, 1708-10, 1711, 1737-38, 1738, 1747-48, 1755-57, 1782, 1783-84, 1786, 1794, 1804-5, 1807, 1808, 1814-15, 1821-22, 1825-28, 1842-43, 1846, 1851-52, 1856-57, 1857, 1858, 1872, 1873, 1883-85, 1900-1902, 1902-3, 1904, 1907, 1910, 1911, 1911-12, 1915, 1916, 1916-17, 1938, 1944-46, 1952, 1977, 1978, 1990-94, 2005, 2016-18, 2019-28, 2031-32, 2046, 2048, 2049, 2052-54, 2064, 2066-67, 2068-69, 2087-89, 2090-91, 2092, 2096, 2096-97, 2099, 2101-2, 2110, 2111-12, 2118, 2127n, 2130-33, 2156, 2178-81; provision to pay as secretary of Convention, 2500
- -letters to, 1376-77, 1417-18, 2458
- —letters to, cited, 1123, 1358, 2450n
- McKesson, Maria (New York City): id., 1286n
- —letter from, 1286
- M'KINNEY, WILLIAM (New York City): and New York City procession, 1640
- M'KINZIE, MR. (Albany): among those most hurt in Albany Fourth of July fracas, 1268
- MCKNIGHT, CHARLES (New York City), 8; id., 389; and Doctors' Riot, 964
- —as Examiner, 4, 58, 59; criticism of as author of, 481, 481n; criticism of Greenleaf for publishing, 558; quoted, 104, 160; response to, 421–23n, 442–44n, 459–62n; text of, 388–90, 423–24n, 441–42, 464–65,

575–76; thought to be author, 389, 422n, 481, 481n, 559

- M'LEAN, ARCHIBALD (New York City): and book edition of Publius, 563–71, 878, 879, 880, 913n; and New York City procession, 1605, 1612, 1647; as publisher of *Independent Journal*, 1613
- -letter from, 906-7
- -letters from, quoted, 563-71, 880
- -letter from, cited, 1357
- See also Newspapers, New York, Independent Journal
- McLean, Charles, 1534-35n
- M'LEAN, JOHN (New York City): and book edition of Publius, 563–71, 878, 880; Constitution printed by, 43–44; as printer of *Independent Journal*, lxii, 558, 1613; as printer of *The Federalist*, 44. See also Newspapers, New York, *Independent Journal*
- M'LEAN, JOHN AND ARCHIBALD (New York City): as publisher of Publius volumes, 140, 141, 149, 735, 1116; publish broadside on New York City celebration, 2285
- M'MURRAY, THOMAS (Albany): Scotsman endorses Constitution, 1405
- M'READY, DENNIS (New York City): and New York City procession, 1652
- MADISON, JAMES (Va.), 1335; id., 34n; as a clearinghouse of Federalist information, 747; attends Confederation Congress, 1252, 1321, 1322n; in Constitutional Convention, 1083n; critical of NY Circular letter, 2505; elected to Va. Convention, 890, 1190; illness of, 1321, 1322n; kept informed about Mass. Convention, 747; and Mass. ratification, 768; and NY reprinting of An American Citizen, 74; is qualified to be president, 55; presents his amendments to Congress for consideration, 2516; receives account of NY Convention, 1209–10, 2349; visits George Washington, 1322n
- as Publius: as author of, 137, 139, 347, 542, 543, 544, 546–48, 678, 745, 746, 747, 760, 762, 763, 766, 785, 792, 852, 2452, 2453, 2462n; and distribution of, 1136, 1136n, 2462n; summarized, 745n, 746n, 747
- —Detached Memorandum of, quoted, 138, 148–49
- —letters from, 67–68, 85, 121, 122, 346–47, 696–97, 730, 1226n, 1321–22n, 1331–32, 1333, 1338–39, 2374–75, 2451–52, 2453– 54, 2459–61

- —letters from, quoted, xl, xlvii, 74, 104, 123n, 138, 307, 463–64, 688, 748, 751, 798–99, 800, 1220n–21n, 2506
- letters from, cited, 57, 180n, 563-71, 697n,
  768, 879, 889, 890n, 1171, 1172n, 1218,
  1229, 2346, 2373, 2374n, 2451, 2452n,
  2454n, 2456, 2463n, 2471n, 2505, 2506
- —letters to, 34, 889–90, 1102–3, 1135–36, 1138–39, 1197, 1209–10, 1211, 1213, 1226, 1413, 2344–45, 2346, 2349–50, 2373–74, 2375, 2456–57, 2458
- —letters to, quoted, xlvii, l, 462, 463, 751, 923, 926–27, 1120n, 1125, 1219n, 1266n, 1357
- —letters to, cited, 307, 748, 1139–40, 1211, 1213, 1218, 1219n, 2345n, 2352, 2354n, 2374, 2375, 2453–54, 2454n, 2459, 2505
- MAGAZINES
- —New York American Magazine: criticism of Webster's Giles Hickory piece in, 639–44; description of, lxii; material printed from, 553–56, 556–58, 738–45n, 971–72, 1124, 2406; material printed from, quoted, 142, 206, 1082n, 1083n, 1117, 1632; material printed from, cited, 1177; reviews A Plebeian, 943; reviews Publius, 142
- —Philadelphia American Museum: identifies Jay as author of pamphlet, 923; quoted, 924; reprints A Citizen of New-York, 925; reprints Gov. Trumbull's farewell address, 920; material printed from, cited, 1178, 2325n, 2335n, 2337n, 2402n, 2502
- MAINE: if Mass. had standing army it would keep in, 128; on the eve of separation from Mass., 127
- MAKLEOD, DONALD (Albany): Scotsman endorses Constitution, 1405
- MALCOLM, WILLIAM (New York City): id., 1379n; in NY Assembly, 507; in Assembly votes, 515, 517, 521; nominated for Assembly, 1495, 1500; nominated as Convention delegate, 1483, 1487, 1506n; and Doctors' Riot, 915; commands brigade marching in New York City celebration, 1286
- MALEY, JOHN (Albany): Antifederalists question his endorsement of Federalist response to 35 Objections, 1401n; endorses Federalist response to 35 Objections, 1400; Federalists falsely list him among Constitution's subscribers, 1412; name incorrectly put on an Albany Federal Committee circular, 1407; supports Federal Committee slate, 1375

- "A MAN OF NO PARTY," 69, 96; quoted, 58, 86n, 104, 115
- MANCIUS, WILLIAM (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- MANHATTAN ISLAND: will stay in Union if NY rejects Constitution, 1353
- MANKIND: all of depended on Constitution, 1688. *See also* People, the
- MANOR LIVINGSTON, COLUMBIA COUNTY. See Livingston Manor, Columbia County
- MANOR LORDS: are Federalists, 1092
- MANUFACTURES: amendment proposed prohibiting excises on American, 2546; America can produce any kind of, 975; central government will not be able to encourage, 2023; Congress unlikely to impose excise tax on in NY where there are hardly any, 2135; Constitution will help promote, 124, 736, 819-20, 1276, 1305, 1308; danger of tax upon under Constitution, 2069; difficult to distinguish between American and foreign made, 2045, 2046; encouraged in Conn., 1988, 1994, 1998, 2042; excise tax will be harmful to, 1968, 2023; Federalists promise too much for under Constitution, 955; France will encourage in U.S. to reduce reliance on Britain for, 1315-16; glass manufactory established in N.J., 1315; greatly restored, 1064; as they grow import duties will decrease, 1950; have improved under the Confederation, 1925; improper to discourage, 1968; increasing in Northern States, 1088; knowledge of not necessary for representative, 1810, 1817; men knowledgeable about should govern, 1750, 1780, 1818; of liquor will be regulated so as to collect taxes, 469; in NY would benefit from a federal excise, 2039; more in New England, 1994, 1997; NY will not have to tax for years, 2018; NY not a manufacturing state, 2042, 2263; in NY would suffer if NY does not ratify, 1147; NY's neighbors will become manufacturing states and will pay no taxes on, 1988; praise of U.S. encouragement for, 697; prices of American goods fall, 930; producers of would govern in their own favor if they had the opportunity, 990-91; prohibition of excise taxes on supported by Antifederalists, 1998; should be encouraged in infancy and not taxed, 694, 2023; should be taxed, 1997; stagnant in Eastern States, 1108; state governments will

legislate for, 1963, 1965; states should encourage production of, 2023; U.S. will increase its production, 1939; will immigrate from England and Ireland after adoption of Constitution, 1316

—toasted, 1621, 2399; in Albany procession, 2386, 2390; in Ballstown, may they flourish, 2395; at New York City procession dinner, 1658; at Poughkeepsie Fourth of July celebration, 1291; by New York City prisoners, 1620; in Hudson, 1281; in Jamaica, NY, 1281; in Kingston, 1283; in Lansingburgh, 1283; at Newburgh celebration of NY ratification, 2414; at Plymouth, Mass., celebration of NY ratification, 2423; in Smithtown celebration of NY ratification, 2419

See also Commerce

- "MANY ANTIFEDERALISTS": answered by A Real Federalist, 1445–46; Federalist ticket in Dutchess County, 1439; text of, 1441–44n
- "MANY FEDERALISTS," 1512n, 1513; quoted, 752; text of, 1511–12
- "MARCUS": text of, 85-87n, 1501-2, 1502-4
- MARINE BAND: and New York City procession, 1664
- MARINE SOCIETY: and New York City procession, 1600, 1647
- MARITIME CONCERNS: federal government will legislate for controlling, 1070. See also Admiralty law; Commerce
- MARQUE AND REPRISAL, LETTERS OF: Congress has power to issue under Articles of Confederation, 984; federal government will grant, 1071
- MARRIES, MR. (Mass.), 1567
- MARSELUS, GYSBERT (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- MARSH, DANIEL: as NY Convention chaplain, 1676, 2325
- MARSH, SILAS (Ulster): signs affidavit against Elmendorf, 1549, 1553
- MARSHALL, JOHN (Va.): elected to Va. Convention, 1189
- MARTIAL LAW: Congress could create court for under the Articles of Confederation, 1043. See also Military
- MARTIN, ADAM (Washington): in Assembly votes, 515, 521
- MARTIN, LUTHER (Md.), 7; addresses of, 1185; Antifederalists want speech of published as a pamphlet, 898; elected to Md. Convention, 968; Genuine Information, 7, 455, 584, 613–15, 901n, 978, 1184, 1185; said no longer to oppose Constitution, 1190;

speech of in Constitutional Convention, quoted, 326n; to the Printer, 1183

- —letter from, quoted, 615
- MARVIN, SETH (Orange): defeated for Assembly with vote totals, 1530
- MARYLAND: Antifederalists said to be strong in, 968; Articles of Confederation ratified by, 2006n; not in attendance in Congress, 1263; Declaration of Rights, 157, 159n, 160n, 419; method of electing state senators, 986; and letter from NY Federal Republican Committee, 1099, 1198; no final vote taken on legislature's resolution that Congress procure amendments to the Constitution, 2509; payment of requisitions by, 14n, 968-71n; news of ratification by reaches New York City, 2142n; ratification by celebrated in Baltimore, 1191; ratification by celebrated in New York City, 970; not interested in increasing representation in Congress, 1730; praise of Senate of, 1891 -Convention of: address of minority, 1191;
- will adjourn without ratifying to see what Southern States do, 968; list of signers of Form of Ratification, 1190; minority of opposes poll tax, 2018, 2028n; has ratified the Constitution, 968, 969, 1087, 1097, 1190, 1524; rejects recommendatory amendments to Constitution, 968–69, 2296n-97n, 2507; William Paca's amendments, 1191; Paca elected to, 968
- —prospects for ratification in: Convention will adjourn waiting to see what Southern States do, 968; will ratify, 1190; some anxiety over, 1093; uncertain, 424
- —toasted in: Jamaica, NY, 1281; Lansingburgh, 1283; New York City, 1287
- See also Baltimore
- MASON, GEORGE (Va.): id., 1800n, 1801n; accused of misconstruing Constitution, 340, 652, 652n; author of Va. Convention minority address, 2216n; believes that Va. Convention will recommend a second convention, 2501, 2502; hostility toward in Alexandria, 175, 180n; opposes Constitution, 78; praise of, 338; receives copy of R.H. Lee's amendments, 463; supports a bill of rights, 338; virulence against, 981, 1081n
- —objections to Constitution, 633; reprinted in NY, 338–40
- Constitutional Convention, 1083n; as nonsigner of Constitution, 185, 462, 1081n, 2501; and reason why Yates and Lansing left, 454; speech of in quoted, 87, 287n
   letter from, 1797

- -letter from, quoted, 1797
- —letter from, cited, 1799, 2252n
- —letter to, 1799–1800
- —letter to, quoted, 1098–99, 1797
- —letter to, cited, 651n, 1796
- MASON, JOHN (New York City): signs Scotsmen address endorsing Constitution, 1404 MASONS: in Albany procession, 2387
- MASSACHUSETTS: abolishes slavery, 341n; American Revolution causes financial burden in, 2545n; Antifederalists of wish to join with NY to support amendments, 2219; appeals to Supreme Court of slows legal process, 847; border between NY and Mass. settled, 693, 697, 699, 1699n; and British occupied forts, xxxv; civil war not supported in, 1131-32; claims western NY lands, xxxiii, xxxiv, 613n, 868n; Constitution grows more popular in, 1339; district elections in voting for first U.S. House of Representatives, 1083n; and election of state representatives, 1915; Federalist victories in spring 1788 elections in, 2195, 2216n; fugitive slave clause eliminates as an asylum for runaways, 340, 341n; good people fill government positions in, 1127; if it had a standing army it would retain Maine, 128; importance of ratification by to NY, 608, 608-9, 637, 638, 639n, 696-97, 746, 747-50, 770, 785-86, 1093, 1204, 1208; instructs its delegates to Congress to protest any act of Congress raising a standing army in peacetime, 621, 623n; interest in to increase congressional representation, 1730; judicial appeals as a matter of course, 850; judiciary of, 851n, 1045; opposes Ky. statehood, 1229; as a large state, 244n, 1736; legislature's response to governor's speech is printed in newspapers, 1208, 1209, 1209n; legislature of informs NY and Va. governors that second convention would be expensive and dangerous, 2508; Maine is on eve of separation from, 127; NY's commercial advantages over, xxxvii, 482; opposition to amendments in, 2482-83; and opposition to NY's rejection of Impost of 1783, xxxvii; party spirit in, 669; payment of requisitions by, 14n; people of are happy with N.H. ratification, 1229; present state of politics in, 1229; proposal of calling for a constitutional convention, xlvi; hope it will reject Constitution, 611; public opinion favors Constitution after Mass. ratifies, 1127; rejection by will kill Constitution, 668; Revolutionary leaders of are all Antifederalists,

577–78; and Shays's Rebellion, 127–28, 657; paid large taxes during the war, 2021; size of House of Representatives of, 1729, 1735; state representatives chosen by a majority vote, 1921n; supporters of paper money in said to be Antifederalists, 669; toasted in Jamaica, NY, 1281; toasted in Lansingburgh, 1283; toasted in New York City, 1287; toast to its natural and political advantages, 2423; two-thirds of both legislative houses are Federalist, 1131; western part of commercially dominated by NY, 1295; will not go to war with NY if NY ratification is delayed, 947

- -Convention of, 2424; Antifederalists in acquiesce in ratification, 750, 768-69; bribery alleged in, 584, 671n; clergy in, 668, 670n; debates of show Antifederalists are in agreement, 953, 962n; Federalists use chicanery to adopt Constitution, 1207-8, 1546; majority opposes Constitution, 669; meets, 687; reported in New York City as much divided, 608; results of eagerly awaited, 671-72; hope NY Convention emulates, 1138; praise of acquiescence of Antifederalists in, 771, 772, 1369, 1398; published debates of, 1131, 1132n, 1169, 1169n, 1231-32n, 1232n; Federalists said to be better sort in, 749; many Shaysites in, 672; minority of believes Constitution will create a consolidated government that will annihilate the states, 952, 962n; no news from, 638, 639n; report that Convention of rejected Constitution, 678-79
- —amendments proposed by Convention of, 751–54, 767–68, 952, 962n, 1187, 2360, 2507; wants amendments to Constitution, 903, 905n; concerning congressional regulation of elections, 1391; concerning jury trials in civil cases, 1394, 1401n; criticized, 752; final version of amendments of, 1188; minority of favored more amendments than were recommended, 953, 962n; as model for NY Convention, 1092; and NY, 751–54, 2546; and reserved powers, 1401n; are trivial, 919; will have to be adopted for the Constitution to be implemented, 972
- —prospects for ratification in: bad, 672; both sides predict success, 671–72; favorable, 67–68, 746; majority in Convention oppose ratification, 669; seem good, 746; uncertain, 668
- —ratification by, 750, 766, 784, 903, 905n, 919, 1087, 1188, 1373n; assures overall ratification, 772; causes federal securities to

rise in value, 843; causes converts in NY, 782-83; celebrated in Boston, 771, 1188; celebrated in New York City, 766-72, 1188; convinces some Antifederalists to ratify, 784; endangers NY, 867; ensures Constitution will be ratified, 772, 785-86; form of reprinting of, 754; NY Antifederalists dwell on small majority voting for Constitution in, 1528; news of received in Albany, 750, 1395n; no news on, 638, 639n; positive effect of in NY, 1093; praise of with proposed amendments, 1093, 1398; is not so favorable because of small majority, 782; praise of, 818; procedure for to be followed by other states, 1094; reported in NY, 766; sends New York City Antifederalists into panic, 1580; changes Melancton Smith's position, 1442; toasted for its ratification, 771: will have much influence on Antifederalists in NY, 785-86; with recommendatory amendments, 949, 962n, 1208n, 1209, 1210n, 1252, 1370n, 1372, 1401n; report of,

- See also Boston, Mass.; New England; Northern States
- MASSACHUSETTS CONSTITUTION OF 1780: and annual re-election of governor, 1042; Declaration of Rights of, 159n, 160n; freedom of the press provision in, 74n, 2414n; method of apportioning state senators, 986; U.S. Constitution modeled on, 238; and veto power of governor, 285, 380–81, 381n, 1042
- MASTER WORKMEN: in Albany procession, 2384
- MATHEMATICAL-INSTRUMENT MAKERS: and New York City procession, 1586, 1600, 1648, 1664
- MATHERS, JAMES (New York City): and New York City procession, 1637
- MATHEWS, GEORGE (Ga.), 55
- MATHEWS, JOHN (S.C.), 55
- -letter from, cited, 2008n
- MATLACK, WHITE (New York City): appointed election inspector, 1494; and New York City procession, 1635; nominated for Assembly, 1495
- MATTINY, A. (New York City): and New York City procession, 1648
- MAVERICK, PETER (New York City): and New York City procession, 1649
- MAXWELL, WILLIAM (New York City): id., 1379n; and New York City procession, 1654; nominated as Convention delegate,

1501, 1512; nominated for Assembly, 1495, 1496; signs Scotsmen address endorsing Constitution, 1404; vice president of St. Andrew Society, 1378

- MEASURERS OF GRAIN: and New York City procession, 1599, 1634–35, 1662
- "Mechanic," 966
- "A MECHANIC," 1614; quoted, 1619; text of, 1618
- MECHANICS: in Albany procession, 2394, 2445; are indebted to country dealers, 88; are changeable, credulous, and honest, 990-91; Constitution will benefit, 1402; Federal mechanics called to a meeting in New York City, 1505; Federalists promise too much for under Constitution, 955; in Half Moon District celebration of NY ratification, 2399; and merchants should unite to adopt Constitution, 1515; in New England have bad reputations and are economically ruined, 248; in New York City prepare for procession, 1193; praise of, 870; satire stating that mechanics should stay out of politics, 404, 1507–9; should be properly represented in a government, 215, 989-90; should unite with merchants, 85; support Constitution, 85, 175; thanked by arrangements committee of New York City procession, 1611; and tradesmen meeting, 1511; unemployment among, 972; urged to vote for Federalist candidates for Convention, 1515; will be subject to oppressive federal taxes, 469; will not be represented properly in House of Representatives, 256; will pay higher prices for their purchased goods, 418
- MEDICAL STUDENTS: in Albany procession, 2388
- "MEDIUM," 59; response to, 303-6; text of, 275-76
- MELCHER, JOHN (N.H.): sends New Hampshire Gazette to Confederation Congress, 1332, 1333n
- "MERCATOR": text of, 1364-65
- MERCER, JOHN FRANCIS (Md.): address to NY and Va. conventions, 968
- MERCHANT MARINE: and New York City procession, 1609
- MERCHANTS, 912; abhor using legal processes in Pa., 488–89; in Albany procession, 2388; country dealers are indebted to importers, 88; farmers are not jealous of Constitution's support for, 463–64; favored by policies of Bank of New York, xli; heavily represented in Constitutional Convention,

772 - 73

212, 305; and mechanics should unite to adopt Constitution, 85, 1515; in New England have bad reputations and are economically ruined, 248; in NY avoid dealing with New England merchants, 247-48; in NY would suffer if NY does not ratify, 438, 1147; and New York City procession, 1586, 1600, 1609, 1610, 1654-55, 1656; as initial payers of import duties, xxxi, 418; are indebted to foreign merchants, 88; satirical statement that they should not want to serve in public office, 404; should be fairly represented in the legislature, 215; should pay more taxes, 367n; support Constitution, 22-23, 85, 175, 1092; are active money agents and often the advocates of liberty, 990-91; are doing well, 946; are suffering under Confederation, 209, 762, 764; have difficulties collecting their debts, 1146-47; importance of newspapers to, 589; should be properly represented in a government, 989-90; depressed in Schenectady, 1402; too many in relation to farmers and manufacturers, 956; vessels of will be captured by creditor nations, 89; well-found concern among, 239; will be subject to oppressive federal taxes, 469; will not be represented properly in House of Representatives, 256; when representation increases so does merchants' involvement, 992; will benefit from Constitution, 860, 1305, 1307, 1422, 1594, 1644; would govern in their own favor if they had the opportunity, 990-91. See also Commerce; Duties

- MERCHANTS' COFFEE HOUSE: and planning of New York City procession, 1590, 1591n
- MERKE, LOT (New York City): and New York City procession, 1638
- MERSALIS, JOHN (Albany): nominated for Convention, 1365
- MERSEREAU, JOSHUA (Richmond): id., 1322n —letter from, 1322
- —letter from, cited, 1584
- -letter to, cited, 1322
- METAPHORS. *See* Constitution, U.S., described as a metaphor
- METCALF, GEORGE (Albany): id., 674n, 830– 31, 833n; and exchange with John Lansing over authorship of A Citizen, 674n, 830–33, 835, 838–43, 851–52, 852n, 1178, 1179
- MICHEAU, PAUL (New York City): id., 1505n-6n; elected to Senate, 1527; nominated for Senate, 1496, 1497, 1505, 1512n; should be

nominated in place of Stephen Ward for state senate, 1505

- MIDDLE CLASS: better suited to govern competently, 1000, 1750; counterbalances the wealthy, 1753; have fewer temptations, 1751–52; more moral with less ambition than wealthy, 1761; must be adequately represented, 1782, 1820, 1821; are most temperate, 1761; representation should include rich and, 1760, 1818; will not want to serve in government, 1761. See also Rich versus poor
- MIDDLE STATES: are generally Federalist, 122; interests of, 2073; as section that might clash with others in treaty making, 2070; partly similar to the Eastern and Southern States, 221; would have advantage of proximity to U.S. capital, 215–16, 238. *See also* New Jersey; New York; Pennsylvania
- MIFFLIN, JOHN (Pa.): id., 837n; as possible author of Peter Prejudice, 1180
- —letter to, 837
- MIFFLIN, THOMAS (Pa.): qualified to be president, 55; as possible public defaulter, 476n, 963n
- MILITARY: amendment to provide that commissions be in name of the people, 2099; if applied internally is always dangerous, 987-88; appropriation for, 1068-69, 1074; charge that army will cram Constitution down people's throats, 99; Confederation Congress lacks power to raise, 428; Constitution provides revenue for common defense, 2159; criticism of president's control over army, 196; criticism of role in getting Washington to be first President, 83; criticism of two-year appropriation for, 260, 261, 278-79, 282; danger of under Constitution, 83, 104, 1008, 1072-73, 1165-66; defense of Constitution's power over, 151, 629, 815; defense of president's power over, 881; denial that it will cram Constitution down throats of people, 98; discounts arguments against purse and sword together, 65; federal government must have power over, but with restraint by states, 2065; federal government will need large sums for, 1968; government under Constitution has complete control over, 2145; martial spirit needed for good government, 859; most detested form of government by Americans, 83; objection to Congress having power of purse and sword, 217-18, 250, 413, 520, 2065; objection to

idea of states retaining purse and federal government the sword, 2067; should support Constitution, 86; state constitutions require subordination of to civil officials, 157; should be subordinate to the civilian authority, 157, 985, 1072, 2112, 2120; under Constitution will be used to collect unfair taxes, 135–36; U.S. needs army and navy, 362; U.S. needs better split in power over, 1071; will be necessary to enforce federal laws under Constitution, 218; will have many places for people to serve, 238. See also Army; Army, standing; Militia; Navy

MILITIA: amendment concerning, 2088-89, 2095-96, 2112, 2120, 2122, 2125, 2126, 2128, 2129, 2136, 2154, 2156, 2177, 2201, 2203, 2208, 2228, 2234, 2237, 2241, 2246, 2262, 2275n, 2288, 2305, 2307-8, 2317, 2327, 2329, 2334, 2547; Antifederalists fear central government's full command over. 2263, 2533; belief that militia should be under control of central government, 2262, 2262-63; under Articles of Confederation, 984, 1074; can be abused by federal government with power to levy internal taxes, 227; charge that it will be drafted to replace French soldiers who died in U.S., 1199; Congress' control over will be dangerous, 53, 108, 109, 206, 242, 336-37, 1072-73, 1073-74, 1164, 1381, 1767, 1872, 1938; Congress is not to call out in NY until second convention considers amendment, 2215; Congress needs power over, 582, 1686, 1690, 2170, 2171, 2480; Constitution should guarantee well-regulated as opposed to a standing army, 157; under Constitution will be sent to borders of country. 135, 279, 967, 1387, 1410; Convention debates, 2262-63; danger of a select militia, 228: defense of Constitution's provisions concerning, 244n, 1450; defense of sending to other states, 1392-93; denial it will be sent to France to pay off U.S. debt, 439, 440n; called out in Doctors' Riot, 915, 964, 965; England's provision for, 2246, 2252n; Federal Farmer calls for states to form under general guidelines of federal government, 213; federal government will legislate for regulating, 1070; federal power will extend to internal state power to organize and discipline, 2144; forming should be left to state governments, 213, 223; generals as part of natural aristocracy, 990; government entity charged with should not have

all power, 1065; Gov. Clinton will call out to suppress New York City and militia will not march, 1241-42; has served America well, 282, 2262; legislature may alter mode of marching from county to county, and impliedly so, 2153; might be drawn from to draft an army under Constitution, 594; must be kept well armed, 2246; negates need for regular army most of the time, 1072; of NY's neighbors will not attack NY, 947; NY may need the assistance of other states' militias, 1392-93; of NY toasted in New York City, 1288; objection to amendment limiting service of state militia, 2136; officers appointed by state, 1035; ought always to be armed and disciplined, 985; as part of the military of a country, 1072; people need to make great exertions to restore power over to the states, 217–18; powers of Congress related to not to be discussed in second convention, 2504; power to regulate shows states will survive under Constitution, 2051; criticism of president's authority over, 53, 198, 374, 2095-96; denial that president has sole authority over, 627, 1474; prevents the necessity of a standing army, 2258; protection for in some state bills of rights, 159n; provision for in NY Constitution, 503; restraints on power to regulate mentioned, 2159; roll-call vote on NY keeping control of its militia, 2288; some powers taken away from states concerning, 2054, 2054-55, 2556; standing army needed instead of, 347, 1392; state constitutions guarantee well-regulated as opposed to a standing army, 157; should need a larger quorum and larger majority to enact plans for, 1068-69; should not be marched out of state without legislature's approval, 636; state legislatures should limit time assigned out of state, 636, 2467-68; some states were remiss during Revolution in sending, 2262; states will control, 1963, 1965, 2053; states will have no power over, 1936; in Switzerland and England, 2246; and von Steuben's pamphlet on an established militia, 244n, 636, 637n; will be forced to suppress slave uprisings, 135, 636 -celebrates: in Albany procession, 2383, 2388; in Half Moon District celebration of NY ratification, 2398-99; Fourth of July in Hudson, 1280-81; Fourth of July in New York City, 1284, 1285, 1286, 1287-88, 1289n; Fourth of July in Poughkeepsie,

1291; in New York City on N.H. ratification, 1232; in Providence celebration of NY ratification, 2424–25; in Saratoga procession, 2416–17

- See also Army; Army, standing; Military; Navy
- MILITIA OFFICERS: and New York City procession, 1600, 1647, 1665
- MILLER, DR. (New York City): and Doctors' Riot, 964
- MILLER, ABRAHAM (Suffolk): a Federalist, 1537; and campaigning in Suffolk County, 1538
- MILLER, CORNELIUS S. (Columbia): signs Claverack grand jury address, 617
- MILLERS: in Albany procession, 2386; and New York City procession, 1586, 1599, 1635, 1662
- "MINERVA": text of, 1493
- MISSISSIPPI RIVER: conflict between U.S. and Spain over right to navigate, 1341, 1342n, 1699n, 2070, 2071, 2074, 2078n; and Jay-Gardoqui negotiations, 1874n; New England would not send troops to defend U.S. navigation of, 1696; right to navigate not an important issue with New England, 1693
- MITCHELL, STEPHEN MIX (Conn.)
- -letters from, quoted, xxxviii, xxxix
- MOBS, 250. See also Insurrections, domestic; Violence
- MOFFATT, THOMAS (Orange): and distribution of Antifederalist literature, 896–97
- MONARCHY: advocacy of, 647, 999, 1000; amendments to Articles of Confederation might end in, xlvi; anarchy leads to, 248-49; better than anarchy, 65; bill of rights needed to draw the line between prerogative and privileges, 933-34; comparison of divinely-inspired Constitution to divine right of kings, 777; Constitution will lead to, 120, 127, 196, 198, 257, 277, 351, 521, 1261, 1263, 2537; Constitution will not lead to, 174, 439, 628; created by God as punishment, 648; defects of, 1714-15; and feudalism, 1958, 1967, 2001; goal of is glory of prince and the kingdom, 1561; Hamilton accused of favoring in Constitutional Convention, 11; honor is principle of, 398; influence of office is great because offices are less defined in monarchies, 1719, 2540, 2545n; Israelites desire, 451-52, 1683, 1688, 1691, 1697n, 1706, 1709, 1714-15, 1721, 1739n; leads to tyranny, 932; less dangerous than aristocracy, 169; limited monarchy better than a re-electable president,

1041; Magna Carta limited authority of, 554; may be absolute or moderate, 399; Montesquieu defines, 398; Montesquieu tries to make compatible with liberty, 397; new government will have qualities of, 2533; opposition to, 647, 1464; president will be similar to a king, 120, 197, 197-98, 198, 277, 351, 374, 2532; president will not be like a king, 64, 123-24, 288-89, 358-59, 857, 861, 1041, 2221; some delegates to the Constitutional Convention favored, 11, 192, 678, 678n; standing armies to maintain control over, 112; stadtholder likened to a king, 117; and taxation, 1928; term republic has been applied to, 2156; traditional description of, 398-99; U.S. is too large for, 983; Washington will be a king, 439; wealthy men in Philadelphia favor, 406-7; wealthy states have adopted, 1688; worse than the fickleness of the people, 1719; Yates states danger of in NY Senate, 520. See also Despotism; Great Britain, monarchs and monarchy; President, U.S.; Tyrannv

- MONEY: all the hard money in New York City is due to Congress sitting there, 2133, 2134; coining as sovereign power of government, 189, 223, 983, 1392; Constitution will provide for sufficient specie medium, 134, 955, 1348, 1392, 1402; Constitution's powers over praised, 637; disposition of in power of president, 1852; excessive imports drain U.S. of, 694, 946; devalued coins, 1347-48; federal government will legislate for coining, 213, 1070; private individuals cannot borrow, 931; private individuals invest it where it will not be subject to state laws, 931; scarcity of circulating, xl, xli, 362, 764, 765, 947, 956, 1108, 1928, 2444; specie will fly away if Constitution is not adopted, 1114; no real shortage of circulation of, 1985; vital principle of government, 1929-30, 1930
- —under Articles of Confederation: Congress has exercised sovereign power over, 363, 984; Congress needs more power to raise, 960; Congress has power to coin, 984
- —power to borrow: ability to borrow is important, 1965; amendment requires twothirds vote of Congress for, 2069–72, 2075, 2080, 2123, 2238, 2261, 2314, 2331; bad to borrow in peacetime, 2073; borrowing as a sovereign power of government, 189; Congress may borrow but cannot pay back, 930;

Congress needs nine states to borrow, 594; Congress has power to borrow, 984; Congress must borrow to pay interest on U.S. debt, 1146; Confederation Congress has difficulty borrowing, 1693-94, 1696, 1948-49; Confederation Congress has, 1813, 1815, 1816; Congress could borrow if requisitions could be enforced, 1705, 1942; Congress forced to borrow to pay interest to France, 1986; criticism of Congress' power to borrow, 593-97, 2067; defense of Congress' power to borrow, 631; denial that borrowing power hurt by a requisition system, 2026; federal government will legislate to borrow, 1070; governments need to borrow, 1947; Great Britain's ability to borrow in time of need, 2003; importance of being able to borrow quickly, 2003, 2070-72; necessity of, 1945, 2074; need to borrow requires good collateral, 1956; new Congress has similar power to borrow as Confederation Congress, 1685; power to borrow increases national debt, 2043; power to borrow less important than taxation power, 2043; power to levy will allow the avoidance of borrowing, 2072; should only be borrowed in necessity and then not from foreigners, 594; satirical piece advocating borrowing of by U.S. in Europe, 794; two-thirds vote necessary to avoid war and debt, 2075; U.S. lacks credit to borrow from other countries, 362, 365; U.S. must be able to borrow, 1967

- See also Creditors, private; Debt, U.S.; Debts, private; Paper money; Public credit
- MONEY BILLS: both houses of Congress are really equal concerning, 911; Britain able to carry on war through, 2075; cannot be amended by House of Lords, 283; danger of requiring two-thirds vote for, 2075–76, 2076; difficulty of if confidence in government is lacking, 2074; originate in the House of Representatives, 1755; had previously been obtained, 2073; power of should exist when it is necessary, 2072; Senate's power to amend, 283, 284, 1846, 1901. *See also* Appropriations; House of Representatives, U.S.
- MONIED MEN: no longer make loans, 1114; private individuals invest where it will not be subject to state laws, 931; uneasy about conditions under Confederation, 209. *See also* Rich vs. poor

- MONOPOLIES: amendments denying Congress right to establish, 752, 2110, 2121, 2202, 2238, 2249, 2314, 2331, 2547; danger of under Constitution, 1158; in commerce will be granted under Constitution, 136; Adam Smith opposes, 247; in trade should have been expressly forbidden, 1080
- MONROE, JAMES (Va.): id., 1800n-1801n; pamphlet written by, 1798, 1800n
- -letter from, quoted, xxxviii
- MONTESQUIEU, CHARLES, BARON DE (France), 249, 646, 1794n, 1970n; ambition is pernicious in republics, 399; analysis and criticism of, 397-402; on ancient confederacies, 2538; annual elections favored by, 1747; Antifederalists appeal to, 178, 395, 423; and three kinds of aristocracy, 990; on benefit of short terms, 196; Cato misuses, 289, 290, 327, 443; on confederate republics, 1713-14, 1719, 1721; danger of granting too much power, 574; defective with respect to his divisions of types of government and in his definition of them, 397-98; in democracies people should have sole power to enact laws, 354, 606; on executive power, 289-90; forms of election are fundamental, 1912; forms of election are critical in republics, 1020; Hamilton is not inferior to, 453; liberty depends on security, 127; on liberty, 129n; describes Lycia as excellent confederate republic, 2538, 2545n; people should be represented in their government's legislature, 989-90; as possible source of Political Observations, 792n; praise of, 139, 171-73, 199, 279, 280n, 383, 420n, 689; praises British constitution, 605, 858; quoted, 1301, 1302n; on representation, 253; republican form of government defended by, 117, 398, 1396; on republics' viability in large territories, 110, 117, 126-27, 178, 327-31, 354-55, 439, 605-6, 626, 650, 651n, 1957, 2158, 2252, 2253n, 2540, 2541, 2545n; on restrictions in democratic and aristocratic governments, 605; and separation of powers, 285, 419, 1696, 1699n, 2158, 2163n; Spirit of Laws, 547n, 1082n, 1437, 1438n, 1561, 1563, 1563n, 1739n, 1921n

"Montgomery": text of, 1483-84

MONTGOMERY, RICHARD (Dutchess), 2219; id., 1485n; praise of as hero of American Revolution, 2447, 2448n, 2557, 2560n; toasted in Dover, Dutchess County, celebration of NY ratification, 2396; toasted in Fredericksburgh, 1278; toasted in Jamaica, NY, 1281

- MONTGOMERY, ULSTER COUNTY: Antifederalist slate changed to mollify, 1569; campaigning in, 1563, 1564; Constitution burned in, 802–8n, 1542; Constitution read in and unanimously rejected, 803; are they alone ready to resist British and Indians, 2141
- MONTGOMERY COUNTY, MD.: elects Convention delegates, 1190
- MONTGOMERY COUNTY, NY: Albany County Antifederalists campaign in, 1388; Antifederalists campaigning in, 1367, 1477; Antifederalists elect Convention delegates from, 1581; Antifederalists probably a majority in, 893; Antifederalists stay unified in, 1568; Constitution sent to and dispersed in, 901-2, 902n, 1477; and distribution of Antifederalist literature, 562, 896-97, 898; election of Convention delegates in, 1477-80; favorable prospects for Antifederalists in, 898, 1120, 1477; Federalists campaigning in, 1375, 1427-28, 1477; Federalists growing in, 901-2; Federalists hopeful in, 1435, 1477, 1477-78; opinions on Constitution uncertain in, 1477; partisan affiliation of members of legislature from, 601; population of, 550; sent copies of The Federalist, 907, 913; Silvester stands well in, 1433; uncertainty in, 600-601; Abraham Yates to visit, 861
- MONTMORIN, COMTE DE (France): id., 309n
- --letters to, 309, 424, 1120, 1227-28n, 1248-49, 1343-44n, 1628-30
- —letters to, quoted, 455, 1615
- -letters to, cited, 1343, 1660n
- See also France
- Moore, Mr., 2427
- MOORE, CAPTAIN (New York City): and New York City procession, 1633, 1659n
- MOORE, JOHN (Albany): nominated for Convention, 1365
- MOORES, JOHN (Albany), 1172
- MOROCCO: U.S. treaty with, 963n, 1657, 1660n; and flag at New York City procession, 1611. *See also* Barbary States
- MORRIS, GOUVERNEUR (Pa.): id., 148n, 1105n; as draftsman of NY constitution, xxii; turns down writing Publius, 137; speech of in Constitutional Convention, quoted, 326n; speech of in Constitutional Convention advocating quick ratification, 323, 326n; tries

to use army to obtain tax revenue under Confederation, 658; in Va., 1226n

- -letter from, 148
- —letter to, 1104–5
- Morris, Lewis, Jr. (S.C.): id., 610n, 672n, 1577n
- -letters to, 609-10n, 672, 851-52, 1577
- -letters to, quoted, 524n, 688, 748
- MORRIS, LEWIS, SR. (Westchester, F-Y), 578, 715; id., 609n-10n, 672n; opposes paper money bill on Council of Revision, xliii
- —in NY Senate, 724; sets out for, 672; speech of, 721; votes, 512, 513, 524, 715, 720, 724, 727
- —in NY Convention, 1575, 1677; as a candidate, 1575; elected delegate, 1578, 1579; happy with election results, 1578; in rollcall votes, 2199, 2210, 2281, 2284, 2287, 2301, 2303, 2308, 2311, 2319, 2323; voucher for paying, 2501n
- -letters from, 609-10n, 851-52, 1577
- -letters from, quoted, 524n, 688
- MORRIS, RICHARD (New York City, F-A): id., 498, 1490–91, 1493n; tells De Witt Clinton that men act for themselves when danger threatens, 2252–53
- -in NY Convention, 1169, 1481, 1670, 1677; elected to, 1104, 1356, 1522n, 1524, 1526; nominated as delegate, 1481, 1483, 1486, 1487, 1489, 1493, 1496, 1497, 1498, 1502, 1504, 1506, 1510, 1511, 1512n, 1515, 1524; appointed to rules committee, 1678-79, 1703, 2343; defeated as chair of the committee of the whole, 1670, 1702; as Federalist did not vote on ratification and did not sign circular letter, 2337n, 2531n; appointed to committee to arrange amendments, 2128, 2129; supports Jay's motion for ratification, 2129; opposes recall and rotation, 1875; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319; as a supporting speaker in, 1671; speeches of, 1854-55, 1906, 2074, 2135, 2242, 2278, 2293; speeches of, described, 2080, 2147, 2150, 2360; speeches of, response to, 1859, 1860; text of notes on the Constitution, 2531-35; voted on 25 July to accept report of committee of the whole, 2531n
- MORRIS, ROBERT (New York City): id., 1326n —letter from, 1326

- MORRIS, ROBERT (Pa.), 2465; charged with buying James Wilson's writing services for Constitution, 370, 372n; as an example of ability of Americans to govern themselves, 975; financial problems of, 672; as a possible public defaulter, 476n, 963n; to the printer, 1180; reference to followers of as morrisites, 245n; as superintendent of finance, 116, 368–69, 372n, 377n, 476n, 1970n, 2021; tries to use army to obtain tax revenue under Confederation, 658; in Va., 1226n; Pelatiah Webster as a creature of, 779, 781n
- —letter from, cited, 672
- -letter from as superintendent of finance, quoted, 368
- -letter to, quoted, xxx
- MORRIS, STAATS (New York City): id., 672n; as assistant in New York City procession, 1601
- —letter from, 672
- -letter from, quoted, 748
- MORRIS, WILLIAM (Westchester): as a Convention candidate, 1575
- MORRISON, JOHN (New York City): and New York City procession, 1652
- Morse, Jedidiah (Conn.): id., 773n
- -letters to, 772-73, 1151-52
- MORSE, JEDIDIAH, JR. (New York City)
- —letter from, 1333–34
- Morse, Jedidiah, Sr. (Conn.): id., 1334n
- —letter to, 1333–34
- MORTON, JACOB (New York City): as assistant in New York City procession, 1601
- MORTON, WILLIAM (New York City): as printer of New York *Morning Post*, lvi–lvii
- MOSTYN, ROBERT (Schenectady): Schenectady celebration of NY ratification in house of, 2417
- MOTT, CAPTAIN: master of Hudson River sloop, 2342
- MOTT, GERSHOM (New York City), 610, 612n
- MOTT, JAMES (New York City): and New York City procession, 1637
- Morttos: It will rise (N.C. will ratify), 2425; of *New York Journal*, 2410; in Albany procession, 2383–91n; in New York City procession, 1634–55
- MOUSTIER, COMTE DE (France), 1087, 2468-69; id., 1088n, 1227n, 1228; as French minister to U.S., 1087
- --letters from, 1120, 1227-28n, 1248-49, 1343-44n, 1628-30
- -letter from, quoted, 1615

—letters from, cited, 1343, 1660n See also France

- MULLIGAN, JOHN: id., 2398n; delivers oration at Flushing celebration of NY ratification, 2398
- MUMFORD, JOHN P. (New York City): id., 1524n

-letter from, 1523-24

- MURRAY, JOHN (New York City): signs Scotsmen address endorsing Constitution, 1404
- MUSIC: at Brooklyn celebration, 1275, 1276– 77; the Rogue's March played outside George Clinton's house, 1335n, 1626, 2438, 2441
- —and New York City procession, 1611, 1660n, 1662; being struck as a broadside during, 1647; drums and fifes in, 1665; federal song in, 1586, 1599, 1634, 1664; and Marine Band in, 1664; Ode on the Adoption of the Constitution, 1613
- MUSICAL INSTRUMENT MAKERS: and New York City procession, 1641–42
- Myers, Asher (New York City): and New York City procession, 1649
- Myers, John (Albany): id., 893n-94n
- -letters from, 893-94n, 1420
- —letter to, cited, 893
- MYNDERSE, MARTE (Albany): endorses Federalist response to 35 Objections, 1400

NAILORS: in Albany procession, 2385, 2394; and New York City procession, 1643-44

- NASH, ABNER (N.C.), 55
- NATURAL ARISTOCRACY: John Adams's term well born, 185, 186n, 236, 244n, 780, 782n, 881; defense of definition of, 1820, 1821; defined, 1751, 1760, 1818; desire for government administered by the better sort, 787; different from a real aristocracy, 1771; enlightened and virtuous will rule government with tyranny, 433; Federal Farmer's definition of, 220, 978, 990-91, 1776; men of merit will rise in government, 402; often stand for election, 1000; only group to be happy under Constitution, 1001; praise of, 1811-12; state governors come from, 990, 1000; will always exist, 1776; will be elected under Constitution, 220, 235-36, 246, 255, 395-96, 1000, 1001, 1007, 1751, 1756, 1758, 1761, 1762, 1777, 1817; would not preserve liberty, 996. See also Aristocracy
- NATURAL DEMOCRACY: as defined by Federal Farmer, 990–91. *See also* Democracy

- NATURAL LAW: Americans entitled to, 1285n. See also Aristocracy, natural; Law of nature; Revolution, right of; Social compact theory
- NATURAL RIGHTS: all men are created free, 154; cannot be given up, 983, 2037; Constitution endangers of slaves, 273; as basis of every Constitution, 216; cannot be explicitly ascertained and fixed, 216; freedom of speech should not be limited, 800; Magna Carta preserves, 1053–54; should be confirmed periodically, 1054; should never be relinquished to government, 155, 1991, 1995, 2037. See also Aristocracy, natural; Bill of rights; Democracy; Law of nature; Revolution, right of; Social compact theory
- NATURALIZATION: criticism of provision concerning, 1167; federal government will regulate, 1070, 1991; federal power will extend to internal state power concerning, 2144; NY constitution provision for, 504; potential conflict between state and federal courts concerning, 1078, 2101, 2103; praise of Constitution's powers over, 637; should be left to federal government, 213, 223. See also Immigration
- NAVIGATING STATES: want passage of commercial acts by simple majority, 1735, 1736; want to strengthen central government, 1945. See also Commerce
- NAVY: amendment that President not command navy in person, 2093, 2094, 2095-96, 2098, 2123, 2208, 2240, 2266, 2275n-76n, 2315, 2332, 2547; argument that President not command in person without consent of Congress, 2095-96; army less necessary if U.S. has, 313; can be abused by federal government with power to levy internal taxes, 227; central government responsible for support of, 1955; Confederation Congress lacks power to raise, 428, 984; Confederation Congress possesses powers over, 2054; Congress has dangerous powers to raise and provide for, 471; criticism of Constitution for allowing, 261, 2021; criticism of President's authority over, 198; Congress will raise and keep up a large force, 1010; Constitution will not bring, 1450; danger and expense of under Constitution, 903, 965, 1283-84; defense of Constitution's power over, 629; domestic commercial shipping would lend itself to creation of, 1113; federal government will legislate for building and directing, 213, 223, 1070; lack of sailors and money are factors that will

limit it, 1073; needed, 302, 313, 362, 440, 1706, 1709, 2038, 2040; not to be feared under Constitution, 917-18; not imminent for U.S., 1709; opposition to large navy like Britain's, 2048; part of the military of a country, 1072; power over in hands of few in a large republic, 113; premature for U.S. to build, 2047; raising as sovereign power of government, 189; sets free American hostages held in Algiers, 905-6; should need a larger quorum and larger majority to build, 1068-69, 1073; states limited powers over under Articles of Confederation, 984; supporters of Constitution state that Congress needs power to build, 2480; taxation by central government needed to support, 2467; Union will lead to, 302, 313; will grow under Constitution, 1608, 1968; will be built when necessary under Constitution, 917-18. See also Appropriations; Army; Army, standing; Military; Militia; President, U.S.

- NECESSARY AND PROPER CLAUSE, 623; amendment proposed considered in NY Convention, 2089, 2249; too broad, 1917-18, 1919-20, 1936, 1973, 2036; criticism of, 106, 108-9, 233, 261, 293-94, 295, 296, 411, 412, 413, 426, 428n, 467-73, 594, 684, 773-76, 797, 1159, 1163, 1918-19, 2221; danger of in setting jurisdiction of federal judiciary, 796-98; defense of, 628, 631, 1390, 1964; gives federal government authority to do anything, 1071, 1923, 1927; needs amending, 1936-37; praise of Constitution as listing well-defined powers, 565, 666n, 816; together with Preamble gives powers not expressly or impliedly granted, 2146; quoted, 293-94; similar to powers given to Roman dictators, 2221. See also Delegated powers; General welfare clause; Implied powers; Reserved powers
- NEILSON, WILLIAM (New York City): nominated delegate to Convention, 1512
- NESTLE, GEORGE (Albany): in Albany procession, 2385
- NETHERLANDS, THE, 250, 310, 311, 1933; central government of must consult with constituent states before acting, 1737; collected requisitions with force of Holland, 1731– 32, 1932; corruption of government in, 2072; compared to U.S., 61, 61n; denial of similarity with new Constitution, 71; dissensions in, 2538–39; distracted state of would send immigrants to U.S. if Americans had

strong government, 88; and flag of at New York City procession, 1611; foreign minister and New York City procession, 1628; government degenerated into despotism, 116, 117; government not similar to Articles of Confederation, 1706, 1709; has complete power over external taxes but can only requisition provinces for internal taxes, 225; inadequacies of confederacy of, 390, 393; history of government of, 648, 1739n; kept together by force of its neighbors, 1734; loan of Dutch bankers to U.S., 88, 1149n, 1392, 1986, 2008n; loss of liberty in, 2001; loss of representation in, 116, 645, 650, 651n; has been called a republic, 2157; praise of internal peace and prosperity of, 1713; provision requiring two-thirds vote to borrow money criticized, 2070; purse and sword separated in, 1065-66; reference to Philip II's arbitrary courts in, 2551, 2554, 2559n, 2560n; a republic that now has hereditary officers, 2003; similar to U.S. Articles of Confederation without coercive power, 959; stadtholder is all powerful, 116, 645, 650-51, 1038; States General toasted at New York City procession dinner, 1657; states of do not pay their requisitions, 1062; states of do not all contribute appropriately, 1686; states of are more different than United States, 322; strong stadtholder appointed for life, 1709; struggle in against tyranny, 1446, 2551, 2559n; struggles as a federal republic, 1694; has succeeded even though government is worse than the Articles, 1720; tax emergency in, 1996, 1998; taxation in, 1984, 1992, 2008n, 2018; reference to Sir William Temple's Observations upon, 1738n; toasted in Kingston, 1283; and treaty with U.S., 1657, 1660n; war with Spain, 1696, 1699n, 1709; weakness of con-

-letter to States General, 2434-2435n

lect their debt, 905

-letter to States General, cited, 2434

NEW BRUNSWICK, N.J.: celebration of NY ratification in, 2420–21

federacy of, 1699n; and William of Orange,

1310n; will send armies and navies to col-

New ENGLAND, 2140; could not raise any more money, 1968; debtors in avoid paying debts, 247–48; differs from NY, 1692; discerning and intrepid freemen of favor Constitution, 854; endangers NY if NY rejects Constitution, 439; no threat to NY, 1713,

1719; and equity courts, 1051; favorable relationship with NY, 1298; hostility of northern NY for, 247-48; influence of on NY in ratifying the Constitution, 609, 746; knavery is a science in, 248; loss of influence in Congress if NY and R.I. do not ratify Constitution, 1316, 1317n; more manufacturing in, 1994, 1997; men from will attend NY Convention and be convinced Constitution is bad, 1199; and navigation of the Mississippi River, 1693, 1696; NY merchants avoid dealing with, 247-48; NY's advantage in commerce with, 1684; NY should not stand alone against, 1112; paid large taxes during the war, 2021; people leaving to emigrate to NY, 611; poll taxes in 2017-18; sectionalism of will keep it separate from NY, 1695; state legislatures may have erred during Confederation years, 2018; virtue is lacking in, 248; would bind together in alliance if Union collapsed, 1685, 1707; will not ally with NY if disunion occurs, 1685, 1688; would be taxed heavily with an excise on spirituous liquors, 1988-89. See also Connecticut; Massachusetts; New Hampshire; Northern States; Rhode Island; Vermont

- "New England," 5, 204; reprinting of in NY, 576–77
- NEW HAMPSHIRE, 1245; Antifederalists in receive letter from NY Federal Republican Committee, 1198; Antifederalists in NY Convention want to hear how Constitution fares in, 2350-51; boundary dispute with NY, 1699n; Declaration of Rights of, 159n, 160n; favors equal state representation in Constitutional Convention, 1735; has not suffered from the war and has not paid requisitions, 1704, 1724, 1941, 1945; the keystone of the fabrick, 1351; legislature of appoints a committee to consider NY circular letter, 2509; news looked forward to, 1138, 1210; NY Convention will not vote before, 1704; NY ratification laid before legislature of, 2452; opposes large House of Representatives because of cost, 1808; pays no requisitions, 14n, 1724, 1731, 1941, 1945, 1947, 1948, 1993, 1997; does not adopt population amendment to the Articles of Confederation, 1085n-86n; restrictions on grant of power to Congress to regulate commerce, 1738n; support for Constitution in, 123-25, 125n; violence in as a sign of languor in Confederation Congress, 151;

will consider amendments recommended by NY Convention, 2453

- —Convention of: adjournment of has strengthened Antifederalists, 1445; adjournment of caused federal securities to fall in value, 843; adjourns to meet later to ratify, 798–800, 843, 852, 853, 903, 919, 1097, 1188, 1372, 1444; amendments proposed by, 1193, 1213, 1252, 2133–34, 2142n, 2296n, 2507; convenes, 1669; express system between N.H. and NY conventions, 736–37, 1124–28n; meets, 736, 1124, 1129–30, 1204, 1205, 1210, 1227–28n, 1358, 1584
- prospects for ratification in: hope second convention session will ratify, 843; will ratify, 731, 798–99, 853, 1110, 1119, 1125, 1127, 1136, 1137, 1174, 1174n, 1204, 1210, 1221, 1222n, 1226, 1358, 1444, 1704, 2346, 2346n; uncertain, 1130, 1153
- -ratification by, 1125, 1211, 1211–12, 1213, 1215, 1223, 1226, 1227-28n, 1228, 1234, 1235, 1241, 1244, 1248, 1259, 1261, 1297, 1297n, 1342, 1584, 2195, 2216n; Antifederalist minority acquiesces, 1213, 1219n-20n; express rider sent to Va. to notify of, 1235, 1235n, 1350, 2084; celebrated in New York City, 1213, 1228, 1232, 1235, 1243, 1584; celebrated in Portsmouth, 1193, 1297, 1297n; has good effect on NY Convention, 2349; has not made much of an impression in NY, 2354-55, 2357-58; NY Federalists greatly elated by, 2355; news of arrives in Alexandria, Va., 1211, 1214, 1215, 1350; news of arrives in Poughkeepsie, 1192, 1210-12, 1217, 1223n, 1232, 1235n, 1251, 1592, 1672, 1875-77, 1899, 1900, 1908n, 2084, 2346n, 2354n, 2368n; importance of, 608, 1203, 1260; has little impact on NY Antifederalists, 1227-28n, 1235, 1245, 1298, 1876, 2015-16, 2083-84; adds different picture with its ratification, 1229; puts Constitution in motion, 1230; will help NY to ratify but only with previous amendments, 2352

—toasted in: Jamaica, NY, 1281; Lansingburgh, 1283, 1284; New York City, 1287

- See also New England
- New JERSEY: amendments to the Constitution favored by many in, 955; commercially dominated by NY and Pa., xxxi, xxxvii, 176, 245n, 247, 439, 444, 482, 858–59, 939, 1113, 1149n, 1204, 1295, 1340, 1684, 1691,

1697n; as a danger to NY if it does not ratify, 1204, 1241-42, 1688; hopes for it to be first state to ratify Constitution, 380; jealousy of NY, 1688; more attached to Middle States than to NY, 1692, 1695; opposes large House of Representatives because of cost, 1808; and opposition to NY's rejection of Impost of 1783, xxxvii; people of exasperated against NY, 2551; as possible site of federal capital, 2453-54; provides for jury trial in admiralty cases, 2245-46, 2252n; payment of requisitions by, 14n; praise of Hunterdon County elections to state convention, 380, 381n; form of ratification not printed in the American Museum, 1317, 1318n; ratifies Constitution, 672, 867, 903, 919, 937, 1087, 1244, 1358, 1373n, 1398, 1471n; ratifies impost mainly for local issues, 954; special court can overrule supreme court, 1050; state policies make collection of private debts difficult, 439, 1146-47; said to have been bribed by NY to oppose Constitution, 444; supports Constitution, 175, 181n, 247; wanted to adopt Constitution even before it appeared, 247; will not go to war with NY if NY ratification is delayed, 947; will receive its share of impost under new Constitution, 238

—toasted in: Jamaica, NY, 1281; Lansingburgh, 1283; New York City, 771, 1287

See also Middle States; Northern States

- New Jersey Amendments to Articles of Confederation in Constitutional Convention, 454
- New PALTZ, ULSTER COUNTY: adheres to list of meeting at, 1561; Antifederalist meeting, 1542, 1544; opposition to list proposed at, 1567–68; ticket supported, 1543; Severyn Bruyn supports choice of candidate at meeting, 1547
- "New Roof" (Francis Hopkinson), 5, 772n, 1180; not in the American Museum, 1317, 1318n
- New WINDSOR, ULSTER COUNTY: praise of meeting in nominating candidates for Dutchess County, 1561
- New YORK, 2140; act of concerning rights of citizens of, 2559n; adopts Articles of Confederation, xxvi; adopts Constitution, 1347, 1349, 1617–18, 1625, 1628, 1630n; adopts Impost of 1781, xxviii, xxix; as a large state wants an increase in size of House of Representatives, 1736; advantages of having capital, 2138–39; advantages of over other

states, 1684, 1688, 1691; animosity toward, 1337; benefits from state impost, xxxvii, 482; better for it to lose federal capital than to lose its liberties, 2291; border with Pa. settled, 693, 697, 699; boundary disputes with Mass., Conn., and N.H., 1699n; and British occupation of Northwest forts, xxxiv-xxxv; calls for strengthening of Articles of Confederation, 2043; can survive without Union, 1198; Canada a danger to if NY rejects Constitution, 438-39, 1688, 1692, 2141; Canada as haughty neighbor of, 1399; cannot exist out of Union without an alliance with Great Britain, 2194, 2195; cannot form a union with R.I. and N.C., 1255; chronology of, lxxxiii-lxxxvi; civil war will not be fomented by, 1255; commercially dominates N.J. and Conn., xxxi, xxxvii, 176, 245n, 247, 439, 444, 482, 858-59, 939, 1113, 1149n, 1204, 1295, 1340, 1684, 1697n, 2551; and conditional ratification of Impost of 1783, 1990, 2008n, 2161, 2163n, 2217n; a conditional ratification will keep it out of Union, 2179, 2187, 2291; Congress considers as a site of federal capital, 2434; Congress lacks power to admit to Union with conditional amendments, 2181, 2189; Connecticut does not endanger, 947, 1712; Connecticut endangers, 867, 1241-42; Connecticut respected by northern counties of, 602; constitution of as imperfect, 2063, 2065; could not stay out of Union, 148; criticism of NY's apportionment in U.S. House of Representatives, 255, 280, 281n; criticism of revenue derived from state impost used to pay salaries of Antifederalists, 610; danger of aristocracy in state Senate asserted, 520; danger of civil war if Constitution is rejected, 1114, 1148, 1223, 1241-42, 1318, 1319, 1334, 1340, 2163, 2195-96, 2197; danger to out of the Union, 438-39, 1695, 1703, 1899, 1945, 2140, 2195, 2197, 2283; delegates of to Congress instructed by to get amendments ratified, 2237; described as a navigating state, 1942; described as having a crooked policy, 1139; differs from New England, 1692; does not order newspapers for delegates, 1744; dismemberment of called for, 1337, 2161; much divided, 1580; is divided as at the beginning of the Revolution, 1322, 1322n; duplicate of form of ratification to be placed in office of State's Secretary,

2458; efforts to strength central government during the Revolution, 1739n; election law of 13 February 1787, 1112; and equity courts, 1051; existence of depended on Constitution, 1688; Federalists own ninety percent of property in, 2377; feeling exists in other states that NY is interested only in its politics, 2140; Fourth Provincial Congress, xxii; funding of federal debt in condemned as partial, 2051, 2054; geographically exposed to enemies, 1731; and Hartford Agreement (1786), xxxiv; has too much to lose if Congress will not accept a conditional ratification, 2291; has violated the Confederation, 2138; healthy economy of belies weakness of other states, 1684; honor of saved by NY ratification, 2406; if it rejects Constitution the state will be divided, 2377; if it remains out of Union it cannot depend on France or Great Britain for assistance, 2195, 2197; impact of ratification by on sale of public securities, 2465; impact on would be devastating if Congress failed to accept state into Union with conditional amendments, 2283; importance of Union to those in northern NY, 1200; in interest to increase representation in Congress, 1730; in state courts appeals are by writ of error, 2103; internal problems and divisions in will not permit to exist out of Union, 2195, 2197; is in a weak state to defend itself, 1695, 1724; is primarily a commercial state, 1949; has failed to levy a land tax because of opposition of great landowners, 418; land dispute with Mass. settled, 613n; large holdings of Continental debt in, xliii; legislature's joint resolution calls for Convention to assent and ratify and no amendments, 2160, 2161; less agitation in over the Constitution than elsewhere, 122; list of officeholders of, lxxxvii; literacy in, 642; manorial system of, 783; and manufacturing in, 1147, 1988, 2018, 2039, 2042, 2263; must join Union and trust to adoption of amendments later, 2232; near conflict, 1945; necessity of Union means it will be admitted with conditional amendments, 2183; and news of N.H. Convention's adjournment reaches, 798-800; news of N.H. ratification has little impact on Antifederalists in, 1227-28n, 1235, 1245, 1298, 1876, 2015-16, 2083-84; news of ratification by

reaches Providence, 1350n; Northern interest would be weakened without it in Congress, 1316; not likely it will be refused admittance to Union with conditional amendments, 2182, 2183; not properly represented in Constitutional Convention at signing, 634-35; nothing to fear from its neighbors if it does not come into Union, 2558; one of best governments under the Confederation but imperfect, 2049; other states will not permit to remain out of Union, 2194, 2195; outside of New York City the Convention election is very close, 1092; parties are evenly split, 1088, 1092, 1094, 1096, 1580; parties in colonial NY, xxii, 1161; parties will be formed if NY does not ratify, 2132, 2134; party heats and discontents in, 2134; party spirit in, 1227-28n, 1303, 1309, 2518; pays heavy excise taxes as it consumes much, 2255; and payment of congressional requisitions, xxviii, xxix, xxxvii, 14n, 102, 102n, 151, 152n, 165, 327n, 365, 697, 698-99, 883, 954-55, 963n, 1723, 1724, 1731, 1945, 1947, 1948, 1949, 1976, 1993, 2007n; Pa. dangerous to NY if it rejects Constitution, 439; parties in during revolutionary era, xxvi; population estimates in Constitutional Convention, 1829n; population of grows despite wartime losses and emigration of Loyalists, 2469; post-revolutionary political parties, xxx; printing of Constitution in, 3, 42-47; private credit in higher than in other states, 1985, 1992; protection for state militia in constitution of, 159n; Provincial Convention, xxii; public opinion in favor of Constitution, 53-54; ratification by at great sacrifices to it, 2423; ratification by will prevent it from being divided among neighboring states, 2463; has not ratified, 1260; reasons in for opting for independence, xxii; reasons for remaining under Articles of Confederation, 2430; recommends amendments to Constitution, 2507; repeals its adoption of Impost of 1781, xxxi; representatives of in Congress instructed to get amendments ratified, 2313, 2330; said to be a weak state and dangerously situated, 1692, 1724; saw more military action, 1941; settlement of by the Dutch, 783; should adopt the Constitution with a good grace, 1086; should not stand alone against New England, 1112; should stay out of Union even if 12 states ratify, 2232; as site of future wars, 1942; size of Assembly of, 1735; slave trade restricted in (1788), 341n; Smith calls for state to withdraw from Union if Congress does not call a second convention, 2213-15; southern counties of NY pay half state taxes, 237; southern counties will secede from state if Constitution is rejected, 1115, 1119, 1131, 1135, 1148, 1320, 2114, 2140, 2141, 2195, 2197, 2379, 2434; southern district of overwhelmingly supports Constitution, 2217n; as sovereign state it will do what it has to regardless of other ratifying states, 2156; state Assembly said to be sixty-five, 1729; state officers of in Albany procession, 2388; suffering of during Revolution, xxviii, 1949; territorial claims of cause civil war, 1337; Third Provincial Congress, xxii; threatened by its neighbors, 939-40; three-sevenths of favors Constitution, 1152;tries to strengthen Congress, xxvi-xxvii, xxix; violence in during ratification debate, 2507; importance of Va. on, 746, 1103, 1104, 1119, 1120n, 1126, 1128-29, 1136, 1138, 1139, 1139n, 1152, 1168, 1209n, 1222, 1226, 1235, 1240, 1245, 1263, 1308, 1314, 1334, 1346, 1528; wanted to reject Constitution before it appeared, 247; wanted to strengthen Congress during the war, 1731; was theater for war, 1947; western lands of, xxxiii-xxxiv; will be excluded from partaking in organization of government if it fails to ratify, 2138-39; will benefit from increased representation, 1805; will lose federal capital because of Lansing's motion giving it right to recede, 2290; will not lose federal capital because of Lansing's motion giving it right to recede, 2291; will lose revenue from Congress and state paper money will be destroyed, 2141; will not enjoy impost outside the Union, 2194, 2195; Williams says has most perfect government, 2052; wishes to be part of the Union, 1254; would have retained Vt. if it had a standing army, 128; would benefit from Constitution, 736

—paper money: act of, xliii; has depreciated, 1392; circulates well but is counterfeited, 1392; demand for in, xl, lii; depreciates in, 1114, 1392; revitalizes economy of, xliii; will sink if state does not ratify, 2141; would depreciate if NY does not ratify, 1148 -prospects for ratification in: Antifederalists give up idea of total rejection, 2115; Antifederalists seem to be a majority in NY, 852; even betting on whether it will ratify, 1509; evenly divided, 893, 1088, 1092, 1094; favorable, 35, 75n, 76n, 482; hopes it will ratify, 1204, 1213, 1232, 1523, 1704; hope it will reject Constitution, 611; illustration that it will ratify, 2561; importance of Va. to ratification prospects of, 1226, 1297, 1334, 1351; improving in, 1876; might ratify, 1222, 1521, 1522n; nine or ten states will adopt before NY Convention decides, 1171; not so bad, 1742; will ratify reluctantly, 482, 1102, 1150; should ratify with a good grace, 1086; uncertain, 36, 47, 55, 67, 360-61, 424, 565, 746n, 843, 889, 890, 924, 963, 965, 1104, 1110, 1127, 1136-37, 1137, 1138, 1243, 1246, 1248, 1260, 1296, 1316, 1317, 1521, 1566, 1582n; will adjourn without rejecting, 1169; will be bullied into ratification, 1102; will come into Union in a couple years if everything goes smoothly under Constitution, 1136; will adopt if other states ratify, 68; will eventually ratify, 1150; will hold out even if all the other states ratify, 1103; will only ratify with previous amendments, 1244-45; will adopt if welfare of state is considered, 1244; will ratify after nine states already have, 1229; will ratify because of Va.'s ratification, 1346n, 1352, 1388; will leave Union rather than ratify with other states, 1104, 1110; NY will probably adopt if nine states had ratified, 1096, 1102-3, 1104, 1110, 1129n, 1138, 1229; will ratify, 35, 796, 964, 1095, 1130, 1137, 1174, 1248, 1249, 1253, 1258, 1263, 1313, 1337, 1351, 1523, 1524, 1581; likely would reject Constitution by a great majority, 889; will not, 55, 483-84, 565, 1129, 1231-32n, 1241, 1243, 1260, 1313, 1352, 1353, 1521; good in NY over long term, 746; hope Convention will adjourn without rejecting Constitution, 1150; uncertain what NY will do if Va. and NH ratify, 1168; unlikely NY will stay out of, 1172; if NY does not ratify it will lie between two separate confederacies, 1095-96; importance of Mass. to NY's ratification, 767

—toasted in: as an additional pillar to the New Roof, 771; Dover, Dutchess County, 2396; Hurley, 2402; Kingston 1283; Newburgh, 2414; New York City, 1287, 1288, 1621, 2470; Plymouth, Mass., 2423; Schenetady, 2418

- New YORK, MAGAZINES: description of, 3. See also Newspapers, New York, American Magazine
- New YORK ANTIFEDERALIST SOCIETY: drafts letters to Antifederalists in NY counties and in other states, 2509–10; formed by those with regard for constitutional liberty and desirous of a second convention, 2477, 2479, 2509; letter from, 2476–78, 2478–79; proceedings of on calling a second convention agreeable to circular letter, 2475–80
- NEW YORK ASSEMBLY: Antifederalists win Albany election for, 1416n-17n; Antifederalists control, 671-72, 1121n-22n, 1123; and appointment of commissioners to Annapolis Convention, xliv; approves recommendation of the Hartford Convention (1780). 2006n; calls for a constitutional convention (1782), 2007n; and call of a convention (Jan.-Feb. 1788), 602, 688, 691, 694, 695-96, 697-98, 701, 703, 714, 728, 760, 1187; compared to NY Senate in knowledgeable members, 1771; corruption not likely because of biennial elections, 1839; duration of in colonial period, 1875n; election results for New York City, 1526-27; elections of, 1454; elects Federalists to Congress, 671-72; favors Constitution, 696, 696-97; freemen have not always cast votes for, 1560; endorses Hartford Convention resolutions, 2007n; newspaper reports of proceedings of, 702, 707-14; NY Senate considers Assembly's resolution calling state convention, 715, 727, 728n; passes paper money bills, xl, xli, xlii; printing of resolution of calling state convention, 707n, 729; proceedings of on appointing delegates to Constitutional Convention, 509-11, 514, 514-18, 521; provisions for in NY constitution, xxii-xxiii; receives report of Annapolis Convention, xlv; rejects change in its adoption of Impost of 1783, xxxix-xl, 525n; resolution of calling state convention, 705-6; response to Gov. Clinton's speech, 697-98, 701; roster of, lxxxviii; short terms for, 1155; size of as proof that U.S. House of Representatives is too small, 1780, 1781, 1782; too large, 1815, 1816; wants to strengthen Congress (1780), 2006n; will appoint delegates to Congress, 697-98; will meet and take stand on Constitution, 361

- —December 1788 session: Antifederalists control, 2498n, 2524; Francis Childs accused of misrepresenting proceedings of and casting odium on members, 2496n; debates and adopts resolution agreeing to Va.'s call for a general convention, 2513– 16; majority of support for amendments, 2527; text of debates on calling of second convention, 2492–94, 2495, 2516–28; text of debates on electing public printer, 2492–94, 2495
- New YORK BILL OF RIGHTS (1787): prohibits quartering soldiers, 505–6; reference to, 861n; text of statutory bill for, 504–6
- New York Chancellor: salary and fees for position, 1739n
- NEW YORK CIRCULAR LETTER: admission that Convention could not insist that a second convention be called, 2521; all parties agreed on writing, 2526; and amendments are opposed in Boston and Philadelphia newspapers, 2471; analysis of signers of, 2337n; appointment of a committee of three to prepare, 2311, 2312; authors of, 2504; calls for second convention and amendments, 2451, 2504-5; Convention chosen only to consider Constitution, 2520; Convention orders Clinton to sign and transmit to state executives, 2324; a copy of appended to Convention's manuscript journal signed by Clinton and 46 delegates, 2528n; a copy of signed by 46 members of Convention and Clinton, 2326n; criticism of in letters and newspapers, 2505-7; danger of undermining new government, 2505; denial that it was coerced, 2515, 2526; described as Gov. Clinton's circular letter, 2458; described as having a pernicious effect, 2454, 2456, 2505; described as impertinent, 2506; desire for federal capital in New York City explains Federalist support for, 2459; dictated by friends of Constitution themselves, 2526; does not require that a second convention be called immediately, 2515, 2525-26; entails dangerous consequences, 2455; existence and location of copies of, 2336n-37n; explicitly calls for a second convention, 2504; governor quotes parts of in message to legislature, 2511; important in ratifying Constitution in NY Convention, 2322; intended to obtain amendments to Constitution, 2450; intends to bring on a general convention too early

and get legislatures involved, 2463; legislative resolution applying to Congress to call a second convention adopted, 2528-29; a matter of much regret and unanimity of is a surprise, 2459; newspaper publication of, 2337n; NY Antifederalist Society acting in accordance with in calling for a second convention, 2475, 2477, 2479; passage from quoted, 2482; passed unanimously because some feared losing Constitution, 2525; petitions new Congress to call a second constitutional convention, 2335-36, 2337-39, 2339-40, 2504, 2514, 2515, 2525-26, 2528-29, 2546; plan proposed in is much approved of, 2458; praise and defense of in letters, 2505-7; printed as a broadside by Nicholas Power, 2337n; quotations from, 2482, 2484-85; reception by other states, 2508-9; recommended calling a second convention but this was advice and can be ignored, 2514, 2520-21; reported, agreed upon, and twelve copies ordered engrossed, 2321, 2324; response to in the states, 2507-9; R.I. submits to towns, 2508-9; signed by Federalist Richard Harison to allay apprehensions of people, 2515; tendency of criticized but federal affairs have proceeded in good train, 2462; transmitted to executives of other states and NY legislature, 2335-37, 2505; unanimity of was coerced, 2515; unanimously called for a second convention and we should follow its wish, 2514; will allay fears and apprehensions of people, 2527

- —motions and drafts: Duane's motion to prepare, 2311, 2312; Hamilton moves that one be written, 2291; Hamilton withdraws motion to write, 2292, 2297n; Jay's draft of, 2300, 2339–40; resolution (Smith's motion, 17 July) requesting a second constitutional convention, 2215; Smith's draft of, 2337– 39; Smith's motion of 17 July provides for, 2229, 2230
- New YORK CITY: angry at Antifederalists in NY Convention, 1314, 1326; attempt to set afire, 48, 49n; bell-ringing to celebrate state ratifications is irritating, 1240, 1240n; British occupation of during Revolution, xxvi; as capital separated from rest of state, 1695; capital will probably not remain in because of NY's Antifederalism, 1111–12; capital would leave if NY did not ratify, 736, 2133, 2134; celebrates NY ratification, 2402–14,

2430; celebration of Constitution's anniversary in, 2470; and choice of site for federal capital, 1251, 1313, 1337, 1351, 2368, 2429, 2432, 2433, 2437-38, 2441, 2445, 2448-50, 2452, 2453, 2456, 2465-66, 2466; choice of would keep capital from a central location, 2457; commerce important to, lii; commerce revitalized in, xliii; Constitution favored in, 35, 53, 67, 75, 75n, 175, 1092; Constitution printed in, 47; Convention delegates from travel to Poughkeepsie by sloop, 2341-43; Convention delegates saluted, 2342, 2402-5, 2406, 2407, 2411; Convention speeches of Lansing and Smith received well in, 1240; delegates to NY Convention leave, 1169; Doctors' Riot, 914-16, 964-65, 1326, 1326n; efforts to develop City Island as a port to challenge supremacy of, 2488n; fears loss of capital if Convention rejects Constitution, 2372; gaiety in avoided due to politics, 478-79; gloominess in over fear the Constitution will not be ratified, 1318; as the great commercial center, 1516; Kings County has same interests as, 1468, 1470; mechanics in prepare for procession, 1193; needs greater representation in the Assembly, 1171; newspapers in, 732, 733 (see also Newspapers, New York); nine Convention delegates from ratify Constitution, 2438, 2441, 2441-42; overtaxed, 1171; overwhelming support for Constitution in, 2372, 2496-97; people of do not openly discuss Constitution, 267; population of, 550, 1453, 1453n; praise for port of, 1688; printed material on ratification originates in, 4; question whether it should be free and independent, 1170; reasons why Philadelphia is preferable to as federal capital, 2460, 2460-61; St. Paul's Church as site for Duer's oration, 1285; Scotsmen in support Constitution, 1357, 1403-5; Society of the Cincinnati meets in, 1250, 1251n, 1286, 1287; value of being federal capital, 2133, 2134; will be very angry at Antifederalists if they reject Constitution, 2372; will secede from NY if Convention rejects Constitution, 1240, 1312-13, 1353

- —Antifederalists in: favorable appearances for, 895, 898, 1123; few, 639, 750; have become Federalists since NH and Va. have ratified, 1329; leaders believe they are strong in, 1557; and literature of distributed, 1278
- -celebrations in for: Federal procession (23 July), 734, 1193, 1245n, 1338, 1584-1666;

Fourth of July, 1242, 1261, 1277n, 1284–90, 1659n; *Independent Journal* prints a broadside describing 23 July celebration, 2285; Md. ratification, 970; Mass. ratification, 733–34, 766–72, 1188; NH ratification, 1213, 1228, 1232, 1235, 1243, 1584; Va. ratification, 1169, 1215, 1242, 1243, 1247, 1249–50, 1274, 1618. *See also* Fourth of July; New York City Federal Procession

- -Convention elections in, 1120n, 1481-1523, 1529; beware of Antifederalist trickery in, 1518; circular for, 1494; Federalists receive large majority of votes in, 1342, 1353n, 1499, 1521, 1522, 1523, 1524, 1525, 1580-81, 1581, 1582; forecast that polls will close early, 1519; increased balloting for delegates in, 1355; and inspectors, 1494, 1495; number of nomination lists for, 1481; official Federalist slate for, 1487; polls stay open for, 1354; turnout heavy for, 1516, 1521; vote totals, 1525-26; ward voting totals, 1521-22
- Federalists in: appear to have won elections, 1108; are despondent over Mass., 638, 639n; preponderance of, 578, 608, 628, 864, 1092, 1129, 1205, 1241, 1284, 1323, 1333–34, 1344, 1481, 1518; Quakers are, 867–88; will be sent to Convention, 1427, 1510
- news arrives in of ratification by: Conn., 608; Md., 968–71n, 2142n; Mass., 750; N.H., 1192, 1235n, 1251, 1284, 1584, 1592; NY, 2369, 2402, 2403, 2403–4, 2405, 2407, 2411, 2428, 2429, 2561–62 (*see also* Violence): S.C., 1132–33, 1205n; Va., 1192, 1232n, 1242, 1243, 1248, 1251, 1260, 1284, 1584, 2362
- New York City Chamber of Commerce: and New York City procession, 1609, 1654–55; opposes paper money, xl
- New YORK CITY FEDERAL PROCESSION, 1193, 1338; anticipated, 1241, 1311, 1322, 1323, 1324n, 1331, 1334, 1611; arrangements committee, 1584, 1589–91, 1601, 1603–4n, 1614, 1616, 1632, 1647; and Articles of Confederation, 1650, 1652, 1660n; banquet, 1610–11, 1615–17, 1625–26; being planned, 1284, 1329; and clergy, 1600, 1601, 1617, 1629, 1630n, 1665; compared to Philadelphia federal procession, 1627– 28; criticism of by Greenleaf led to smashing of his press, 2406; criticized as a preposterous cavalcade and also satirized, 2412, 2413; delayed, 1244n, 1308, 1326, 1327, 1329, 1585, 1632; extraordinary

pomp of when it takes place, 2372; foreign diplomatic corps participates in, 1603, 1611, 1628; Greenleaf burlesques in his newspaper, 2439-40; illustrations in, 2561, 2562; meeting of mechanics called by arrangements committee, 1585; pavilion of, 1602-3, 1611; pavilion illustration, 1656; Richard Platt as chair of committee of arrangements of, 1584, 1589-91n, 1597, 1600, 1612, 1631, 1659; poetry in, 1589, 1661-65, 2561; and potters, 1586, 1600, 1650, 1660n, 1664; praise of and newspapers accounts of forwarded, 1352; printing of, 1598-1601n; reprinting of Greenleaf's newspaper paragraphs burlesquing (potters), 2440; ridiculed by Greenleaf in his New York Journal, 2428; Society of the Cincinnati in, 1597-98, 1599, 1601n, 1609, 1610, 1659n; and Spanish ship in, 1341, 1342n, 1646, 1660; transparency of Washington, 1616

- description of, 1347, 1585–87; as grandest ever known, 2438, 2442; as "great doings," 2355; poetic, 1661–65; praised as the most elaborate, 1666; sent to Floridablanca, 1341; as wasteful, 1344; by Noah Webster, 1630–61n
- Hamilton (federal ship), 1245, 1245n, 1286, 1289n, 1327, 1584, 1586, 1587, 1591n, 1592–95n, 1596, 1600, 1610, 1620–21, 1633, 1645–46, 1648, 1664, 1665; denigrated, 1344; launched, 1592, 1596; perhaps to be sent to Lafayette, 1602; ship not yet ready, 1243; woodcut depicting, 1598
- NEW YORK CONSTITUTION (1777): and appointment of delegates to Congress, 502; and appointment of officers, xxii-xxiv, xxiv, 501-2; bill of rights contained in body of, 961, 963n; and census to reapportion state assembly and senate, xxiii, 420n, 1160; clergy prohibited from public office, xxv, 503, 985; freedom of conscience provision of, 502, 917-18; continued common and statute laws, 474, 502; coroners and sheriffs appointed by the people, 1847; coroners and sheriffs limited by rotation in office requirements, 1851, 1853, 1860, 1874n; and Council of Revision, xxiv, xliii, 183, 380-81, 501, 1042, 1159, 1484, 1908n; court of impeachment and error can overrule supreme court, 1045, 1050; drafted and adopted, xxii; English common law established in, xxv, 474, 502, 504, 961, 963n, 1057, 1162-63; governor under, xxiii, 198; and legislative special session, xxxix; lacks

bill of rights, xxv, 433, 628, 933-34, 1155; legislature under, 1158-59; lieutenant governor, xxii-xxiii, xxiii-xxiv; and naturalization, 504; and oath of allegiance, 504; oath to defend debated in NY Senate, 688, 700; pamphlet submitting to New Yorkers, 1155, 1167n; as part of U.S. Constitution, 634; praise for size of assembly and senate, 1747; provides for more representation than House and yet powers of are restricted, 280; provision for state militia, 159n, 503; provision for voting, 1920n-21; provision limiting new courts to the course of common law, xxiv-xxv, 504; provision prohibiting bills of attainder, 503-4; provisions of, xxii-xxv; Quakers exempted from military service, xxv, 503; and religious freedom, 503; representation based on property and persons, 1728; representation proportional to free population, 417; rights contained in, 861n; standing army not protected against, 433; text of, 501-4; U.S. Constitution compared to, 581, 933, 1153, 1156-68n, 1533; U.S. Constitution modelled on, 49-50, 90, 146, 380, 1686, 1697, 2049; U.S. Constitution will not destroy, 1199; U.S. Constitution will subvert, 457

- New YORK CONSTITUTIONAL CONVENTION: and drafting NY state constitution, 1912; members of who served in ratifying Convention, 1921n
- NEW YORK CONVENTION, 2324; account of transmitted to James Madison, 1209-10; Address to, 1181; agrees to go into committee of the whole, 1680, 1695, 1702, 1703; alternative courses of action possible, 1209; calls for a second general convention, 1670, 2324, 2477, 2515, 2522, 2522-24; celebrates Fourth of July, 2081, 2098-99, 2105; celebrates Fourth of July in Poughkeepsie, 1291; considerable amount of warmth in debates of, 2083-84; controlled not by Congress but by legislature's resolutions, 2137; criticism of continued stubbornness, 1332; delegates have different ideas of a good constitution, 1691; described as having the spirit of procrastination, 1605; described as representatives of sovereign people, 2148; description of delegates to, 1669-70; express system with N.H. Convention, 1124-28n; fear of civil war influences, 2481, 2484-85; hope God grants delegates their senses, 1210; impact of Va. Convention on, 2348n, 2350-51,

2359, 2366, 2476, 2478-79; letter from Antifederalists in Va. Convention, 1795, 1796n, 1796n-1801n; letter to, 1603-4n; moving slowly, 1807; must decide on its own conditions regardless of other states, 2083-84; newspaper article addressed to, 1224-25; northern counties have more votes in than southern, 1500, 1501n; A Pennsylvanian addresses, 1138, 1139n, 1139-50n; reads new Constitution, 1680, 1700, 1702, 1703; receives copies of Va. responses to Federal Republican Committee letters, 1198; requests state legislature to cooperate with other states in calling a second convention, 2324, 2325; state papers read in to show weakness of government during war, 1997; strong and able opposition in, 1325, 1351; supports absolute ratification, 2375; supports ratification with recommendatory amendments, 2366; Swart leaves, 1330; tempers between parties have cooled in, 2084n; uncertainty of, 1316, 1319, 1321, 1322-23, 1323; unfavorable news from, 1314; wants to communicate with Va. Convention, 1091; will be influenced by Congress' ordinance for putting new government in motion, 2093-94; will come up with the best from Federalists and Antifederalists, 1198; will not break away from the Union, 1248; will not vote before Va. Convention votes, 1704; will want to communicate with other conventions, 1091; women as part of audience, 2067

- -adjournment of: adjourned sine die by unanimous consent, 2325; Antifederalists support, 2352, 2363, 2375; defeat of Hobart's motion for, 2191-92, 2198, 2199, 2225, 2226, 2227, 2227n, 2229, 2230; expectation of, 2150; hope for to consult constituents, 1332; motion for would soon be made, 1330; movement for would be disastrous to Antifederalists, 2233n; possibility of without ratifying, 1137, 1139, 1139n, 1152, 1169, 1174, 1323, 1876; prediction of to see how new federal government works, 1135; report of only to return to ratify, 1336; Swart asserts that motion will be made for, 2233n; text of Hobart's motion for, 2185; John Winn will move for, 2233, 2233n
- amendments: adopts four restrictive amendments or clauses limiting power of Congress in NY, 2288–90, 2299; appointment of an informal committee to arrange, 2250, 2252, 2252n, 2254, 2285; bill of rights

NEW YORK

proposed as part of ratification, 2149; committee of both parties appointed to arrange amendments, 2128, 2129; compromise among Antifederalists in, 2106n; conditional, explanatory, and recommendatory, 1318, 2106, 2127, 2129, 2150; considered desirable but should not be made conditional, 2159; criticism of informal committee to arrange, 2164; debates and amendments concerning judiciary in, 2100-2101, 2105, 2105-6; delegates propose to Constitution, 2030-31; do not call for changing Constitution, 2137; everyone wants amendments, 2134; has power to reject, to adopt, or to recommend, 2138; impact of Va. Convention amendments on, 1226, 2252n; informal committee to arrange fails, 2149; informal committee to reconcile, 2148; Lansing's plan of submitted, 1319n, 2127-28, 2151n; Lansing's slate of and form of ratification considered between 19 and 23 July, 2310; Jones' slate of proposed in committee of the whole, 2106-7; necessary before ratifying, 1317; proposal for three classes of amendments introduced by Smith, 2150-51; proposed a set of to Constitution, 1296; proposed in committee of the whole, 2108; read and considered by paragraphs, 2243-49, 2255-61, 2264-74; recommended by did not originate from local views, 2236, 2339; report of committee of the whole on bill of rights, 2317; report of informal committee on arrangement of, 2277-78; sent copy of to George Mason, 1099; similarity between Va. amendments and those brought forward by Hamilton, 2087; on size of House of Representatives, 1738; Smith's draft of, 2097-98: some wanted NY to have right to withdraw from Union if revision not allowed, 2338; support for limiting Congress' power to tax, 1998; on taxation, 2002-3; unwise to adopt that might amount to a rejection, 2159; will ask for a bill of rights, 1396; will propose and adjourn, 1261; and working draft of committee of the whole report, 2127n; would favor interstate cooperation on, 1100; would not have ratified without, 1800, 2322

—Antifederalists in: abandon notion of conditional ratification, 2476, 2478–79; adjournment supported by, 2352, 2363, 2373; amendments of do not annul Constitution, 2152; amendments of will not be accepted,

2149; animosity toward, 1327; appointed to committee of both parties to arrange amendments, 2128, 2129; argument that propositions of are not total rejection of Constitution, 2135; caucusing, 2113-14, 2149; continue to have advantage, 2083-84; delayed proceedings of bother those who are worried farmers, 1207, 1235, 1307; described as violent, 2128; disagreement among, 2163; discussing Constitution by paragraphs dispassionately, 1208; division of, 1307, 2113-14; firm, 1799; have a decided majority, 736, 1100-1101, 1110, 1111, 1115, 1119, 1121, 1122, 1126, 1128-29, 1129, 1131, 1133, 1135, 1137, 1138, 1139, 1150, 1152, 1168, 1169, 1171, 1172, 1200n, 1204, 1205, 1209, 1221, 1226, 1227-28n, 1232, 1233, 1234, 1243, 1244, 1248, 1261, 1312, 1323, 1325, 1338-39, 1342, 1348, 1353, 1528, 1581, 1582; holding firm, 1202, 1235, 1240, 1292; might move to adjourn Convention, 2233, 2233n; more moderate than expected, 1221; more speak than Federalists anticipated, 1796; no change in despite Federalists' good efforts, 1129; obstinate, 1253, 1260, 1318, 1342, 1344-45; overwhelming number of, 1669; perverse, 1316; prediction that leaders of will rush debate and reject Constitution, 1119; proposal of called pretended ratification, 2149; react negatively to Hamilton's speech and become more obstinate, 2166; remain inflexible in opposition, 2083n-84n; represent sentiments of their constituents, 2154, 2155; resolution of on ratification of Constitution, 2149; said to be divided, 2117; said to be influenced by Federalist speeches, 1232, 2163; said to have anticipated calling a new convention, 2141; seem little affected by N.H. and Va. ratification, 2082, 2085, 2093; should be encouraged to attend for full session, 1122; should coordinate their strategy, 1122-23; some leaders of swayed by circumstances of ten states ratifying, 2084; some seem willing to consider ratification, 2085; some want conditional amendments, others want recommendatory, 2163; void of reason and deaf to energetic arguments, 1296; win two-toone majority, 1797, 1798, 1800; willing to compromise on lesser issues, 1807; will not reject the Constitution in toto, 2345n

-calling and/or meeting of, 148, 602, 687-731, 767, 803, 845, 852, 1097, 1124, 1151, 1187, 1197, 1204, 1205, 1207, 1227–28n, 1244, 1248, 1261, 1322–23, 1338, 1340– 42n, 1584; Articles of Confederation violated in, 1157; criticism of, 788; importance of meeting, 1203; NY legislature was precipitate in calling a convention, 1157; Abraham Yates (Rough Hewer) criticized for his opposition to calling, 152, 812–14; Abraham Yates's speech in NY Senate on calling of, 790n

- —circular letter, 1674, 2335–37; a copy of signed by 46 members and Clinton, 2326n; Duane motion for preparation of, 2311, 2312; importance of, 2322; Clinton ordered to sign and transmit to state executives, 2324; report on read, agreed upon, and twelve copies of letter ordered engrossed, 2321, 2324; transmitted to the states, 1674
- -conditional ratification by: called gilded rejection, 2149; concerning elections defended, 2156; concerning excises defended, 2156; concerning militia defended, 2156; considered as rejection by Federalists, 2147, 2148; considering a set of, 1226, 1322; defended in, 2152-54; and explanatory amendments defined, 2153; if insisted on will have terrible consequences, 2148; insisted upon by Antifederalists, 2148; intended for cases where Congress has power to conform, 2136; might ratify with, 1343; not a rejection of Constitution, 2156; not a repudiation of other states, 2155; not acceptable to Congress, 2130-35; not dictating to states, 2153-54; objection to use of word "conditional," 2129; part of pretended ratification, 2149; supported by Smith, Lansing, Clinton, 2147; take away discretion of Congress, 2136; unacceptable, 2164-66; unacceptable as imposition on other states, 2140; will propose, 1253; within power of Convention to propose, 2148
- debates and discussions in, 1681–99n, 1745–58, 1801–29n, 1836–75n, 1877–1908n, 1908–21, 1921–75n, 1976–2009n, 2031–58n, 2169–74, 2177–83, 2186–90; and amendments concerning judiciary, 2105, 2105–6; between Lansing and Hamilton, 2082; between R.R. Livingston and Antifederalists, 2081; Childs's *Debates*, 180, 186, 191, 192, 213, 1681–89, 1704–8, 1710–11, 1745–47, 1767–74, 1780–91, 1793, 1794, 1807–8, 1808, 1809, 1822–25, 1827, 1836–38, 1849–51, 1853, 1854–55,

1857, 1858, 1858-60, 1872-73, 1877-83, 1890-94, 1902, 1903, 1904-5, 1905, 1907, 1910, 1910-11, 1914, 1916, 1917-19, 1939-44, 1952, 1952-60, 1977-90, 1998-2002, 2004, 2018-19, 2032-33, 2038-39, 2049-52, 2058-62, 2063-64, 2064-66, 2067-68, 2069, 2077, 2088, 2089-90, 2092, 2099-2101, 2106-7, 2117, 2118, 2118-19; Childs takes notes of, lvii, lxix; George Clinton's remarks, 1971-75, 2142-47, 2220-25; in committee of the whole, 1799; conducted with personal vehemence, 1248, 1313; Constitution should have a fair discussion, 393, 1135; debate on motion on change from upon condition to "in full confidence," 2282-85, 2285-87; debates go slowly clause-by-clause, 2356-57; delegates should fully discuss the Constitution's clauses, 2024; description of, 1670-74; finishes discussing Constitution clause-byclause, 2115, 2117, 2129; Hamilton's notes of, 1734-37, 1843, 1847, 1852, 1858, 1870, 1872, 1873, 1933, 1939, 2156-61, 2196-98; Richard Harison's notes of, 175, 193, 208, 1710, 1711, 1720-22, 1784, 1786, 1934-35, 1966, 1967-69, 2088, 2091, 2092-93, 2095-96, 2102-3, 2104-5, 2107-8, 2112, 2117, 2118, 2135, 2138, 2152, 2154-56; on Hobart's motion to adjourn and meet again, 2186-90, 2192-99; hopes for cool, impartial, and wise deliberations, 1198, 1278; on Lansing's motion giving NY the right to withdraw, 2290-99; John Lansing's speech, 1737-38; Gilbert Livingston's notes of, 2, 227, 232, 1839-41, 2169-71, 2171-74, 2178-79, 2179, 2180, 2181, 2181-82, 2182, 2183, 2186, 2186-87, 2187, 2187-88, 2188, 2189, 2190, 2192, 2193, 2193-94, 2194, 2194-96, 2198-99, 2203-4, 2208-10, 2231-32, 2233-34, 2242, 2257, 2259, 2260, 2261, 2267, 2268, 2269-74, 2288-96, 2300, 2301-4, 2311-12, 2317, 2321; R.R. Livingston's notes of, 1690-95, 1748, 1758, 1782, 1784, 1816-19, 1839, 1847-49, 1853, 1858, 1860, 1885-86, 1898-99, 1904, 1907, 1908-9, 1910, 1911, 1914, 1915, 1916, 1917, 2035, 2049, 2095, 2096, 2198, 2204, 2209, 2210, 2216; Livingston-Smith argument, 1242n; McKesson's notes of, 2, 19, 179, 186, 189, 191, 196, 200, 213, 1689-90, 1708-10, 1711, 1737-38, 1747-48, 1755-57, 1782, 1783-84, 1786, 1794, 1804-5, 1807, 1808, 1814-15, 1821-22, 1825-27, 1827, 1827-28, 1828, 1842-43, 1846, 1851-

52, 1856-57, 1857, 1858, 1872, 1873, 1883-85, 1900-1902, 1902-3, 1904, 1907, 1910, 1911, 1911-12, 1915, 1916, 1916-17, 1938, 1944-46, 1952, 1977, 1978, 1990-94, 2005, 2016-18, 2019-28, 2046, 2048, 2049, 2052-54, 2064, 2066-67, 2068-69, 2087-89, 2090-91, 2092, 2096-97, 2099, 2101-2, 2110, 2118, 2130-33, 2156, 2178-81; on mode of introducing declaration of rights and explanatory amendments, 2301-4; newspaper reports of, 204, 1699-1702, 1740-43, 1829, 1829-35, 1875, 2038, 2044, 2046-47, 2093-94, 2105, 2113-14, 2117-18, 2118, 2163-66, 2174-75, 2191, 2225-26, 2262-64, 2276, 2282-85; plausible arguments on both sides, 1890, 1894; praise of, 1222; predicted length of, 1700n; and printing of, 1675; private commentaries on, 1702-4, 1744-45n, 1795-96, 2082-84, 2098-99, 2105-6, 2175-77, 2184, 2226-31; resolves that no vote be taken before entire Constitution is debated, 1688, 1702, 2309; response to Hamilton's speech, 1737; should be conducted with patience, deference, and a conciliatory spirit, 1140; Melancton Smith's notes of, 185, 215, 1695-97, 1759-67, 1778-80, 1805-6, 1846-47, 1855, 1857, 1886-90, 1909, 1912-14, 1946-48, 1964-66, 2075, 2076, 2133-35, 2169, 2171, 2173, 2255; Melancton Smith's speech, 1737; speeches defined generically, 1237; summary of in an extract of a letter, 2262-64; on union, 1198; will be published in newspapers, 1832; Robert Yates's notes of, 1935, 1949-50, 1966-67

-election of, 1354-1583; Antifederalists elect majority of delegates, 736, 1100-1101, 1110, 1111, 1115, 1119, 1121, 1122, 1126, 1128-29, 1129, 1131, 1133, 1135, 1137, 1138, 1139, 1150, 1152, 1168, 1169, 1171, 1172, 1198, 1200n, 1204, 1205, 1209, 1221, 1226, 1227-28n, 1232, 1233, 1234, 1243, 1244, 1248, 1261, 1312, 1323, 1325, 1338-39, 1342, 1348, 1353, 1528, 1581, 1582; Antifederalists predicted to have a majority of delegates, 1581; attempts by Federalists to deceive voters, 1022; by ballot, 966, 1375, 1447, 1511; canvassing of ballots for, 1112; a county's delegates should represent the different districts, 1442-43; delay in counting ballots, 1095, 1096, 1104, 1108, 1110; and delegates, 924, 1102n; disagreement over date of, 718; dismay that Federalists did not campaign hard

enough, 1109-10; encouragement to vote in, 957-58; of Federalist delegates advocated, 392, 884-87; Federalists appear to have won in New York City, 1108; Federalists have lost, 1104; Federalists predicted to elect a majority, 148; Jay wished to have been delayed, 1120n; majority elected to oppose ratification, but circumstances have changed, 2162; not favorable to Constitution, 1103; only twenty-one Federalists elected, 1579; polls stay open, 1354; qualifications for voting and voter turnout, 1481-82; resolution calling for and lack of property qualifications to vote, 1560, 1563n; results of forwarded, 1120-21; uncertainty of, 1509, 1523; will be highly contested, 1580

- —explanatory amendments: and conditional amendments defined, 2153; intended for clauses that can be construed two ways, 2136; no substitute for conditional ones, 2156; proposed as part of ratification, 2149; and recommendatory amendments defended, 2135
- -Federalists in: able men, 1232, 1241, 1294, 1348, 1509; appointed to committee of both parties to arrange amendments, 2128, 2129; cannot create divisions, 1202; cunning trick of Federalist Egbert Benson in delaying meeting of, 2232; do not oppose Antifederalist amendments, 1261; elated by news of Va. ratification, 2085; elections have gone wrong for, 1104; gaining ground, 1235n, 1263; have abilities and good public speaking, 2019; have more talent, wealth and reputation, 1120n; have won in New York City, 1108; and proposals for amendments, 2150; keep tempers cool by not opposing amendments, 2084n; no change in Antifederalists despite good efforts by, 1129; only twenty-one, 1579; predicted to elect a majority, 148; proceeding well for, 1210; stop debating after N.H. and Va. ratify, 2082, 2086, 2094, 2106; uses threat of civil war, 2484-85; want an adjournment without rejecting the Constitution, 1240, 1322; will coordinate their strategy, 1123; will draw out debate until word arrives from Va., 1120n; wish to delay proceedings, 1207
- —organization of: adopts rules, 1703; appointment of rules committee by, 1678–79; attendance, 1702; chaplains of thanked for their services, 2325; clergy offer prayers in,

1678, 1700; Clinton requested to ascertain expenses of and lay them before legislature, 2325; compensation for, 1674-75; Constitution printed by order of, 47, 1680, 1681n; debate Constitution by paragraphs, 1207, 1299, 1711-12; officers of thanked for their services, 2325; ordered President Clinton to sign ratification document, 2323; place of meeting, 1669; Nicholas Power as printer for, 1675, 1676, 1678, 2343, 2344, 2345, 2346-47, 2450n, 2458; President Clinton ordered by to transmit ratification to Congress, 2323; prints U.S. Constitution, 1681n; James Pritchard as messenger for, 1675, 1676, 1678, 2343, 2344, 2345, 2346-47; reads engrossed copy of entire ratification document, 2321; roster of, 1676-77; rules, 1203, 1679-80, 1700, 1702; should have been called sooner, 2232; to sit twice a day, 2012, 2030 -proceedings in, 1738, 1916, 2005; De Witt Clinton Journal, 2183-84, 2190-91, 2219; each member to receive a copy of Journal and copies to be sent to NY locales, 2325; estimated length of, 1704; housekeeping, 1670; Journal of, 23, 1678-79, 1679-81n, 1681, 2177-78, 2184-85, 2185-86, 2191-92, 2205-8, 2210, 2234-42, 2242-43, 2266-67, 2268-72, 2278-79, 2279, 2301, 2303-4, 2304-9, 2312-17, 2321, 2323-24, 2324-25; Journal to be delivered to printer daily, 1680; Oothoudt selected chair of committee of the whole, 1702; predicted conclusion of, 2105, 2105n, 2106; procedural questions, 2156; proceedings of to be transmitted to state legislature, 2324

-ratification of Constitution, 1328n, 1334, 1614, 1619n; charges that Jones and Smith take inappropriate actions to ratify, 1330; Congress awaits news from NY before setting new government in motion, 1308-9; Convention still sitting and becoming more likely to, 1336; defeat of Antifederalist motion calling for conditional, 2174; engrossed ratification carried by vote of 30 to 27, 2323-24; Federalist resolution on, 2149; a gleam of hope that NY will ratify, 1213; gloomy prospects for, 1338; had power to adopt or reject only, not to amend, 2160, 2161, 2165; has adopted unconditionally, 2320; hope NY emulates Va., 1138; Jay moves resolution for with explanatory and recommendatory amendments, 2129; Lansing's plan to ratify conditionally

considered by Convention, 2233-87; may find a way to ratify, 1353; method of being proposed, 1334; might adjourn without ratifying, 1137, 1139, 1139n, 1152, 1169; might ratify out of fear of its neighbors, 1204; by N.H. will not affect NY, 2083-84; news of by N.H. received, 1875-77, 2084; news of by Va. arrives, 2082, 2083n, 2083-84, 2084; news that NY is about to ratify, 2276n; newspaper publication of documents, 2334n-35n; New York City gloomy because Convention will not ratify, 1318; opposition to unconditional ratification, 1320, 1333; plans to ratify conditionally unacceptable, 1328-29, 2156-62; power of Convention is to ratify, 2138; prediction NY will adopt unconditionally, 2286; prediction NY will reject Constitution, 2106; proposal of with right to withdraw, 2117; ratification document presented to Confederation Congress by Hamilton, 2334n, 2335; ratification should be for only certain number of years, 1097, 2375, 2376; report that Convention had adjourned only to return to ratify, 1336; resolved that a copy of ratification document and Convention Journal remain on record, 2323-24; should decide on soon, 2254; slow to ratify, 1294; Smith moves propositions and form of ratification on 11 July, 2135; Smith's first plan for taken up by Convention, 2277-78; support for second constitutional convention ensured in NY, 2322; text of engrossed NY ratification document, 2326-35n; two-thirds initially against unconditional, 2293; unconditional will lose opportunity to avoid consolidated government, 2147; variety of methods of proposed in, 1336; in Va. has had an effect on NY, 1214-15, 1297, 2084-87, 2099n; by Va. will not affect NY, 2083-84; will adjourn without ratifying, 1197, 1205, 1230, 1260, 1312, 1325; will adjourn without rejecting, 1150, 1174; will not ratify, 1209, 1231-32n; will probably ratify, 1313, 1325-26

- -recommendatory amendments: acceptable, 2165; adopts, 1252; agreed to ratify with, 1339; and explanatory amendments defended, 2135; of pretended ratification, 2149
- —toasted in: Fredericksburgh, NY, 1279–80; Hudson, 1280–81; Kingston, 1283; Lansingburgh, 1283; in New York City, 1287, 1288; at New York City procession dinner,

1657; at Poughkeepsie Fourth of July celebration, 1291

-votes in, 225, 2199, 2210, 2242-43, 2284, 2312-13, 2323; to accept 25 July report of committee of the whole, 2309, 2310-11, 2320; to accept declaration of rights, form of ratification, and explanatory amendments, 2308-9; to accept engrossed copies of ratification document, 2323; agrees not to vote until all of Constitution is debated, 1703; on amending amendment on Congress' jurisdiction over federal capital, 2270; on amendment concerning appropriations for standing army, 2257-58; on amendment concerning declarations of war, 2268-69; on amendment concerning jurisdiction of federal judiciary, 2271-72; on amendment concerning standing army, 2258-59; on amendment concerning terms of senators, 2259-60; on amendment creating Executive Council, 2267-68; on amendment prohibiting elected representatives from holding other U.S. appointments, 2260; analysis of vote on 25 July report of committee of the whole (30 to 25), 2318n; on changing a paragraph emphasizing conditional ratification, 2278-79; on direct taxation amendment, 2257; on Duane's motion to postpone consideration of Smith's proposition, 2210; on excise amendment, 2256; on Hobart's motion to adjourn, 2199; on Jones' motion to change "upon condition" in form of ratification, 2280-81; on Lansing's motion giving NY right to withdraw from Union, 2301; on NY keeping control of its militia, 2288; on ratification published in newspapers, 2325n-26n; to remove property requirement for offices of national trust, 2312-13; on Smith's proposed ratification and amendments, 2242-43; on Tredwell's motion to amend introductory paragraph of the declaration of rights, 2303

New YORK CONVENTION DEBATES: advertised for sale in *Connecticut Journal*, 2489n, 2491; advertised for sale in *Country Journal*, 2489n; advertised for sale in *Daily Advertiser*, 2488n, 2489n, 2490–91; Francis Childs permits Convention speechmakers to revise speeches for publication, 2490; complaints about Francis Childs's Federalist bias in Convention Debates, 2489n, 2490; cost of, 2489n, 2491; debate in state assembly over alleged Federalist bias in publication of, 2492–94; prefatory advertisement in explains preparation of and delays in publication, 2489n, 2491–92; publication of by Francis Childs, 2488–96; published version of reveals that speeches were not distinguished, 2494–95; text of prefatory advertisement in published *Debates*, 2491–92

- New YORK COUNCIL OF APPOINTMENT: defeat of a motion to create, 2267–68; description of, 1401n, 1908n; one-year terms, 1839, 1886
- New YORK COUNCIL OF REVISION, 986, 1484, 1908n; amendment creating similar one for federal government, 183; description of, 501, 1159; praise of, 1042; veto power of, 1394
- New YORK COUNTIES: letter to, 2476–78; southern counties threaten secession if NY does not ratify, 2434. *See also* Individual counties
- New YORK COUNTY: and distribution of Antifederalist literature, 896–97; farmers in will suffer if Constitution is not ratified, 1148; population of, 550
- New York Election Law of February 1787, 1525, 1525n
- New YORK FEDERAL REPUBLICAN COMMITTEE: and Antifederalist newspaper printer for Albany, 834; attempts at interstate cooperation for amendments, 1097–1102n, 1796, 2478; circular letter from, 1090; and dissemination of Antifederalist literature, 478, 735, 894–901n, 1357, 1477, 1536, 1540n; and distribution of Federal Farmer, 978; hopeful Antifederalists will win Convention election in Queens, 1531; list of recipients of pamphlets, 896–98
- -letters from, 895, 1099-1102n, 1133-34, 1581
- -letter from, cited, 1292n-93n
- —letter from George Mason to sent to NY Convention Antifederalists, 1799
- -letter from, quoted, 1536
- -letters to, 898-99, 1387-88
- -letter to, quoted, 614, 1477
- -letters to, cited, 1099, 1292n-93n, 1799
- New YORK FORM OF RATIFICATION: adoption of Jones's motion to replace "upon condition" with "in full confidence," 2279–81, 2282; adoption of Smith's motion to substitute a paragraph in, 2278–79; committee of the whole report of 25 July includes, 2317; Convention refuses to consider introduction to, 2277–78; debate in Convention

on the change of "upon condition" to "in full confidence," 2282–85, 2285–87; Hamilton's includes recommendatory amendments, 2309–10; introduced by Melancton Smith without conditional part, 2440; Lansing's amendments and form of ratification considered between 19 and 23 July, 2310; makes strong case for a second convention to propose amendments, 2504

- New YORK GOVERNOR: powers of will be diminished by U.S. Constitution, 1163–64; re-eligibility of defended, 1883, 1885. See also Clinton, George
- New YORK IMPOST: importance of to NY's opposition to U.S. Constitution, 1336, 1337n; lucrativeness of, 1170; N.J. and Conn. will combine against, 1143–44; NY should give up, 1989; one of three corrosive forces that gave rise to the new Constitution, 1152; will be lost to NY under Constitution, 628, 673, 858
- NEW YORK LEGISLATURE: adopts bill of rights (1787), 504-6; adopts paper money bill, xliii; adopts population amendment to Articles of Confederation, xxxvi; Albany site causes hardship for legislators from the south, 1497-98, 1498n; appoints delegates to Constitutional Convention, xlvi-xlvii, 81, 83n, 456, 457-58, 507-25n, 689-90, 703, 721; both houses of have majority opposed to Constitution, 671-72; and British occupied forts, xxxiv; Gov. Clinton's speeches to, xxvii, xxviii, xxxix, 509-10, 511, 652n, 688-89, 692-94, 701, 813, 814n, 846, 846n, 2006n; calls state convention, 578, 602, 608-9, 687-731, 746, 767, 788, 1678, 2161; "Curtiopolis" addressed to, 625-29; cedes western lands to Congress, xxxiii; closely divided on Constitution, but would reject it, 148; Convention proceedings to be transmitted to, 2324; Convention requests Clinton to ascertain its expenses and lay them before, 2325; Convention requests cooperation of with other states in calling a general convention, 2324; criticism of localist policy of, 97, 98; devotion of to state impost, 98; at next session will call for a general convention to consider amendments, 2336; endorses Hartford Convention (1780) proposals, xxviii; Francis Childs takes notes of debates of, liv, lvii; gives Congress power to regulate commerce, xliv; gives restricted approval of Impost of 1783, xxxviii; has just and full representation, 198; instructions of to

Constitutional Convention delegates, 454; has performed well, 1985, 1992, 1996; prediction it would consider merits of Constitution, 691; prohibited from raising a standing army in peacetime, 621; relief measures of during economic difficult times, xl-xliv; repeals insolvency law, 820; resolution of calling Constitutional Convention, quoted, 12; resolutions of appointing delegates to Constitutional Convention did not call for new constitution, 457-58: Philip Schuyler's influence on Northern members of, 2252; should consider Hamilton's signing of the Constitution as a nullity, 274; smaller than Congress and needs less knowledge to govern a smaller territory, 1785, 1786; and speech from Gov. Clinton, 692-94; urged by governor to make new appointments to Congress, 692: violates Articles of Confederation in calling a state convention, 1157; votes not to restore citizenship of or to compensate Loyalists for confiscated estates, xxxii; wants Congress strengthened, xxvii; wants NY Convention to seek amendments, 1097; was precipitant in calling state convention, 1157

December 1788 session: approach of a reason to hasten publication of Convention Debates, 2489n, 2491; belief that motives of members of both houses are pure, 2527; Gov. Clinton and, 2509, 2511, 2512-13, 2513, 2516; considers legislation for election of U.S. representatives, senators, and electors, 2498, 2509, 2513, 2513-14; criticism of invidious comparisons drawn between two houses, 2527; criticizes governor for not calling legislature earlier, 2513; described as a contest between two houses. 2524; guardian of rights and liberties of people, 2483; has every power necessary for the preservation and happiness of people, 2483; meeting after ratification will be concerned with new central government, 2450; NY circular letter transmitted to, 2505; and payment of Convention delegates, 2498, 2499-2500; on resolution requesting that Congress call a second convention, 2498, 2501-30n; response of to address of governor, 2512-13; some members of both houses of sat in NY Convention, 2526, 2528n; stalemate between Assembly and Senate on matter of electing U.S. senators, 2497, 2498n; text of resolution applying to

Congress to call a second convention, 2528–29; text of letter transmitting resolution applying to Congress to call a second convention, 2530

See also New York Assembly; New York Senate New York Marine Society. See Marine Society

- New YORK PRINTERS: letter to, 2486-88. See also New York, Newspapers, New York
- NEW YORK SENATE: agrees with call for convention to revise Articles of Confederation. xly; appears to oppose calling a state convention, 688; and appointment of commissioners to Annapolis Convention, xliv; appoints delegates to Constitutional Convention, xlvi-xlvii, 511-13, 514, 518-19, 523; approves paper money bill, xliii; compared to NY Assembly in knowledgeable members, 1771; concurs with Assembly calling state convention, 715, 715-16, 727, 728n; concurs with Assembly in calling for a second general convention, 2515; controlled by Federalists (December 1788 session), 2498, 2524; debates oaths, 700; debates resolution calling state convention, 1187; description of note taking of debates in, 727n; majority opposes amendments in December 1788 session of, 2527; opposes submission of Constitution to a convention, 696–97; prediction it will pass resolution calling state convention, 728; proceedings of on calling NY Convention, 692, 695, 696, 698-99, 701; provisions for in NY constitution, xxii-xxiii; rejects Impost of 1783, xxxvi; rejects paper money bills, xl, xli; resolutions of to Congress on its inability to pay all of its share of requisition, 2007n; response of to Gov. Clinton's speech (1780), 2006n; response to Governor's speech, 698–99, 701; roster of, lxxxix; "Rough Hewer's" song in to prevent call of convention, 812-14; safe because it is checked by a democratic Assembly, 1781; short terms for, 1155; small number from each district creates no problem, 1776; small number of in each district, 1779; small number of is no reason why U.S. House of Representatives should be small, 1783; some members wanted resolution disapproving Constitution, 729; staggered election in, 986, 1875n; term of office of, 1869; transmits Va.'s call for general convention to Assembly, 2513; will oppose calling a convention, 602, 671-72

- NEWBURGH, ULSTER COUNTY: celebration of NY ratification in, 2414–15; conspiracy of army thwarted by Washington, 654, 658; meeting at, 1542, 1545, 1547, 1554, 1563n; news of NY ratification arrives in, 2414; nominations at confirmed by Hurley Federalist meeting, 1548, 1559n
- Newkirk, Cornelius, Jr., 2348
- NEWLANDS, JOSEPH (Albany): Scotsman endorses Constitution, 1405
- NEWPORT, R.I.: approves Constitution, 1189; celebration of NY ratification in, 2421–22; news of NY ratification received in, 2431; no town in America is more unanimous in federal sentiments, 2421
- "News-Mongers' Song for the Winter of 1788, The," 249–51
- NEWSPAPERS: volumes of carried in Albany procession, 2386; Antifederalists use to misrepresent by printing many fallacious objections, 263; Antifederalists take lead in, 121; bitter partisan debate in, 309; charge that Federalists stop circulation of Antifederalist pieces in, 319, 428; charge that Federalists stop circulation through mails of Antifederalist pieces, 251-52, 281; Constitution places printers of in jeopardy, 167-68; debate in NY Assembly over alleged biases of, 2492-94; Federalists dominate debate in, 4, 147; filled with debate over Constitution, 92, 247, 361, 473; importance of to merchants, 589; Samuel Jones claims they are filled with lies, 2493, 2496n; list of printers of, 310; and the mails, 2472; in Middle States begin to teem with debate over Constitution, 121; newspaper war indicates ratification will be delayed, 85n; in Northern States begin to teem with debate over Constitution, 121; number of printers and newspapers are great, 2472; parody of the News-mongers' Song, 310-12n; in Philadelphia and Boston oppose NY amendments, 2471; poem encouraging printers of, 249-51; praise of public debate on Constitution, 275; some print idle tales of weakness and distress of U.S., 2469; will be assessed stamp duty under Constitution, 136

—IN CONNECTICUT: criticize John Lamb, 610

- *—American Mercury:* material printed from, 2342; material printed from, quoted, 307, 352
- *—Connecticut Courant,* 576–77; material printed from, 1269–70; material printed

from, quoted, 204; material printed from, cited, 1180

- -Connecticut Gazette. material printed from, cited, 2405n
- Connecticut Journal: material printed from, 2376, 2405n, 2491; material printed from, quoted, 2506; material printed from, cited, 2282n, 2489n
- -Middlesex Gazette: material printed from, 247-49
- —New Haven Gazette: material printed from, 1339–40, 1594, 1617–19, 2405–6; material printed from, quoted, 307, 352; material printed from, cited, 352, 1187
- —Norwich Packet: material printed from, 1627; material printed from, quoted, lii; material printed from, cited, 2276n
- *—Weekly Monitor*: material printed from, 1265–66n; material printed from, cited, 2406n
- —in Georgia
- -Georgia State Gazette: material printed from, cited, 1187
- —in Maryland
- —Annapolis Maryland Gazette: material printed from, cited, 1190, 1191, 2282n, 2400n
- —Baltimore Maryland Gazette: circulation restricted, 614; material printed from, cited, 1184, 1185, 1186, 1190, 2422n
- ---Maryland Journal: material printed from, 2467-68; material printed from, cited, 1177, 1183, 1185, 1190, 1524, 1666, 2420n, 2503
- —IN MASSACHUSETTS: in Boston do not receive papers from NY, 586; Boston Federalist printers try to limit access to, 74n, 185, 186n, 193; Boston newspapers and publication of NY Convention documents, 2435; Boston newspapers report NY ratification and its arrival in Boston, 2435–43
- —Boston American Herald, 583, 585–86; material printed from, cited, 69, 1111n, 1183, 1185, 1192; prints listing of delegates with honorific titles, 670n
- —Boston Gazette, 583, 585–86; article in referred to, 669, 671n; material printed from, 2441–42; material printed from, quoted, 671n, 1219n, 2383; material printed from, cited, 1192, 2405n; in Boston do not receive papers from NY, 586
- -Boston Independent Chronicle, 593n; material printed from, 2436; material printed from,

quoted, 1350n, 1582n; material printed from, cited, 1188, 2435, 2486n

- Massachusetts Centinel, 768; identifies Jay as author of pamphlet, 923, 926; material printed from, 16, 771–72, 1171, 1204, 1312–13, 1313n, 1477, 1481, 1524–25n, 1626, 1631–32, 1665, 2085, 2359, 2371, 2379, 2380, 2407, 2420, 2423, 2438–41, 2451; material printed from quoted, 138, 307, 455, 584, 750, 807n, 1111n, 2401n, 2435; material printed from, cited, 1180, 1183, 1187, 1188, 1586, 2406n, 2435; and pillars metaphor, 772n; prints Mason's objections, 338–39; reprints first eleven paragraphs of Jay's pamphlet, 1086, 1086n
- Massachusetts Gazette: material printed from, 2377, 2420, 2436–38; material printed from, quoted, 69, 103, 243n, 2276n, 2403n; material printed from, cited, 455, 1183, 1188, 1335, 2191n, 2354n, 2406n, 2413n, 2435, 2443n, 2447n, 2486n
- *—Massachusetts Spy:* material printed from, 2354; material printed from, quoted, 2414n; material printed from, cited, 2442n, 2486n
- —Newburyport *Essex Journal*: material printed from, 1200n; material printed from, cited, 2373n, 2425n, 2442n, 2451n
- -Northampton *Hampshire Gazette*. material printed from, quoted, 161; material printed from, cited, 2422n, 2423n, 2442n
- —Pittsfield Berkshire Chronicle: material printed from, 2363; material printed from, cited, 2470n
- —Portland, Maine, Cumberland Gazette. material printed from, cited, 2380n, 2442n
- -Salem Mercury: material printed from, 1627, 2379; material printed from, quoted, 281; material printed from, cited, 2276n, 2325n, 2379n, 2420n, 2423n, 2442n
- —Springfield Hampshire Chronicle: material printed from, 2425; material printed from, quoted, 1267n; material printed from, cited, 1182, 2406n, 2422n
- —Worcester American Herald: ad run in for A Plebeian, 942; ad selling Federal Farmer (Additional Letters), 979; material printed from, 2410n; material printed from, cited, 2401n
- —IN NEW HAMPSHIRE: sent to Congress, 1332, 1333n
- —Freeman's Oracle: material printed from, cited, 925, 1180, 2276n, 2379n, 2421n, 2442n; reprints A Citizen of New-York, 925

- -New Hampshire Gazette: material printed from, cited, 1193, 2371n, 2380n, 2451n
- -New Hampshire Mercury: material printed from, cited, 1188
- -New Hampshire Recorder: material printed from, 2370; material printed from, cited, 2442n
- New Hampshire Spy, 584–85; material printed from, 1246, 2424; material printed from, quoted, 925, 1351n; material printed from, cited, 1086–87, 1187, 1193, 2379n, 2405n, 2420n, 2442n, 2451n; reprints A Citizen of New-York, 924–25

-IN NEW JERSEY

- -Brunswick Gazette: material printed from, 1274–75, 2420–21; material printed from, cited, 2320–21, 2354n, 2423n
- —New Jersey Journal: identifies Jay as author of pamphlet, 923; material printed from, 820, 1228, 2410n; material printed from, quoted, 181n, 925; reprints A Citizen of New-York, 925
- -IN NEW YORK, 2014n, 2175n, 2218n; Antifederalist writings in having little impact 122; attack on illiberal items in, 24-26; can be read by people of moderate education, 390-92; contain Antifederalist material, 85; printing of NY Assembly resolution calling state convention, 707n; printing of NY Assembly's response to Gov. Clinton's speech, 698n; carry reports of Mass. Convention, 747; ratification debate in, 732-34; distribution of by New York City Antifederalists, 965; Gov. Clinton's speech to legislature printed in, 692; grave responsibility of in preserving freedom, 755; have had high quality debate over Constitution, 1469; have teemed with articles on the Constitution, 1562; many people too poor to take, 726; material from, quoted, 753; description of, lvi-lxv, 3; debate going on in over Constitution, 293, 483-84; debate over Constitution in NY confined to, 122; filled with calumny and scurrility, 19-20; and New York City procession, 1631; in New York City teem with spirited debate, 267; and publication of Publius, 140-41; publication of NY circular letter, 2337n; and publication of Va. Form of Ratification, 2175n; reports of Convention debates, 1740-43, 1832; teem will different sentiments on ratification of Constitution, 2187; war in was growing, 85n

- —IN ALBANY: criticism of papers of Charles R. Webster for publishing scurrility, 793; missing issues of, 1356; praise of papers of Charles R. Webster as useful vehicles of necessary information, 793; subscriptions to papers of Charles R. Webster will stop if he continues to print scurrility, 793; print news that Mass. Convention has defeated the Constitution, 679; Antifederalists want to obtain for Albany, 679, 736, 834–36
- Albany Gazette, 561, 603n, 767, 793n, 2418n; description of, lxii–lxiii; printing of Gov. Clinton's response to NY Senate, cited, 701n; material printed from, 186–90n, 190, 249–51, 361–67n, 444, 445, 582, 586, 616– 17, 644–52n, 754–56, 792–93, 794–95n, 831–32, 1425, 1581, 2382, 2417–18; material printed from, quoted, 46, 151–52, 307, 679, 767, 833n, 1266n; material printed from, cited, 1177, 1178, 1184, 1185, 2334n, 2391n, 2502; prints Constitution, 46
- Albany Journal, 3, 40; description of, lxiii; item printed in missing issue, 679; prints NY Assembly resolution calling state Convention, 707n; material printed from, 761–62, 800–802n, 809–11, 832–33, 837–38, 1315–16, 1359–62, 1362, 1366, 1366–67, 1373, 1700–1701n, 2364, 2382, 2392, 2395–96, 2446–48; material printed from, quoted, 707n, 767, 902n, 1532n, 2014n, 2375n; material printed from, cited, 793n, 1177, 1178, 1358n, 2326n, 2391n, 2405n, 2422n
- —Albany Register: established as Antifederalist newspaper, 2445n, 2465n, 2559n; material printed from, 2549–60; material printed from, cited, 2495n; material printed from, quoted, 2489–90n
- *—Federal Herald*: material printed from, 1362–63, 1364–65; material printed from, quoted, 1477–78; material printed from, cited, 1364n
- —in Hudson
- —Hudson Weekly Gazette: description of, lxiv; prints Constitution, 46, 46–47; material printed from, 652–53n, 679–80, 891–92, 1197–1200, 1200–1202, 1224–25, 1280–81, 1298, 1299–1302n, 1424, 1428n, 1428–29, 1433, 1433–34, 1434; material printed from, quoted, 46, 340, 617, 1421, 1422; material printed from, cited, 1180, 1181, 2029, 2282n, 2285, 2298n, 2320n, 2334n, 2391n, 2395n, 2396n, 2405n, 2422n, 2502

- —in Lansingburgh
- —Federal Herald, 838–43, 1624–25; description of, lxiii; impartiality of, 884; moved to Lansingburgh, 1369n; reprints three issues with A Plebeian, 942; started publishing, 679, 679n; material printed from, 673–74n, 811–12, 812–14, 862, 862–64, 882–84, 884, 901–2, 1283–84, 1412–13, 2375, 2392–94, 2394–95, 2398–2400, 2400–2401, 2416–17, 2433, 2448; material printed from, quoted, 802n, 830, 830–31, 1272n, 1357, 1631, 2325n, 2395n-96n; material printed from, cited, 793n, 1178, 1179, 1180, 1184, 2217n, 2320n, 2325n, 2325n-26n, 2337n, 2343n, 2395n, 2402n, 2405n, 2421n, 2529n-30n
- Northern Centinel, lxiii; criticized for scurrility against Abraham Yates, 869; criticism of response in to Yates and Lansing letter, 830–33; description of, lxiii–lxiv; editors of prepared minds of readers for reception of Constitution, 884; moves to Albany, 679, 679n; prints Constitution, 46; material printed from, 23–24, 75–76n, 87–91, 123–25, 147–48, 310, 310–12n, 390–92, 392–94, 429–30, 465–66, 561–63, 674–77, 696; material printed from, quoted, 125n, 142; material printed from, cited, 561–62, 639n, 793n
- —IN NEW YORK CITY: press was no longer a faithful vehicle of public intelligence, 26, 2411; publishes untrue extracts and statements, 2151
- American Magazine: criticism of Webster's Giles Hickory piece in, 639–44; description of, lxii; reviews A Plebeian, 943; reviews Publius, 142; material printed from, 553– 56, 556–58, 738–45n, 738–45n, 971–72, 1124, 2406; material printed from, quoted, 142, 206, 1082n, 1083n, 1117, 1632; material printed from, cited, 1177
- —Daily Advertiser, 586, 2549n; cited with population estimates, 773n; Francis Childs as publisher of, lviii, 558, 687, 1318n, 1482, 1486, 1489, 1493, 1505, 1570, 1620n, 1831, 2282n, 2488n; description of, lvii; item referred to, 25–26; legislative reports, liv; material printed from, 11–14, 14–15, 20–23, 26–29, 36–41, 50–52, 54–55, 63–67, 68–71, 85–87n, 91–96n, 97–102n, 119–21, 148–51, 152–53, 171–74, 174–81n, 185, 262–67n, 287–91n, 298–302, 327–31, 341–42, 353, 354–60, 382–88n, 397–402, 402–3, 420–21, 445–47, 484–94n, 603–8, 625–29, 629–33, 770–71, 783–84, 787–90, 803

11, 1170-71, 1213, 1216-17, 1220n, 1266-67, 1275-77, 1290-92, 1385, 1468-71, 1476, 1482, 1483-84, 1485-86n, 1486-87, 1489-93, 1493, 1494, 1495, 1504-5, 1505, 1506, 1511, 1513-15, 1515, 1516-19n, 1519-20, 1521-22, 1525-26, 1530, 1531-32, 1540, 1540-41, 1570, 1577-79n, 1579, 1589-90, 1590, 1591, 1596, 1597, 1604, 1611-12, 1620n, 1630-61n, 1699-1700n, 1829-31n, 1831-33, 2012, 2012-13, 2079-81, 2087, 2093-94, 2094, 2105n, 2113n, 2113-14, 2118, 2127-28, 2147-48, 2148, 2164-66, 2174-75, 2233, 2253-54, 2254-55, 2262-64, 2276, 2342, 2355-56, 2365-66, 2397-98, 2404-5, 2418-20, 2421, 2468, 2470, 2490-91, 2492-94, 2495, 2516-28; material printed from, quoted, xl, li, lii, 26n, 42, 49n, 58, 104, 115, 142, 307, 580-81, 615, 687, 727n, 749, 772n, 814-15, 965n, 1116, 1681n, 1688-89, 2276n, 2282n, 2489n, 2496n, 2503, 2510; material printed from, cited, 563-71, 768, 779-80, 1178, 1179, 1180, 1187, 1289n, 1317, 1318n, 1355, 1468, 1535, 1575, 1586, 1589, 1605, 1619, 1621, 2085, 2175n, 2185n, 2217n, 2218n, 2227n, 2252n, 2261n, 2264n, 2282n, 2285, 2298n, 2320n, 2325n, 2326n, 2334n, 2337n, 2343n, 2348n, 2350n, 2369n, 2371n, 2380n, 2391n, 2393n, 2395n, 2402n, 2442n, 2447n, 2488n, 2502, 2502-3, 2510, 2513, 2529n-30n, 2535n; prints Constitution, 42-43; prints NY Assembly resolution calling state Convention, 707n; prints NY Convention debates, 2353n; prints NY Senate debates on calling state Convention, 790n; prints procession, 1615; prints Williamson's speech, 814; prominence of, 733; reports NY Assembly's debates over calling state convention, 687, 707-14; reports NY Senate's debates over calling state Convention, 716-28n; reports of Assembly proceedings and debates, 522-23; reports of NY Convention debates, 204, 2031-32, 2038, 2044, 2046-47, 2117-18, 2118, 2198, 2200, 2200-3, 2205, 2210, 2353-54; reprints amendments adopted by Va. Convention, 2087; summary of Publius, 601n, 845

5, 805-6, 844, 845-46, 845, 877-78, 1110-

- -New York Daily Gazette: quoted ad for The Federalist, 880; material printed from, cited, 2529n-30n
- -Impartial Gazetteer: description of, lxii; distribution of, 1123; material printed from, 1286-90n, 1593-94, 1624; material printed from, quoted, 2282n; material printed

- 2348n, 2350, 2361n -Independent Journal: description of, lxi, lxii, 1123; prominence of, 733; material printed from, 144-47, 313, 563-64, 769-70, 880-81, 1215, 1307-8, 1515-16, 2350, 2367, 2379-80, 2402-3, 2405; material printed from, quoted, 44, 141, 244n, 749, 768, 1116, 1252, 1631, 1701-2, 1742, 2282n, 2282-85, 2297-98, 2318-21; material printed from, cited, 563-71, 1177, 1178, 1179, 1180, 1482, 2281n, 2282n, 2285, 2298n, 2334n, 2337n, 2380n, 2421n, 2455; prints Constitution, 43, 49n; Publius summary, 577, 582, 608, 615, 629, 639, 677, 679, 745, 747, 762, 766, 785, 802, 852, 861, 862, 871; sale of Publius book edition announced in, 878
- -New York Journal: ad for Antifederalist pamphlets, 978; ad for Federal Farmer, 976; ad run in for A Plebeian, 942; Antifederalist essays in, 5-6, 6-7; called "a rank antifederal New-York paper," 807n; ceases publication as a daily, 2407-10; circulation of, 1618; circulation of in Conn., 352; and criticism of the post office's policies, 582-93n; defends its impartiality, 73-74; description of, lvii-lxi, 3; distribution of, 1123, 1208, 1208n; editorial policy of, 1105; filled with black train of sophists, 390; legislative reports, liv; and Md.'s ratification, 968-71n; and proceedings of legislature calling NY Convention, 687; material printed from, 16-20, 24-26, 29-31n, 31-34n, 57-58, 58-61, 73-74, 79-83n, 102, 105-15n, 115-18n, 118-19, 125-30n, 130-33, 133-34, 134-36, 154-60n, 160-65, 166-70, 190-95, 195-99n, 199-203n, 251-52, 252-57, 257-62n, 268-70, 271-74, 275-76, 276-81n, 281-87, 291-93, 293-96, 302-3, 303-6, 313-19, 319-27n, 331-38n, 347-52n, 367-72n, 372-78n, 378-79, 388-90, 403-6n, 406-10, 410-16, 416-20, 421-23n, 423-24n, 424-28n, 428, 441-42, 442-44n, 447-52, 452, 459-62n, 464-65, 466-73, 473-76, 479-82n, 483, 558-59, 559-60, 566-71, 572-74, 575-76, 577, 585, 585-86, 586-87, 587, 587-88, 588-92, 593-97, 597-600, 617-23n, 623-25, 634-37, 639-44, 653-58, 658-66, 680-86n, 691, 756, 756, 756-59, 773-76, 795-98, 776-82n, 802, 802-3, 806-7, 823-30n, 869-71, 882, 893, 912, 913, 966-67, 969-70, 969-70, 970, 970-71n, 972-73, 973-76, 976-77, 1105, 1107-8n, 1108-9, 1111,

1151, 1153-68n, 1205, 1213, 1215-16, 1220n, 1233, 1262-63, 1267-97, 1282-83, 1285, 1290, 1324-25n, 1325, 1419, 1419-20, 1438, 1480, 1483, 1485, 1487-88, 1488-89, 1489, 1493, 1495, 1495-96, 1496, 1499-1500, 1500-1501, 1501-2, 1502, 1502-4, 1507-9, 1515, 1519, 1520-21n, 1521, 1525, 1528-29, 1530, 1531, 1543-44, 1571-72, 1574, 1579, 1582, 1588-89, 1591, 1594, 1595, 1604-5, 1612-14, 1615-17, 1617, 1701, 1740, 1743, 1833-35, 1875, 2014, 2030-31, 2080n, 2081-82, 2087, 2105, 2114n, 2129, 2191, 2225-26, 2354, 2369-70, 2372-73, 2376, 2407-10, 2410n, 2480-86, 2494-95; material printed from, quoted, xxxvii, xliii, 10, 45, 68-69, 104, 118n, 138, 142, 203, 204-5, 243n, 244n, 245n, 290n, 331n, 353, 388-89, 389, 405n, 444n, 456, 559n, 583, 584, 584, 593n, 597n, 600n, 613-14, 614, 671n, 687, 688, 692, 707n, 730n, 752-53, 767, 799, 912n, 1116-17, 1269n, 1291n, 1509n, 1535, 1614, 1615, 1630n, 2010, 2032, 2282n, 2356n, 2410n, 2485, 2496n, 2503, 2510; material printed from, cited, 615, 749, 768, 1182, 1183, 1184, 1185, 2032, 2185n, 2217n, 2218n, 2233, 2252n, 2254n, 2255, 2264n, 2276n, 2282n, 2298n, 2320n, 2334n, 2337n, 2343n, 2348n, 2355n, 2356n, 2361n, 2365n, 2369n, 2370n, 2371n, 2401n, 2402n, 2403n, 2405n, 2406n, 2413n, 2442n, 2486n, 2498n, 2502, 2505, 2510, 2529n-30n, 2535n, 2545n; mob destroys shop, and type, 942, 1614-15, 1619, 2403, 2403n, 2404, 2406, 2408, 2411, 2412; and pillar and cap used in masthead of, 2061-62; prints Constitution, 45; prints election returns, 1418; prints NY Senate debates on calling state Convention, 790n; prints NY Convention amendments, 2016n, 2028-31; prominence of, 733; publishes Convention proceedings, 2355-56; publishes first five recommended amendments to Constitution, 2355n; publishes letters Poughkeepsie, 1975n; reprints from amendments adopted by Va. Convention, 2087; reports Convention debates without party spirit, 1324n; reprints debates in Mass. Convention and ad for book edition of Mass. Convention debates, 962n; Thursday issue has wider circulation, 409n, 659, 667, 692; unbiased, 1324n, 1509n; valuable to public, should not have been destroyed by mob, 2412

-New York Morning Post: description of, lvilvii; material printed from, 62, 83-84, 625, 702, 790–92n, 831, 914, 1202, 1292, 2368; material printed from, cited, 2370n, 2395n, 2398n, 2422n, 2437, 2442n, 2447n, 2528n, 2529n-30n; prints NY Senate debates on calling state Convention, 790n; prints Constitution, 44–45; quoted, 45, 77, 1325n

- —New York Museum: description of, lxii; material printed from, 1589, 2359, 2405n; material printed from, quoted, 2403n, 2470n; material printed from, cited, 2282n, 2285, 2298n, 2320n, 2320–21, 2343n, 2402n, 2529n-30n
- -New York Packet, 1597n; ad for Federal Farmer, 976; description of, lxi-lxii; material printed from, 136, 267, 560-61, 763-65, 769, 833-34n, 1113-15n, 1134-35, 1138, 1272-74n, 1281-82, 1285-86, 1312, 1526-27, 1582, 1588, 1591, 1594, 1611-12, 1620-21, 1621, 1622-24, 1661-65, 1741-42, 2084n, 2163-64, 2364-65, 2366, 2383-91, 2404,5, 2414-15, 2422; material printed from, quoted, xl, 180n, 203, 749, 768, 923, 1219n, 1267n, 1289n, 1290n, 1617, 1621n, 1631, 2029; material printed from, cited, 563-71, 1177, 1178, 1179, 1180, 1585, 2175n, 2185n, 2217n, 2218n, 2233, 2254n, 2282n, 2285, 2298n, 2320n, 2320-21, 2325n, 2334n, 2337n, 2343n, 2348n, 2354n, 2355n, 2356n, 2395n, 2396n, 2398n, 2401n, 2402n, 2421n, 2422n, 2436, 2470n, 2529n-30n; prints Constitution, 42-43; prints description of New York City procession, 1598; prominence of, 733; promises to print form of ratification, 2404; Publius summary, 560, 576, 579, 629, 637, 666n, 677, 745, 746, 746n, 760, 763, 792, 798, 818, 852, 861, 871
- *—American Mail* (1847): material printed from, 1632
- —IN POUGHKEEPSIE
- Country Journal: description of, lxiv-lxv; Federalists alone are publishing in Dutchess County newspapers, 62; material printed from, 71–73, 394–97, 430–38, 438–40, 581–82n, 615–16, 815–18, 853, 853–61n, 865–68, 868–69, 884–87, 899–901n, 902–5, 905–6, 917–19, 919–22, 1213–14, 1217, 1246, 1277–78, 1279–80, 1302–4n, 1304–6, 1320–21, 1440–41, 1441–44n, 1445–46, 1446, 1446–49, 1449–51, 1452–53, 1454, 1455, 1455–57, 1458–59n, 1459–50, 1550–51, 1551–5, 1549–50, 1560–63, 1567–68, 1593, 1625, 1701, 1740–41, 2254, 2342, 2348–49, 2360–61;

2361, 2365, 2370, 2396-97, 2401-2, 2405, 2415-16; material printed from, quoted, 45-46, 142, 206, 353, 455, 456 752, 808n, 924, 1289n, 1291n, 1291n-92n, 2326n, 2361n, 2415n, 2435; material printed from, cited, 563-71, 1178, 1179, 1180, 1181, 1443n, 1549-50, 2175n, 2183n, 2185n, 2217n, 2250n, 2252n, 2261n, 2282n, 2318n, 2325n, 2326n, 2334n, 2337n, 2361n, 2373n, 2401n, 2421n, 2422n, 2435, 2468n, 2489n, 2502, 2549n; printer of prints Convention Journal, 2450n; prints NY Assembly resolution calling state Convention, 707n; prints Constitution, 45-46; reports of NY Convention debates, 2321-23, 2323, 2324; reprints amendments adopted by Va. Convention, 2087

- -Poughkeepsie Daily Eagle (1888), 1217-18
- —IN NORTH CAROLINA
- -Martin's North Carolina Gazette: material printed from, cited, 1106, 1191
- Wilmington Centinel: ad run in for A Plebeian, 942; material printed from, 1527n, 2426; material printed from, cited, 1185, 2369n
- —IN PENNSYLVANIA: Antifederalist pieces from are being reprinted in NY, 85; and stoppage of newspaper reprintings of Antifederalist literature, 583
- American Museum: identifies Jay as author of pamphlet, 923; reprints A Citizen of New-York, 925; reprints Gov. Trumbull's farewell address, 920; material printed from, quoted, 924; material printed from, cited, 1178, 2325n, 2335n, 2337n, 2402n, 2502
- Carlisle Gazette: reprints A Citizen of New-York, 925; material printed from, 1627–28; material printed from, cited, 1177, 1179, 2463n
- -Columbian Magazine, 2356n
- -Federal Gazette: material printed from, cited, 1180, 1190
- —Freeman's Journal, 583, 585–86; material printed from, 78–79, 185–86, 565–66n, 678; material printed from, quoted, 138, 281, 319n, 583; material printed from, cited, 1183, 1184, 1188
- Independent Gazetteer, 583, 584, 585, 586, 587; circulation restricted, 614; reprints all of A Plebeian, 942; material printed from, 55, 307–8, 308, 1096–97, 1444, 1544–45, 2411–14; material printed from, quoted, 26n, 125n, 195n, 306–7, 686n, 808n, 1481;

material printed from, cited, 615, 1177, 1179, 1180, 1183, 1369n 2343n, 2403n, 2406n, 2410n, 2549n

- -Pennsylvania Chronicle: quoted, 245n
- Pennsylvania Gazette: material printed from, 730–31, 1095–96, 1139–50n, 2422; material printed from, quoted, 114n, 160, 2506; material printed from, cited, 1177, 1178, 1180, 1181, 2350n-51n, 2506
- --Pennsylvania Herald: circulation restricted, 614; prints Whitehill's amendments to Constitution, 477
- Pennsylvania Journal: material printed from, 444, 1617, 2350–51; material printed from, cited, 2282n, 2356n
- Pennsylvania Mercury: reprinting from in a contemporary newspaper item, 1200–1201; material printed from, 1206–7, 1263; material printed from, cited, 1178, 1179, 1181, 1193, 2391n, 2394n, 2395n, 2398n, 2400n, 2402n, 2418n, 2420n, 2423n
- Pennsylvania Packet, 583, 585–86; circulation restricted, 614; reprints A Citizen of New-York, 925; material printed from, 2356; material printed from, quoted, 125n, 180n; material printed from, cited, 730n, 772n, 1180, 1190, 1191, 1193, 2216n, 2320–21, 2343n, 2350n-51n, 2366n, 2395n, 2396n, 2398n, 2400n, 2405n, 2415n, 2418n, 2420n, 2421n, 2423n, 2463n

—IN RHODE ISLAND

- *—Newport Herald*: material printed from, 2421–22, 2463–64; material printed from, quoted, 76n; material printed from, cited, 1189, 2255, 2264n, 2442n
- -Newport Mercury: material printed from, 2369; material printed from, cited, 1189
- -Providence Gazette: material printed from, 2424-25; material printed from, cited, 68n, 2442n, 2424-25, 2470n
- United States Chronicle: identifies Jay as author of pamphlet, 923; reprints all of A Citizen of New-York, 925; material printed from, 16, 53–54, 730n, 731; material printed from, quoted, 75n, 84, 926; material printed from, cited, 1189, 1190, 1192, 2285
- -IN SOUTH CAROLINA
- City Gazette: material printed from, 916, 2454; material printed from, quoted, 714n; material printed from, cited, 1187, 1191, 1240, 2370n, 2403n

- --Columbian Herald: material printed from, cited, 1178, 1182, 1191, 1192, 1204-5
- --State Gazette of South Carolina: material printed from, 1092-93; material printed from, cited, 1184, 1191
- —IN VERMONT
- -Vermont Gazette. material printed from, 1271-72
- -Vermont Journal: material printed from, cited, 2442n

—IN VIRGINIA

- -Norfolk and Portsmouth Journal, 563-71
- —Petersburg Virginia Gazette: material printed from, cited, 2502
- —Richmond Virginia Gazette and Weekly Advertiser: material printed from, 2376
- *—Virginia Herald*: material printed from, cited, 1180
- Virginia Independent Chronicle, 563–71; prints amendments adopted by Va. Convention, 2087; material printed from, 1108, 2380; material printed from, cited, 1180, 1181, 1183, 1189, 2218n, 2252n, 2502
- Virginia Journal: prints Mason's objections, 339; material printed from, quoted, 339; material printed from, cited, 1190
- —Winchester Virginia Gazette, 585; prints Mason's objections, 339; material printed from, 889; material printed from, quoted, 2356n

—in England

- *The Times of London* (1788): material printed from, cited, 1186
- NEWTON, WILLIAM (New York City): and New York City procession, 1647
- NEWTOWN, QUEENS COUNTY: Federalists do well in, 1531
- NICHOLSON, JAMES (New York City): id., 1594–95; commands ship *Hamilton*, 1243, 1593, 1596, 1610, 1645–46, 2406n; nominated as Convention delegate, 1485
- NICHOLSON, JOHN (Pa.): pamphlet comparing Constitution and Articles, 824, 827, 829n
- NICOLL, FRANCIS (Albany): in Albany procession, 2383; nominated as Convention delegate, 1368; votes for as Convention delegate, 1418, 1419
- NILES, JONATHAN (Albany)
- —letter to, 1407–8
- NINE PARTNERS, DUTCHESS COUNTY: meeting of Federalists, 1439–40, 1446, 1455, 1455– 57, 1455–57

- NISKAYUNA, NY: meeting in arranged by Federalists but only Antifederalists attend, 913
- NIVEN, DANIEL (New York City): votes in Assembly, 704, 713, 714
- NIXEN, ELIAS (New York City): appointed election inspector, 1494
- NOBILITY, TITLES OF: amendment proposed to prohibit U.S. officeholders from accepting, 2092, 2123, 2264; no titles are a benefit to American society, 1760, 1818; Congress should not allow a citizen to have from another country, 1080; criticism of prohibition of in Constitution as proof of implied powers, 132, 158, 449; Mass. amendment prohibits Congress from approving federal officer accepting from foreign ruler or country, 752; need for limitation on shows Constitution departs from true republican principle, 2221; one of few powers of British monarch that the U.S. President will not have, 197; pleased with Constitution's prohibition of power to grant, 623-24, 624; praise of prohibition on states, 2159; prohibited throughout U.S., 64, 985, 1056, 1972; prohibition of in Constitution implies that there are implied powers, 1055, 2146; prohibitions of in Constitution and in Articles of Confederation are extra safe, 1055
- Non-navigating States: want passage of commercial acts by two-thirds majority, 1735, 1736
- NORRIS, JOHN (Albany): in Albany procession, 2386
- NORTH, CAPTAIN: master of Hudson River sloop, 2342; carries mail for Antifederalists, 1799, 1801n
- NORTH, WILLIAM (Albany): id., 766n; will campaign for Federalists in northern NY, 1379
- -letter from, 765-66, 1359, 1412
- -letter from, quoted, 141, 206, 1357
- —letter from, cited, 1357, 1362n
- NORTH CAROLINA: cannot form a union with R.I. and NY, 1255; will not foment civil war, 1255; constitutional distinction between religious sects in, 985; Declaration of Rights of, 159n, 160n; delegates to Congress do not attend New York City festivities, 1347; delegates to Congress make provision to rush news of NY ratification to, 2430; deliberations of not yet known, 2451; and Dobbs County election, 1106–7, 1191; effect of rejection of Constitution on price of public

securities in NY, 2465; would have retained State of Franklin if it had a standing army, 128; help pay cost of army, 2021; hope that its convention will ratify Constitution, 2446; legislature of appoints five delegates to second general convention 2509; and Massachusetts Centinel's cartoon of pillars, 2435; minority in, 2197, 2216n; might be adversely influenced by NY, 1294; and NY Federal Republican Committee, 1101, 1099, 1198; no news from, 1343, 1346, 2454; and paper money, 2469; did not pay its requisition, 14n, 1724, 1731, 1997; refuses to ratify Constitution until amendments are submitted to new Congress, 2456, 2457n; restrictions on grant of power to Congress to regulate commerce, 1738n; role of in adoption of ordinance for putting new government into operation, 2459, 2466; state policies make collection of private debt difficult, 1146-47; stays out of the Union, 1295; toast that it may ratify Constitution, 2416; violence in during ratification debate, 2507; Va.'s influence on, 1334, 1351; might join Va. in a Southern confederacy, 1227-28n; stays out of the Union, 1295; wishes to be part of the Union, 1254 -Convention of: amendments proposed by, 2142n, 2507-8; adopts recommendatory amendments, 1252; convenes, 1097, 1205, 1669, 2217n; false report that it had ratified, 970, 971n, 1187; has rejected Constitution in belief NY would also do so, 2470-71; influence of Patrick Henry on in rejecting Constitution, 2471; refuses to ratify until amendments were submitted to Congress and a second convention, 2507-8; rejection of Constitution comes as surprise, 2458; will probably call for amendments under provisions of Constitution, 2133-34 -prospects for ratification in: accounts say it is much opposed to Constitution, 1557; evenly divided, 1094; likely to ratify if Va. and N.H. ratify, 1137-38, 1351; uncertain

- and N.H. ratify, 1137–38, 1351; uncertain in, 424, 1669; will follow Va., 1153; will ratify, 786, 919, 1102, 1192, 1213, 1241, 1248, 1313n, 1351, 2420, 2425, 2434; will reject, 895
- See also Southern States
- NORTH HEMPSTEAD, QUEENS COUNTY: Antifederalists do well in, 1531
- NORTH VS. SOUTH: split over Jay-Gardoqui, 1874n; struggle in Congress over ordinance putting new government into operation, 2471. See also Slave trade; Slavery

NORTHERN STATES: commercial people in want to ratify Constitution unconditionally, 2186; are more democratic, liberty is more natural, 128; and differences with Southern States, 128, 195, 292; importance of Union in preventing rivalries and conflicts with Southern States, 247; increasing manufactures, 1088; interests of, 2073; are the navigating states in the U.S., 1727, 1732; threefifths clause discriminates against, 664, 665; three-fifths clause benefits, 1728; Va. did not send militia to defend during Revolution, 2264n; will lose influence if R.I. does not ratify, 1316, 1317n. See also New England; Southern States

- NORTHWEST ORDINANCE: gives general protection under the common law, 1050, 1057; rights protected in, 1085n
- NORTHWEST POSTS, 2293, 2297n; British hold because of weakness of Articles, 1688, 1693; British occupation threatens NY, 1692; denial of danger to NY from British occupation, 1712, 1719; criticism of British for not giving up, 877, 2029; British continued occupation not due to weakness of Articles of Confederation, 960; British retain and thus control the fur trade, 930; British still occupy, xxxiv-xxxv, 88, 134, 151, 1199, 1201, 1208-9, 1396, 1402, 1407, 1685, 1695, 1696, 1698n, 1701, 1706, 1709, 1712, 1724, 2038, 2040; British will be forced to evacuate after Constitution is implemented, 916; British retain and thus control the fur trade, 930: British will be forced to evacuate after Constitution is implemented, 916, 2040; fur trade will revive when forts are restored to U.S., 1113; Indian and British occupation of, xxxiv, 1402; NY seeks support in obtaining possession of, 2074; no American government should attempt to regain without a navy, 1709; not worth a war with Britain over, 1706; Treaty of Paris cedes to U.S., 1402.See also Fur trade; Western lands
- NORTHWEST TERRITORY. See Western Lands
- Nova Scotia: as boundary with U.S., 1306; Publius accused of wanting union with, 599; state legislature asked to inhibit federal officials from taking to support to, 2510
- OATHS: amendments proposed that federal officers should take oath not to infringe state constitutions, 2108, 2208, 2241, 2268, 2317, 2334, 2548; Antifederalists propose

for NY constitution, 688; as a check on federal government, 1947; as check on president, 1952; criticism of to support the Constitution, 597-98, 1164; debated in NY Senate, 700; federal judges act under, 1964, 2034; federal officers should support both state and federal governments, 1080; judges bound to enforce Constitution by, 632; judges under will rule in favor of federal laws over states, 2036; NY Assembly Federalists propose of allegiance to U.S., 688; NY should pass law forcing state officers to avoid taking to new government until NY amendments are confirmed. 2474: necessity for state and federal officeholders shows the danger of Constitution, 158-59; officeholders must swear allegiance to Constitution, 2035; President's, 1952; provision for in NY constitution, 504; provision of Constitution, guoted, 158, 2481, 2486n; of Senate in impeachment trials, 827; state legislature asked to inhibit federal officials from taking to support Constitution, 2510; suggestion that NY adopt a law forbidding NY office holders from taking to U.S. Constitution, 2481-82, 2485; suggestion that NY adopt a law requiring officeholders to take an oath that they will use influence to adopt amendments, 2481-82, 2482, 2485; will help keep senators faithful, 1901; state judiciaries would interpret laws in favor of federal government, 2033; state officials will be forced to support national government by, 468

- Observations on the Proposed Constitution: distribution of throughout NY, 894– 901n
- "OBSERVER," 576; text of, 559-60
- "AN OBSERVER," 302n; quoted, 143, 389; response to, 298–302; text of, 123–25, 268– 70
- OFFICEHOLDERS: ambitious and needy men seek, 1028; no aristocracy in republics, 1812; from folly or blindness people put wicked men in office, 52; injurious when too few and timid, 1029; difficult to remove those with long tenure, 910; must be trusted, 998–99; must be watched, 809; oppressive to public when unnecessary and filled with those unfriendly to the people, 1028; right to examine conduct of, 28–29; should be checked by being responsible to a superior authority, 907; should be removed from office by elections if they violate the constitution, 876; should have

enough independence not to be swayed by popular caprice and error, 64; want to expand their authority, 684–85; will oppose any change of government, 919

- OFFICEHOLDERS, CONFEDERATION, 922; Congress can appoint but cannot punish for misdemeanors, 930; delegates to Congress prohibited from dual appointments, 984; have not been held responsible, 1032; should be trusted with more powers, 920, 922
- OFFICEHOLDERS, NEW YORK: almost alone in NY oppose Constitution, 152; are only Antifederalists in New York City, 1481; can be dismissed but should be careful, 24; clergy prohibited from holding by NY constitution, xxv; conservatives in NY hope to occupy, xxv; denial that they oppose Constitution for selfish reasons, 194, 243, 369-70, 405; divided in, 1710; haughty selfish ones should be elected to the NY Convention (satirical), 1450; not nominated for Convention because of conflict of interest, 1368-69; list of in NY, lxxxvii; and proposed oaths to support amendments, 2474, 2481-82, 2482, 2485; oppose Constitution for selfish reasons, 9, 14, 51-52, 58, 68, 86, 90, 97, 122, 144, 149-50, 152, 185, 391, 424; seekers of state offices oppose Constitution, 97; states need tax power to pay, 472
- OFFICEHOLDERS, STATE: Antifederalists crave, 814, 814n; avarice and ambition are their aims, 1340, 1516; criticism of requirement of to take oaths supporting Constitution, 597-98; denial that they are contemned, 945; denial that they are selfish and inferior in honesty, 1710; despite large numbers they will be no match for the central government, 1871; should divest themselves when considering Constitution, 1688, 1701, 1703; divided over the Constitution, 1708; will be eliminated after ratification of Constitution, 875-76; if they are Federalists they prefer the public good, 1517; fewer and less powerful, 2034-35; generally favor Constitution, 1710; many in addition to U.S. to collect taxes, 1937; more numerous than federal, 1868, 1869, 1889; must swear oath to support U.S. Constitution, 2034; no one will seek under new U.S. Constitution, 1931; NY Convention delegates should consider themselves citizens not state officeholders, 1690; are prosperous, 764; satirical praise of, 626; self interest of, 839-40, 841, 861, 878, 1206-7, 1336, 1337n, 1364, 1473,

1476, 1516, 1517–18; should not view Constitution from a biased perspective, 1694– 95; suggestion that NY adopt a law forbidding from taking oath to U.S. Constitution until amendments are passed, 2481–82, 2482, 2485; will be important under the Constitution, 1959; will be powerful and more numerous, 1963, 1965; large numbers of but subject to control of federal government, 2033; no property qualification for, 1795n

OFFICEHOLDERS, U.S.: as agents of the people, 934; brevity of needed to be balanced against quantity of power delegated, 983; Congress will be corrupted by, 223-24, 256, 257, 279-80, 314, 1006, 1820-21, 1882, 1886, 1889, 1889-1890; Congress will corruptly appoint, 1882; Constitution does not provide for annual elections of, 218: Continental and Confederation congresses had appointed former members of Congress, 1003; Constitution will create many placemen, 1747, 1748; criticism of no prohibition for election as U.S. Representative, 661; criticism of Congress' power to invest sole power to appoint officers in President, 231-32; Congress will appoint friends, themselves, or outgoing members of Congress to, 1003-4, 1006; Congress will establish an oppressive customs service, 135, 416; they will overturn constitutional powers and create despotism, 655; danger from, 1968; defense of prohibition for religious test for, 627, 629n; defense of Senate's power to try impeachments of, 852; defense of federal government's power to appoint, 107, 1391, 1395; decent salaries will attract respectable characters, 48; denial that Federalists are selfish seekers of office, 1396-97; educated men will occupy positions, 86; Federalists expect positions under new Constitution, 143, 192, 194, 370, 404, 450, 599, 668, 944, 993, 1382; Federalists will fill and further support the Constitution without amendments, 944; furniture for their offices will be costly, 1383; grudging praise for Senate as a check on President's appointment power, 232; part of Hamilton's view of Constitution as representative democracy because all, 2157; many and all to be given by President and Senate, 1885; many in additional to state to collect taxes, 1932, 1937; more numerous and important than those in states, 203435; objection to lack of responsibility of great officers under Constitution, 953; outgoing members of Congress will receive, 1884; plebeian can rise to highest office under Constitution, 64; positions will be honorable and highly sought after, 1762; potential to corrupt, 1753, 1897; powers over possessed by Confederation Congress, 2054; President not to have influence over members of Congress by appointing them to, 1916; no property qualification for, 1795n; seekers of should not be regarded in debate over Constitution, 209; should not form combinations that would be detrimental to the people, 990; should not serve in Congress, 1916; terms of office too long, 458; trust those who want to serve, 878; too much trust given to under Constitution, 999; under Constitution will be friends and neighbors chosen by the people, 87; will be expensive if spread throughout U.S., 217; will be given out by influence and corruption, 256; will increase under Constitution, 135, 225, 256, 337, 413, 468, 615, 965; will be more needed for states to pass any measures, 2004, 2011; will be natural aristocracy, 1756; will seek to increase their power, 407; would increase if there were separate confederacies, 114n

- -amendments proposed: binding them to take oath not to infringe or violate state constitutions, 2108, 2208, 2241, 2268, 2317, 2334, 2548; guarantees immunity to from state laws within federal capital, 2110, 2124; that all officers must take oath not to violate constitution, 2124; that federal officeholders are not immune from state laws, 2124, 2208, 2268, 2275n; prohibiting judges of Supreme Court from dual officeholding, 2100, 2102, 2103, 2124, 2241, 2268, 2275n, 2317, 2333; prohibits members of Congress from dual officeholding, 1975, 1975n, 2031, 2133, 2239, 2260, 2315, 2332, 2353, 2546; that commissions be in name of people of U.S. and tested in, 2099, 2124
- See also Appointments; President, U.S.; Senate, U.S.
- Ogden, Jacob, 888
- OGDEN, LEWIS (New York City): appointed election inspector, 1494
- OGILVIE, PETER (New York City): id., 1310n; goes to Poughkeepsie, 1308

## CUMULATIVE INDEX

- Ohio Company: and purchase of lands from Congress, 78n; settlement of, 763n
- OHIO TERRITORY: emigration to if Constitution is not adopted, 763, 763n
- "AN OLD DUTCHMAN": referred to, 1567-68
- "An Old Man, and a Friend to Impartiality," 1489n; text of, 1489
- "AN OLD SOLDIER," 10; text of, 23-24
- OLIGARCHY: will take place if jury trials are destroyed, 169; Constitution will end in, 1263
- OLIVER, RICHARD (Ulster): id., 2434n
- —letter to, 2433–34
- OLNEY, JEREMIAH (R.I.): in Providence celebration of NY ratification, 2424
- ONDERDONCK, MR. (Queens): defeated as Convention delegate, 1532
- "ONE AND ALL": response to, 1512n; text of, 1513
- "One of Many," 1443n, 1449; text of, 1452– 53
- "One of the Nobility": text of, 403-6n
- "One of Your Constant Readers": text of, 390–92
- "ONE OF YOURSELVES" (Alexander Hamilton): distribution of, 1516–17; text of, 1515–16, 1516–19n
- OOTHOUDT, ABRAHAM (Albany): id., 894n
- —letter from, 1413–14n
- -letter from, cited, 893
- OOTHOUDT, HENRY (Albany, A-N), 864, 865; id., 498; as a member of the Albany Antifederal Committee, 835, 1363; and distribution of Antifederalist literature, 896–97, 1477; silver mine, 2065
- —in NY Convention: as chairman of the committee of the whole, 1670, 1700, 1702, 1703, 1744, 2317, 2345n; disagrees on issue of concurrent jurisdiction, 2065; elected to, 1356, 1416; election certificate, 1416; leaves Albany for, 1172; nominated for, 1356, 1366, 1370, 1380; sends NY Convention amendments to Abraham Yates, 2028; votes for 1417, 1419, 2318n; will write Abraham Yates from, 1173; in roll-call votes, 2199, 2311, 2323
- -letters from, 1359, 1376-77, 2346-47, 2354-55
- -letters from, quoted, 1672, 1876
- —letter to, 600–601
- -letter to, quoted, 206, 1477
- OPPRESSION: legal oppression does not threaten Americans, 946. *See also* Despotism; Tyranny

- ORANGE COUNTY, NY: Antifederalists active in, 1580; Antifederalists elect Convention delegates from, 1581; and distribution of Antifederalist literature, 896–97, 898; election of Convention delegates from, 1530; increased balloting for Convention delegates in, 1354–55; inhabitants of join in burning the Constitution, 802–8n, 1542; population of, 550; said to be no hostile disposition in, 887–88; will have Antifederalists in the state convention, 1108, 1530
- Orr, Hugh (Albany): Scotsman endorses Constitution, 1405
- OSBORN, DANIEL (Suffolk): nominated for Assembly, 1537; votes in Assembly, 516, 521, 704, 713, 714
- OSGOOD, SAMUEL (Mass.), 372n, 671n; id., 1310n; criticizes Giles Hickory, 553, 644n; said to answer Noah Webster's writings, 669, 671n
- -letter from, 1308-10
- -letter from, cited, 2297n, 2369
- OSWALD, ELEAZER (Pa.): id., 1800n; and address of the seceding Pa. assemblymen, 76–77; as Antifederalist courier, 1198, 1203, 1204n, 1205–6, 1206n, 1797, 1797–98, 2428n; criticized by Ebenezer Hazard, 584; criticizes postmaster general, 584; in jail for contempt of court, 2428, 2428n; prints Genuine Information as a pamphlet, 614–15, 901n; as printer of *Independent Gazetteer*, 204, 402; prints Dissent of Minority of Pa. Convention, 477; sells *New York Journal*, lvii —letter to, 308
- See also Newspapers, in Pennsylvania, Independent Gazetteer
- Oswego (BEEKMAN'S DISTRICT), DUTCHESS COUNTY: Antifederalist meeting, 1439, 1440–41, 1458; of Antifederalists criticized, 1452; criticism of meeting at, 1441–44n; report of, 1444–45
- OTIS, SAMUEL A. (Mass.): id., 1092n
- -letters from, 1092, 1102, 1111-12, 1323-24, 1566
- -letters from, quoted, 688, 1129n
- -letter from, cited, 1197n
- OTTO, LOUIS-GUILLAUME (France): id., 309n; biographies of, quoted, 139
- —letter from, 309
- OYSTER BAY, QUEENS COUNTY: Antifederalists do well in, 1531
- "P. VALERIUS AGRICOLA," 4; text of, 186–90n, 361–67n

- PACA, WILLIAM (Md.): elected to Md. Convention, 968; and proposed amendments in Md. Convention, 969, 1191
- PAINE, BRINTON (Dutchess): in Assembly votes, 515, 521, 1444n; not nominated as Convention or Assembly delegates, 1444– 45; nominated for Assembly, 1458
- PAINE, EPHRAIM (Dutchess): as leader of political faction, xxx
- -letter from, quoted, xxxii, xxxiii, xxxv
- PAINE, THOMAS (Pa.): quoted, 63, 581, 582n, 2185n
- PAINTERS: in Albany procession, 2386; and New York City procession, 1586, 1599, 1641, 1663
- PALMER, MR. (Albany)
- -letter from, cited, 1379
- PALMER, BENJAMIN (New York City): id., 2488n
- —letter from, 2486–88
- PAMPHLETS. See Broadsides, Pamphlets, and Books
- PAPER MONEY: Antifederalists object to provision allowing only gold and silver to be used to pay debt, 1472; conditional amendments if insisted on will lead to depreciation of currency, 2148; Congress has power to emit under Articles of Confederation, 984; Constitution will prohibit, 134, 850, 1307; criticism of prohibition on states to emit under Constitution, 108, 1381; danger of depreciation of, 90, 972; demands for in NY, xl-xliii; depreciated currency being used by states to pay the interest on their debt, 1146-47; depreciation of Morris Notes, 373, 377n; discounting of, 1401n; failure of, 366; federal government should also be prohibited from issuing, 624; issuance and depreciation of in Pa., 494n; NY reserves right to pay Impost of 1783 with, xxxviii; of NY would fall in value if NY does not ratify the Constitution, 1148; NY's will depreciate, 1114; N.C. convulsed by epidemics of, 2469; opposition to emission of, 2468; as part of Clintonian program, xxxi; praise of Constitution's prohibition of, 229, 628, 1392, 2159; problems with during Revolution, 210, 1064; provisions of NY act issuing, xliii; revitalizes NY economy, xliii; R.I. and, 849, 2154, 2469; speculators in, 373; state enactments alarm creditors, 210; state enactments alarm honest men, 211; used to defraud public creditors, 446-47; used to pay interest on U.S. debt, 369; used

to ease payment of debts, 849; supporters of in Mass. said to be Antifederalists, 669; value of, 786, 1248. *See also* Money; Money, coinage

- PAPER STAINERS: and New York City procession, 1599, 1643, 1663
- PARADISE, JOHN (England): id., 160; and Doctors' Riot, 916
- PARCHMENT MANUFACTURERS: and New York City procession, 1638
- PARDONS AND REPRIEVES: amendments prohibiting President from granting in cases of treason, 2093, 2094, 2095–96, 2098, 2123, 2266, 2275n. 2315, 2332, 2547; amendment that pardons be in name of people of U.S., 2124; criticism of Constitution's provision concerning, 198, 1080; criticism of President's power in treason cases, 196; defense of President's power to grant, 631, 881; President acts alone in granting, 2534; state constitutions have no power to pardon treason, 889; power over in hands of few in a large republic, 113
- PARIS, ISAAC (Montgomery Co.), 601n, 2557, 2560n
- PARKER, ICHABOD (Washington, A–N): in Assembly votes, 515, 521; as Convention delegate, 1573, 1677; elected Convention delegate, 1574; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- PARKS, ARTHUR (Orange): votes in Senate, 512, 513, 524, 715, 720, 727
- PARSONS, JAMES (Pa.), 341n; id., 341n
- PARSONS, SAMUEL HOLDEN (Conn.), 54
- -letter from, cited, 609n
- PARTY SPIRIT: animosity toward George Clinton and his party, 1316; Antifederalists accused of, 677, 885, 1105, 1280, 1361; carried on with warmth, ill-humor and personal involvement, 843; in those states with conditional amendments, 1257; Congress less likely than second convention to be divided by, 2514, 2518-19; Congress will have, 2514, 2520-21; Constitution causes in NY, 262, 712, 851-52, 900, 921, 924, 927, 936-37, 937, 963, 1151, 1202, 1224, 1228, 2524; Constitution will discourage, 867, 1329, 1589; in the Confederation Congress, 1790; causes opposition to Constitution, 65; could prevent compromises on amendments, 2218-19; do not be swayed by when

considering Constitution, 90; attempt to eliminate, 1134-35, 2029; denial Federalists are motivated by, 58, 1722; finds access in periods of crisis, 262; free government cannot exist without it, 839, 2522; general, 973; hope that whichever party prevails it will protect great rights of mankind, 2522; Livingston factionalism in Columbia County, 1421; in Mass., 669; a necessary evil, 839; New York Journal has reported NY Convention debate without, 1324n; in NY, 1227-28n, 1303, 1309, 2518; in NY Convention, 2354; not in nomination list, 1489; opposition to, 790, 800-801, 812, 838, 878, 934, 1224; in Pa., 478; Publius accused of exhibiting, 138; Publius is free of, 564; rules out a second general convention, 2503-4; second convention will destroy parties that exist amongst us, 2527; second general convention would be divided by, 2514, 2518-19; should be avoided in voting for Convention delegates, 1482, 1561; toast that it may cease, 2415, 2416; united with corruption, 841; must be stripped of verbiage to get to truth, 1763; will make it unlikely that a second general convention could succeed, 938, 973; in Va., 1227-28n; Yates and Lansing called instruments and ministers of a party, 815. See also Civil war; Domestic insurrections; Factions; Patriotism; Political parties; Public spirit; Union; Violence; Virtue

- "PAT. O'BALAGHAN": quoted, 206
- PATENTS: amendment proposed that letters patent be in name of people of U.S., 2124
- PATERSON, MATTHEW (Dutchess): votes in Assembly, 704, 705, 713
- PATRIOTISM: Americans must work together for benefit of all, 15; advocacy of, 1151; and American Revolution, 176, 436, 452, 929, 1201, 1730, 1734, 1766; appeal to in considering the establishment of a proper constitution, 1119; appropriate amount needed, 860; carpenters' motto in New York City procession, 1638; can be carried to extremes, 175; Constitution will bring to U.S., 1306; over Constitution, 1623, 1658; Convention delegates must have, 1363, 1503; criticism of Hamilton for not having in attacking Clinton, 18; decried, 1780; demonstrate by carefully considering Constitution, 60; denial that people have lost spirit of '74, 237; desire for, 1748; dwindles when danger disappears, 364-65; existed during

the war, 1721, 1730, 1766; great body of people have, 928; good of the country more important than self-interest, 48; high in U.S., 1774, 1777; hope spirit of '76 and '77 is still present, 1840; in Kingston, 1283; and New York City procession, 1661, 1662; members of Constitutional Convention praised for, 2131, 2133; more pride in American citizenship, 486; needed in republics, 355; NY Convention should debate Constitution with a spirit of, 1712; NY Convention delegates have, 1683, 1695; not sufficient to get men to serve in public office (need ambition with it), 399-400; patriot heart will support Constitution, 50, 1609; people in republics do not choose rulers who are both politicians and patriots, 91-92; usually possessed by a small minority, 791; ridiculed under William I, 647, 651n; ridiculed by many, 1717, 1721; as a reason for ratifying Constitution by NY Convention, 2322; in ancient Rome, 328; should be felt by everyone as Constitution is being debated, 1324n; toasted in Albany procession, 2390; toasted in Lansingburgh, 1283; U.S. will reach summit of glory and power under Constitution, 309; violated by exaggerated arguments, 275; will want Constitution adopted by nine states and then amended through Congress, 973; will win out in U.S., 1304

- —and Antifederalists: at Claverack meeting called, 1425; have, 577–78, 1449; hide behind image of, 1224; lack, 52, 70, 439, 1360; should cause citizens to vote against Constitution, 1363, 1366, 1442; state officeholders do not have, 1336, 1337n; Yates and Lansing lack, 815–16
- —and Federalists: Constitutional Convention praised for having, 25, 52, 69, 87, 92, 120, 151, 301, 1402, 1403; accused of ridiculing, 1720; called false patriots, 431; have, 886, 900, 1301, 1429, 1514; Federalists should act with, 1203; many have, 2220; praise of Publius for displaying, 564; those who were happy with ten states ratifying were patriotic, 1312; vote for Federalist candidates with, 1362, 1365; George Washington had, 654
- See also American Revolution; Public good; Public spirit; Union
- PATTERSON, JOHN: id., 2473n-74n
- —letter from, 2473–74

- PATTERSON, MATTHEW (Dutchess), 1278n; in Assembly votes, 516, 521, 1444n; nominated for Assembly, 1458; elected to Assembly from Dutchess County, 1466; and Fredericksburgh, NY, celebration, 1278
- PAULDING, JAMES K.
- -letter to, cited, 879
- PAYNE, BARNABAS (Dutchess): nominated as Convention delegate, 1443, 1455
- PEABODY, NATHANIEL (N.H.): and NY Federal Republican Committee, 1101n
- PEACE: amendments to Constitution needed to preserve, 784, 2450; as a blessing, 980; conducted by Great Britain before the Revolution, 930; Constitution endangers, 1926, 1929; Constitution will help preserve, 41, 100, 883, 1143, 1276, 1306, 1308, 1329, 1334, 1369, 1396, 1470, 1474, 1476, 1515, 1589, 1608, 1622, 1664, 2433; Constitution will make America safe, 51; dependent on adoption of Constitution, 1368-69, 1514; dependent on proper management of domestic affairs as well as foreign, 473; dependent upon Union of the states, 1683, 2545n; endangered if Constitution is rejected, 1514; endangered by state officeholders who will oppose Constitution for selfish reasons, 26; in Europe in interest of U.S., 602; genuine federal republic will establish in U.S., 1257; as goal of Constitution, 789-90, 2398; Greenleaf prizes, 1324n; justice and law will maintain, 2439; love of repose will unite all, 2197, 2217n; needed for happiness, 1682; NY Antifederalists endanger, 1223; NY ratification will increase, 2360-61, 2382, 2427, 2433, 2443n: NY will threaten because of its territorial claims, 1337; none until a second convention is called, 2514-15, 2522, 2527; political harmony, union, and concord should be cultivated, 2448; ratification of Constitution has restored love and harmony, 2393; U.S. will be at if there is order at home, 2487; toasted, 1276, 1282, 1283, 1288, 1292, 2390, 2416, 2417; U.S. experiencing and thus no need to ratify quickly, 208, 239, 305; U.S. is at with world, 947; will help U.S. pay its debts, 1945
- PEACE-MAKING POWER: Confederation Congress cannot enforce treaties, 930; Congress has under Articles of Confederation, 363, 984, 1812–13, 1817, 2054; government entity charged with should not have all power, 1065; in confederations power to

approve should reside in federal government, 213; power to negotiate never possessed by states, 440; should be left to federal government, 213, 223, 1822, 1825, 1827, 1955; as sovereign power of government, 189

- PEAL, JOHN (New York City): and New York City procession, 1637
- PEASE, LEVI (New York City): id., 1220n; carries news of Va. ratification from New York City to Boston, 1220n; ready to leave New York City for Poughkeepsie with news of Va. ratification, 1243
- PELL, PHILIP, JR. (Westchester): and distribution of Antifederalist literature, 896–97, 898; as defeated Convention candidate, 1579; as Westchester sheriff, 1579n
- PEMBERTON, JAMES (Pa.)
- -letter to, quoted, 341n
- Pendleton, Edmund (Va.): id., 123n
- —letter to, 122
- PENNSYLVANIA, 1198, 2195; appointment of delegates to Constitutional Convention, 211; aristocratic party in wields much political power, 320-21; and border with NY settled, 693, 697, 699; danger to NY if NY rejects Constitution, 439; denunciation of the use of term "Republicans" to describe aristocratic party, 406-7; dominates N.J.'s economy, 176; Federalists causing embarrassments there, 1427; heavy financial burden of during Revolution, 2545n; issuance and depreciation of paper money in, 494n; as a large state, 244n; as a large state wants an increase in size of U.S. House of Representatives, 1730, 1736; as a manufacturing state will benefit if Congress cannot lay excise tax, 1994, 2263; minority in are willing to give new government a chance to succeed, 2462; newspaper items from reprinted in NY, 733; paper money of criticized, 494n, 1392; party spirit in, 478; power of people supreme over legislature in, 744n; reference to violence of party in, 151, 478; as a republic that approaches democracy, 607; requisitions paid by, 14n, 1724, 1731, 1947, 1993; has ratified and endangers NY, 86; rebellion in given as reason for standing army, 657; unrest in western counties of, 1190; violence in during ratification debate, 2507; wishes for amendments to be gotten under provisions of Constitution, 2133-34, 2142n; Wyoming Valley settlers revolt, 657

- —Antifederalists in, 78, 91, 91n, 121, 122, 492; favor amendments to the Constitution, 955; favor aristocracy, 491–92, 492; criticism of, 789; call Harrisburg Convention to propose amendments, 2216n; petition campaign to stop ratification, 1252, 2216n, 2507; support obtaining amendments through Constitution, 2219; University of Pa., 491, 493n; wish to join with NY to support amendments, 2219
- —Assembly of: does not recommend circular letter to next Assembly, 2508; seceding members of, 76–77, 385, 492, 625; violence and speed used in calling state convention, 76, 77, 162, 165n, 193, 241, 323, 326n, 477, 903, 905n
- —Constitution of: Declaration of Rights, 159n; has unicameral legislature, 985; opposed by state Republican Party, 320–21, 406–7, 625, 744n; standing armies are dangerous and ought not to be kept up, 160n, 321–22, 326n
- —Convention of: criticism delegates had small number of voters, 1519n; *Debates* of distributed in northern NY, 906, 907n, 913, 1378; and Dissent of Minority, 171, 175, 477–78, 484–94n, 565, 603, 606, 1422, 1434; Form of Ratification, 660–61, 666n; has ratified the Constitution, 428, 477, 672, 903, 919, 1087, 1358, 1373n, 1471n, 2195, 2216n; Antifederalists' recommended amendments were rejected, 2296n-97n, 2507; minority of publishes dissent in *Penn-sylvania Packet*, 2216n
- -toasted in, 771; Jamaica, NY, 1281; Lansingburgh, 1283; New York City, 1287
- See also Newspapers, Pennsylvania; Philadelphia
- "A PENNSYLVANIAN" (Tench Coxe), 943, 1110n, 1138, 1139n, 1181; text of, 1139– 50n; will be given to Jay and Hamilton, 1150, 1150n
- PENSIONS: defense of Congress' power to give to deserving individuals, 1395
- PEOPLE, THE: amendment stating sovereignty vested in, 2200, 2234, 2305, 2326; amendments to the Constitution to be proposed to, 2169; American constitution and laws should be molded about, 982; can amend the Constitution but should not be done frequently, 745n; Americans are a generous and credulous people, 762, 1201; Antifederalists condemned for not letting the people decide their own affairs, 730–31; all

dignities flow from, 64; anarchy results when they govern, 290; Antifederalists charged with making a mockery of their understanding, 439; Antifederalists said to object to any government that operates directly on, 121; Antifederalists try to frighten the rabble into opposing Constitution, 395; Articles of Confederation suffers from lack of confidence of them, 1717-18; the aristocratic court of the President will be distinct from, 197; ought to enjoy all their civil liberties, 1058; before Constitution is ratified they control fate of Constitution, 945; better acquainted with state legislatures than with Congress, 1708, 2000; came to power during the Revolution and sometimes misruled, 1000; have changed their minds on government over last few years, 1754; character of Americans has fallen, 877; clergy's influence over, 668; common people will oppose Constitution in Poughkeepsie, 62; concerned over Constitution, 479; cannot alter the Constitution by themselves, 1142; confidence derived from good administration not plentiful representation, 1769-70; Congress can intervene with directly under Constitution, 106, 121; Congress will have same interests as, 486; Constitution does not guarantee that the will of will be the law, 2220; Constitution is the supreme act of, 1056, 1141, 1561; Constitution will always be in the hands and power of, 940; Constitution will be agreement among, not a compact among states, 234, 235, 474, 758, 758-59, 934; Constitution will limit licentiousness of, 64; Constitution will totally change condition of, 210; under Constitution power will be shifted from to Congress, 296; danger of appealing too often to for constitutional change, 746n; denial that Americans possess power, property, and strong arm to keep them free, 1006; defense of majesty of, 80, 81, 105; demagogues use, 94; determined and prepared for a change in government, 92; easy to alarm and inflame the multitude, 886; Federalists deceive, 368; federal and state constitutions are creatures of, 604; as long as they are free government will be safe, 993; in a free government all power must be derived from, 105, 111, 254, 290, 313, 399, 504, 1201; must be foundation of government, 932, 1201; frequently subject to errors and imprudence, 1880; generally

choose right when informed, 1026; give force to propositions of Congress, 2174; good of as end of government, 155, 313; government must have confidence of, 1720; government operates on the spirit of and the spirit of operates on government, 1754, 1757, 1758; can govern themselves, 974-75; great body of always mean well, 928; half who read cannot apply what they read to their lives, 553; happiness and liberty preserved when they exercise right to free and frequent elections, 432-33; have given their representatives power to legislate, 355; history shows they are unfit for any part of governing, 290; quoting Horace "I hate the common or vulgar herd and keep them off," 404, 405n; ill-suited to determine best government, 93-94; important for them to serve on juries, 235-36; interests of should be represented in legislature, 214-15; interests of will not be served under the Constitution, 619; have same interests as the state legislatures, 1913; not capable of judging politics of a nation, 1899; laws of a country are characteristic of, 421; laws act directly upon in a consolidated government, 1061; not skilled in the law but have common sense, 1049; led by leading citizens in England to seek liberty, 994-95; lethargy of increases, 740; majority of are between Antifederalists and Federalists, 240; as a majority should be able to stop federal internal taxes, 1068; make the laws in a free state, 1721; morality of will be uplifted by the Constitution, 867; in NY favor Constitution, 55: since nine states adopted Constitution it has become obligatory by will of, 2172; no hereditary titles, 1760, 1818; not represented in the Confederation Congress, 1690; objection to majesty of, 70, 99; officeholders will seek to increase their own power and keep down the common people, 407; only source that could authorize assent to the Constitution, 305; people of a free government mean right but frequently think wrong, 64; plebeians can attain highest offices under Constitution, 64; not capable of obtaining political happiness, 1899; powers in Constitution derived from, 2205; all power derived from in the NY constitution, 1156; all power resides in but exercisable in legislatures, 742; must keep power in their own

hands to safeguard liberty, 791; public opinion governs, 1778; purpose of representation is to collect the will of, 1764, 1774; question whether legislative body has power of, 738-45n; not remembered by men in high office, 997; should be well represented at the state level in a federal republic, 1066; republican jealousy and vigilance is safeguard of liberty, 980, 1010; need to be represented in Congress, 993; have a responsibility to become competent about the debate over the Constitution, 761; have a right to alter their governments, 643-44, 673; satire saying they will not accept Constitution, 628; satirical piece saying they are incapable of political judgment, 404, 405; should not interfere with the administration of government, 173; should determine meaning of Constitution by voting officeholders in or out, 876; should have the power to recall representatives, 1015; should not be able to limit future generations, 555; sovereignty of in Pa., 744n; state constitutions should be written amenable to, 1155, 1168n; as having sole power to pass laws under Constitution, 606; some delegates to the Constitutional Convention had contempt for, 192; some natural rights should be retained by, 155; are the sovereign of the land, 80-81, 105, 111, 179, 604, 709, 743n, 907, 932, 983, 985, 1052, 1077, 1095, 1201, 1247, 1683, 1695, 2111, 2119; must be strong in the democratic branch of government if they want to return their rights, 1011; are not always vigilant, 980; the voice of is the voice of God, 1149; should vote on Constitution without comment from the legislatures, 673; when they give up power it can only be restored by force, 106; will choose officeholders under Constitution, 87; will have discernment to see dangers of Constitution and demand amendments, 371; will be more strongly attached to their states than to the federal government, 604; will control state governments but not the federal government, 1007; will have confidence in government if a mandatory rotation in office, 1839; will not be able to control the central government under the Constitution, 1001, 1010; will not be duped, 1201; will not exercise the government directly, 619; will restore integrity of Constitution if judges do not, 632; will serve as a check on government officials, 993; will not be properly represented in U.S. Congress, 280, 416; will not have confidence in Congress because it is too small, 315; will of is end of government, particularly republican form of, 1768, 2220–21

- PERCY CASTLE (New York City): and prisoners at, 1620
- PERIN, JOHN; (New York City) and New York City procession, 1637
- PERLEE, EDMUND (Dutchess): and Constitutional Society of Dutchess, 1458
- PERSONAL INTEREST: Antifederalists have, 1404; changes in human interest are uncertain and frequent, 1990; factions under Constitution will seek, 1764; should not be represented in the legislature, 1810, 1814; factions under Constitution will seek, 1764
- PERSONAL INVECTIVES: beware of, 61 PERUKE (WIG) MAKERS: and New York City
- procession, 1586, 1599, 1639
- PETITION, RIGHT OF: amendments guaranteeing, 2112, 2120, 2236, 2246, 2306–7, 2328; guaranteed in NY Bill of Rights, 505; protected in America, 985; as right belonging to Englishmen, 643
- PETITIONS: asking for issuance of paper money, lii; asking for tax relief from NY legislature, xli; campaign of in Pa. to stop ratification, 1252, 2216n, 2507; Federalists use in Conn. to intimidate Antifederalists, 193– 94, 194n–95n; N.J. counties ask legislature to call a convention, 181n; in Pa. Convention for amendments, 477; Philadelphia printers petition concerning newspapers in the mail, 1191; from Scotland to England for assistance, 269; signed supporting Constitution in Philadelphia area, 101n
- Pewterers: in Albany procession, 2384, 2387; flag of in the New York City procession, 1650; and New York City procession, 1586, 1600, 1650, 1651
- PHELPS, OLIVER (Mass.): and Genesee land sale, 1149n-50n
- PHILADELPHIA, PA.: as a primary center for printed material on ratification, 4; celebration of NY ratification in, 2422; celebration of Va. ratification being planned, 1169; Congress abandons as capital, 1076, 1085n; news of NY ratification arrives in, 2454–55; newspapers of oppose NY amendments, 2471; procession on Fourth of July, 1193.

1261, 1290, 1310, 1587, 1627–28; petitions from support Constitution, 101n; printers in petition concerning newspapers in the mail, 1191; reference to mob used to help call state convention, 162, 165n; support for Constitution in, 99, 101n, 123–25, 175; as possible federal capital under Constitution, 1309, 1313, 1314, 1318, 1319, 1351, 2138–39, 2142n, 2422, 2429, 2432, 2434, 2445, 2451–52, 2456, 2457, 2460–61, 2465–66; wealthy of in favor of monarchy, 406–7. *See also* Middle States; Newspapers, Pennsylvania; Pennsylvania

- PHILADELPHIA BAPTIST ASSOCIATION: circular of, quoted, 333; criticism of, 331–38n; supports Constitution, 174–75, 180n
- "PHILANDER," 1440; criticizes Joseph Crane, 1460; response to, 1462–64; text of, 1461– 62, 1464–65
- "Philiopœmen": text of, 262-67n
- PHILIP II. See The Netherlands
- PHILIP, GEORGE (Columbia): Antifederalists meet at house of in Claverack, 1421–22, 1424, 1425
- PHILLIPS, SAMUEL, JR. (Mass.): as president of Mass. Senate, 1132, 1132n
- "PHILO-PUBLIUS" (William Duer), 137, 372; publication of, 565n; texts of, 148–51, 267, 313, 341–42; quoted, 138; will be published in book edition of Publius, 565
- PHILOLOGICAL SOCIETY: and New York City procession, 1586, 1600, 1604, 1631, 1653– 54
- PHINNEY, ELIHU (Columbia): signs Claverack grand jury address, 617
- "PHOCION": reference to Hamilton, 668
- PHOENIX, DANIEL (New York City): nominated delegate to Convention, 1512
- PHYSICIANS: in Albany procession, 2388; and New York City procession, 1586, 1600, 1655, 1665
- PICKERING, JOHN (Mass.): id., 483n
- —letter to, 482–83n
- Pickering, John (N.H.)
- -letter to, 2372
- —letter to, quoted, 1324n
- PICKERING, TIMOTHY (Pa./Mass.): id., 297; criticism of his defense of the Constitution, 779, 781n; response of to Federal Farmer, 207
- —letter from, 482–83n
- -letter from, quoted, 297
- -letter from, cited, 669, 670n

- —letter to, 297–98
- -letter to, quoted, 207
- —letter to, cited, 670n
- PIERCE, WILLIAM (Ga.): on post office committee in Congress, 591
- PILLAR AND CAP: as emblem of liberty, 2061–62; reference to defended, 2068
- PILOT BOAT AND BARGES: and New York City procession, 1600, 1645–46, 1646
- PILOTS: Constitution will benefit, 1594; and New York City procession, 1600, 1647, 1664
- PINCKNEY, CHARLES (S.C.): defense against charges against him, 99, 102n; discounts Antifederalist assertion he was too young, 65; moves to reject recall in Constitutional Convention, 1874n; pamphlet of on plan submitted in Constitutional Convention, 663, 666n; and S.C. toasted in Fredericksburgh, NY, 1279; speech of in Constitutional Convention, cited, 326n; speech of in S.C. House of Representatives, 1187
- PINCKNEY, CHARLES COTESWORTH (S.C.): id., 1233n; defense against charges against him, 99, 102n; is qualified to be president, 55 —letter to, 1233
- PINTARD, JOHN (New York City), 610, 612n; id., 49n
- -letters from, 47–49n, 1210, 1308
- —letter from, quoted, 1138n
- PINZON (Spanish ship): and New York City procession, 1586, 1610, 1616, 1646, 1660n. See also Spain
- PIRACY: amendment proposed that all inferior courts are to have only appellate jurisdiction over, 2100, 2125; danger to U.S. coast unprotected by navy, 362; defense of Constitution's clause concerning, 266; federal government will legislate for defining and punishing, 566–67, 1070. See also Admiralty jurisdiction; Barbary States
- "A PLAIN CITIZEN": response to, 1517
- "PLAIN TRUTH," 5, 629n; printing in NY, 1180; text of, 882–84
- "A Plain Truth": text of, 1570
- PLANTERS: satirically called Nabobs, 383. See also Agriculture; Farmers
- PLATNAR, JACOB (Columbia): campaigning for Antifederalists in Columbia, 1435
- PLATT, RICHARD (New York City): id., 1169n; as chair of committee of arrangements of New York City procession, 1584, 1589–91n, 1597, 1600, 1612, 1631, 1659; quoted, 1586–87; as treasurer of NY Society of the Cincinnati, 1287

- -letters from, 1169-70n, 1351-52, 1631
- -letters from, quoted, 1585, 1631
- -letter to, cited, 1351
- PLATT, ZEPHANIAH (Dutchess, A-Y), 1261; id., 2189, 2218n; opposes Constitution, 62
- -in NY Convention, 1439, 1459, 1671, 1676; criticized for ratifying Constitution although an Antifederalist, 2455; elected delegate, 1466; has not yet appeared in NY Convention, 2347; nominated as delegate, 1439, 1441, 1458; convinced that conditional ratification is not possible, 2300; explains reasons why he voted to ratify Constitution, 2432-33; has become convinced that conditional ratification was a mistake, 2299; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323; ratifies Constitution, 2438, 2441, 2442; says Smith's second proposal on ratification is Antifederalist ultimatum, 2252-53; seconded Smith's 17 July motion proposing plan of ratification, 2227, 2231, 2232; supports Smith's motion of 17 July on ratification, 2232; speeches of, 2190, 2231, 2280, 2300
- —letter from, 2432–33
- -letter from, quoted, 2505
- -letter to, cited, 2432
- PLEASANTS, MR., 2459
- "A PLEBEIAN" (Melancton Smith?), 1540n; text of, 942–63; effectiveness of, 924; publication of, 734–35; responds to A Citizen of New-York, 927; response to, 1146; reviewed by Noah Webster, 971–72; sent to Samuel Adams, 1093, 1094; circulates in Suffolk County, 1536; toasted in Fredericksburgh, NY, 1278
- PLYMOUTH, MASS.: celebration of NY ratification in, 2423; praise for ancient town of in celebrating NY ratification, 2423
- POELLNITZ, BARON VON (New York County): id., 1659n; and New York City procession, 1633
- POETRY, 119–21, 186, 1304–6, 1334, 1335n, 1594; "A.B.": The Raising (Francis Hopkinson), 1177; *The Anarchiad*, 365–66, 367n; Samuel Butler, 628; Cato quoted, 79; Charles Churchill, 19–20; "Civis," 1515; criticism of Federalists', 445; *The Federalist* praised, 561–62; A Federal Song, 2446–48; Francis Hopkinson's Ode, 1181; Horace, 1549, 1550; on liberty, 118; quoted from

Massachusetts Centinel, 2401n; of measurers of grain in New York City procession, 1634; of musical instrument makers in the New York City procession, 1642; John Newbery, 628; The News-Mongers' Song for the Winter of 1788, 249-51; New York City Fourth of July celebration, 1288; quoted from New York Museum, 2403n; NY ratification, 2439; An Ode, text of, 2392-94; parody of the News-Mongers' Song, 310-12n; Philiopæmen, 262; A Piece written by "W. H.," 1622-24; William Pitt's Ode, 1182; Alexander Pope, The First Epistle of the Second Book of Horace, Imitated, 262, 266n; The Psalms of David, 345, 346n; praise of Constitution, 1624; The Prospect, 1304-6; ghost of Rough Hewer in the NY Senate, 812-14; Rough Hewer's song, 812-14; some federal poetry sent to Mathew Carey, 1318; A Song, 1233; The Syren's Songs, 392-94, 429-30, 445, 562; James Thomson's Autumn, 2401n; uniting under Constitution, 1652; on the upcoming election, 1496; A Young Dutchman, 1567-68

- -in New York City procession, 1589, 1661-65; being struck as a broadside during the New York City procession, 1647; for the bakers, 1635; of the blacksmiths, 1643; of the block and pump makers, 1644; of brush makers, 1652; of the butchers, 1637; of the cartmen, 1648; of chairmakers, 1641; of drum makers, 1642; Samuel Low's Ode, 1605-9; of measurers of grain, 1634; of musical instrument makers, 1642; of the pewterers, 1650; of the riggers, 1645; of the sail makers, 1644; of the ship joiners, 1644; of the stone masons, 1640; of the tin plate workers, 1650; of the white smiths, 1639; William Pitt Smith's Ode on the Adoption of the Constitution, 1605, 1612-14
- POLICE POWERS: bankruptcy legislation would fall under, 1075; Constitution places in few hands, 212; Constitution will change how they are enforced, 680, 1746; Constitution will give to central government, 218; in confederations remains with state governments, 213; criticism of federal government's power to interfere with, 1167; importance of to obtain happiness, 1070; needs power to tax, 1973; proper end of government, 568; there will be adequate revenue for, 1962; should be reserved for the states, 213, 215, 218, 223, 270, 414, 466, 567, 636, 1061, 1963, 1965, 1967, 2060

- general comments on, 1763; agree that representation should be based on property and persons, 1728; Americans should not be restricted by maxims of, 354; the best were read by delegates to Constitutional Convention, 634; criticism of European writers who are not relevant to U.S., 171; denial that Federalists have adequately answered, 421; denial that they show Constitution is dangerous, 1964; did not provide valid forms of government before English Civil War, 607; explain purpose of representation, 1764; favor checks and balances, 1953; Federalists disagree with many, 116, 126, 646; have come up with accepted principles of government philosophy, 126; recognize different classes and abilities among men, 1762; representation theory most imperfectly investigated, 988; say only despotism works in large country, 1932; say that persons and property should be jointly represented, 1735; say that a republic cannot extend over large territory, 110, 214, 1034, 1933; standing armies condemned by all, 261; system mongers mistake their ideas for rules of nature and thus mislead instead, 397; talk of the supremacy of Parliament, 555; teachings of some are followed slavishly, 329; utopian ideas, 47; warn about ill effects from the wealthy, 1752; works of distinguished ones have become axioms, 329; Abraham Yates charged with stringing excerpts from, 152
- writers and writings: Joseph Addison, 647, 651n; St. Ambrose, 860n; St. Athanasius, 860n; St. Augustine, 860n; Sir Francis Bacon, 650, 651n; St. Basil, 860n; Cesare Bonesana, Marchese di Beccaria, 110, 115n, 117, 374-75, 375, 377n-78n, 407, 450, 650, 651n, 869, 989, 990-91, 1082n, 1752, 1762, 1794n; William Blackstone, 169-70, 189, 259, 310, 366n, 480, 482n, 642-43, 682-83, 685, 686n, 745n, 775, 776n, 1057, 1085n, 1437, 1438n; Herman Boerhaave, 2552, 2559n; Henry St. John, Viscount Bolingbroke, 434, 437, 437n, 438n; Emanuel Bowen, 117, 118n, 650, 651n; William Burgh, Political Disquisitions, 116, 117, 118n, 856-57; Jean Jacques Burlamagui, 794, 856; Earl of Chesterfield (Philip Dormer Stanhope), 2496n; John Chrysostom, 860n; Charles Churchill, 10, 19-20; Sir Edward

Coke, 277, 280n, 2101, 2103; Anthony Ashley Cooper, Earl of Shaftesbury, 2078n; Daniel Defoe, 270n; Jean Louis De Lolme, 182, 286, 287n, 993-94, 995-96, 998, 1005, 1043-44, 1049, 1059, 1060, 1082n, 1083n, 1084n, 1084n-85n, 1085n; John De Witt, 648, 651n; Philip Francis (Letters of Junius), 615, 982, 997, 1081n, 1083n; Edward Gibbon, 139, 453; Oliver Goldsmith, 299, 647, 651n; St. Gregory of Nyssa, 860n; Grotius, 423, 682-83, 794; William Guthrie, 117, 118n, 650-51, 652n; James Harrington, Oceana, 290, 291n, 607; Thomas Hobbes, 856; Richard Hooker, 277, 280n; David Hume, 139, 190n, 251, 312n, 419, 420n, 423, 453, 485-86, 493n, 2151, 2151n, 2485, 2486n; St. Jerome, 860n; Junius (Charles Pratt), 615, 660, 678, 1081n, 1083n; Livy, 1109; John Locke, 127, 129n, 171, 199, 324, 423, 436-37, 646, 856; Abbé de Mably, 136; John Milton, 199, 2551, 2559n; Comte de Mirabeau, 2559n; Edward Wortley Montagne, 116-17, 645, 651n, 650, 651n, 856; Sir Thomas More, 607; Sir Isaac Newton, 251; Thomas Paine, The American Crisis, 63, 187, 189n; Plato, 607, 1097; Plutarch, The Lives, 101n, 856; Polybius, 116-17, 856, 857; Matthew Poole, 2552, 2559n; Alexander Pope, 324, 326n, 423, 557, 558n, 776-77, 810, 811n, 1298, 1298n, 1659n; Richard Price, 249, 483, 483n, 2559n; Baron Samuel von Puffendorf, 856; Abbé Raynal, 98, 101n; William Robertson, 299; Jean Jacques Rousseau, 2157, 2162n-63n; Sacheveral, 647; Sarnconiathon, 856; Algernon Sidney, 199, 279, 280n, 423, 646, 856, 1747, 1794n; Adam Smith, On the Wealth of Nations, 247; Richard Steele, 647, 651n, 647-48; Sully, Duc de, Memoirs, 1697n; Sir William Temple, History of The Netherlands, 1706, 1738n, 2008n; James Thomson, lvii, 2400, 2401, 2401n, 2410, 2410n; John Trenchard, 199; Gerard Van Swietan, 2552, 2559n; Emerich de Vattel, 794, 869, 2143, 2147n, 2483; Horace Walpole, 312n; John Wilkes, 678. See also Blackstone, Sir William; Literary refer-

ences; Montesquieu, Charles Baron de POLITICAL CONDITIONS UNDER THE CONFED-ERATION: anarchy better than tyranny, 1720; Congress cannot regulate common concerns of Union, 176–77; Constitutional Convention used American experiences in drafting Constitution, 64; critical moment for establishing a free republican form of government, 1399; finances are deranged and public creditors not paid, 2531; gathering clouds cause anxiety, 842, 865; implies that if Constitution is not ratified Washington will lead army to force ratification, 71; importance of the time, 64; local interests of states to be feared, 176; no need to change state governments only the general government, 1934-35; no reason to rush ratification of Constitution, 305; once nine states ratified, there is a secession of ten states from old Union, 2164; principal problem has been raising revenue, 1925; procedures for avoiding instability in the states, 986; revision of Articles is necessary, 53, 72, 81, 125, 507, 626, 1100; should not adopt a bad government because of fear of anarchy, 1747; society divided into four classes of men. 2486-88; something must be done, but questionable whether Constitution is right, 673; states do not but should comply with Confederation Congress, 1813; if states really had desire to be united, Articles would suffice, 309; time and experience will heal U.S., 1928

-anarchy, chaos, crisis, and ruin, 15, 39, 51, 89, 90, 92, 97, 105, 106, 144, 151, 175, 176, 189, 207, 208, 262, 267, 333, 390, 394, 395, 421, 507, 1745, 2447, 2450, 2469, 2512, 2545n; America at a time of crisis is Federalist position, 1455, 1496; cannot be worse, 756, 842, 854-55, 877, 923, 932, 935, 939, 940; chaotic conditions caused by defects in Articles, 1723; confusion and disorder, 1338, 1340; if Constitution is not ratified, 124, 151, 276, 688, 760, 878, 892, 938, 941, 1216, 1304, 1366, 1397-98, 1428-29, 1476, 1539, 1722-23; dangerous under Articles, 1403; denial that there is anarchy and confusion, 1382; difficult times, 1304, 1695, 1774, 2133; Eastern States' condition is desperate, 1108; gloomy, 1304; hand of God will not allow, 886; jarring interests of different sections of U.S., 52, 195, 220-21, 222; merchants and monied men are understandably uneasy about conditions under the Confederation, 209; national character is contemptible, 2531; NY will be thrown into utmost confusion if it rejects Constitution, 68; ratification of Constitution will cause anarchy and civil discord, 306, 1373, 1504; some problems are clearly

consequences of the destruction of the war, 209, 974; states abide by law only when its suits their purposes, 883; states are falling apart from each other, 177; state legislatures have been guilty of indiscretions, 1985, 1992; tottering and on brink of commotions and disturbances, 885; the Union is at stake, 1363; U.S. is in distress, 1573; U.S. will be in until monarchy established, 1460–61

- -hope under Constitution: Constitution will promote contentment at home, 1306, 1312; country would have been in danger had Va. not ratified, 1214; decision on Constitution is critical to gain happiness, 1470, 1504; will improve under Constitution, 66, 67, 148, 309, 391, 453, 769-70, 892, 900, 924, 1362, 1365, 1369, 1403, 1469, 1513-15, 1515-16, 1628; misery will disappear under Constitution, 1283; no limit for America if Constitution is adopted, 95; praise of restraints on state legislatures in Constitution, 238; it was prudent to adopt Constitution, 1093; Union will dissolve if Constitution is rejected, 438; U.S. prospects brighten, 1209 -stable: Americans are free and happy under Articles, 1410; denial that anarchy will occur if Constitution is rejected, 191, 193, 194, 304, 450; denial that Articles are defective, 1382; are generally good, 193; God has blessed NY with tranquility and good order, 693, 699; peaceful at home, 305;
- state governments have acted very well, 1924–25; states have done well under difficult circumstances, 1034; states performed well after the Revolution, 1928; surprising that U.S. has done so well, 1933; not as bad as some would make out, 209, 945, 1064
- POLITICAL PARTIES: called the protector of freedom, 1151; opposition to, 990; criticized in Confederation Congress, 13; condemnation of partisanship of, 263; conversion to can be made only through time and calm temperate discussion, 246; criticism of Antifederalists for efforts to defeat Constitution, 430–31; end of is public good, 1302, 2402; exist everywhere, 1151; form in governments founded in freedom and compact, 1255; have formed over Constitution, 239, 936–37; will affect impeachments because of two-thirds required, 2070; intolerant spirit characterizes, 145; jarring, 1304;

man is prone to, 173; men should divorce themselves from when considering the Constitution, 79; in Pa. opposed state constitution and lost control of government, 625; in ratifying states will unite, 1255; violence of in Pa., 478; persecution always increases the party that is persecuted, 246; poison the public debate over the Constitution, 445; policies of Hamiltonians, xli; rise of an aristocratic party to propose and adopt Constitution, 19, 320; rotation in office suppresses in Congress, 1841; shape phantoms, 1817, 1818; small republics are nurseries of, 357; stale trick of to traduce every independent man, 29; strife of shows depravity of human nature, 18; their motives should be exposed, 241; Union will check factions, 276; wish each other ill will, 1137

- —in New York: high in Albany, 602; described, 22–23; colonial, xxii, 1161; labeled as Federal and Anti-Federal, 22; over Impost of 1783, 36–37; in Revolutionary years, xxvi, xxx; more fixed in than any other state, 1168, 1169; role of patronage in Climtonian politics, 29; nearly balanced in, 148, 852; one favors dissolution of Union, 438; aristocratic junto objects to anyone differing from them, 25; attempt to form party against Federal attachments, 39; will be formed if NY does not ratify, 2132
- See also Factions; Party spirit
- POLL TAXES, 116, 2044; amendment proposed that none ever be laid, 2547; could be useful and justifiable at certain times, 1984; criticism of, 1938; danger of poll tax under Constitution, 135, 224-25, 279, 415-16, 418, 419, 448-49, 449, 967, 1380, 1937, 1938, 2069; defense of, 2467; Hamilton does not like, 1998; needed in emergencies, 1992, 1996, 1998, 2018; opposed by Md. Convention minority, 2018, 2028n; oppressive, 1937; said to be a direct tax, 2027; said to be tyrannical, 1992, 1996; as a power that cannot be exercised without injuring the people, 2063; may be dangerous at national level, 2018; opposition to, 2017-18; possible way for Congress to impose conformable to NY amendments, 2152; unfair to poor, 448-49, 1934; used by New England, 2017-18; John Williams says it is tyrannical, 1984. See also Taxation

"Pompey Blackamoor," 1460

- Poole's TAVERN (Poughkeepsie): and Fourth of July celebration, 1291
- POOR: given remains from New York City celebration of Fourth of July, 1290n; industrious poor are wealth of a nation, 819–20. *See also* Rich versus poor
- "Poor S—м": printing in NY, 1177; text of, 763-65
- Рорнам, Mary (New York City), 1293; id., 1294n
- Рорнам, William (New York City), 1293, 1619; id., 1294n
- POPULATION: amendment on ratio of and representation, 2030, 2125, 2129, 2207; amendment to Articles of Confederation concerning, xxxvi; of Claverack, Clermont, Germantown, Hillsdale, Hudson, Kinderhook, Livingston, and Columbia County, 1421; defective figures for published in newspapers and used by Constitutional Convention, 773; of Duanesburgh, Albany County, 1421; estimate that U.S. will have ten million people in fifty years, 214; growth of in NY despite wartime losses and emigration of Loyalists, 2469; Long Island, City and County of New York, and Dutchess County, 1453, 1453n; of NY counties, 550; representation grows as it grows, 464, 1737; R.I. fails to adopt amendment to Articles of Confederation on, 1085n-86n; states with large populations will go into manufacturing, 2023; though extensive will never be crowded, 1988; of U.S. near three million, 111, 1729; U.S. capable of sustaining greater number of people than any other country, 976; in U.S. grows rapidly, 1088; U.S. Census of 1790, 1401n; U.S. figures with slaves and apportionment, 1401n; will grow under Constitution, 134, 1925, 1939. See also Census; House of Representatives, U.S.; Immigration
- Porters: and New York City procession, 1586, 1655
- PORTSMOUTH, N.H.: celebrates N.H.'s ratification of Constitution, 1193, 1297, 1297n; celebrates NY's ratification of Constitution, 2424; election of Convention delegates, 1187
- POST, ANTHONY (New York City): chair of carpenters' meeting in New York City, 1504, 1505; nominated as Convention delegate, 1484; nominated for Assembly, 1502, 1504
- Post, JAMES (Orange): tied for Assembly seat, 1530

POST, JOHN (New York City), 1636

POST, JOTHAM (New York City), 1637

- POST OFFICE, U.S.: amendment proposed concerning, 2087; amendment proposed concerning post roads, 2080, 2083n, 2083-84; Antifederalist mail intercepted, 669, 733, 736, 1090, 1244, 1417, 1534; central government will have revenue from, 1931; charge that Federalists stop circulation of Antifederalist literature, 251-52, 281, 319; Confederation Congress not capable of reorganizing, 2472; Congress has power to regulate under Articles of Confederation, 984; criticism of policies of, 582-93n; federal government will regulate post roads and, 1070; of little public utility in New York City, 2411; mail said to be secure, 1523; need for reorganization of, 2472; and newspapers in the mail, 1188, 1191, 2472; no guarantee new Congress will be capable of reorganizing, 2472; revenue to central government, 2020; should be left to federal government, 213, 223; slowness of the mails, 1294; stage has arrived and post must go, 835
- POTOMAC RIVER: discussion on as place of new capital, 2453–54; hope that federal capital will be settled on, 2461; not considered by Congress as a site of new capital, 2453–54
- POTTERS: deny that they incited mob against Greenleaf, 2412; Greenleaf makes fun of in New York City procession, 1618, 2440; and New York City procession, 1586, 1600, 1650, 1660n, 1664
- POUGHKEEPSIE, DUTCHESS COUNTY: Antifederalists' strength in, 72; celebrations in on the Fourth of July, 1290–92, 2081, 2105; celebrates Va. ratification, 1217, 1218, 2080; courthouse of as site of NY Convention, 1678; description of, 1669; few in support Constitution, 62; news of N.H. ratification arrives in, 1875–77; news of Va. ratification arrives in, 2366n; NY legislators are tired of, 852; newspaper in, 733; population of, 1669. *See also* Dutchess County; Newspapers, New York
- POWARS, EDWARD E. (Mass.): advertising sale of Federal Farmer (Additional Letters), 979; as printer of A Columbian Patriot, 894; as probable printer of Federal Farmer, 204, 206. See also Newspapers, in Massachusetts, American Herald

POWEL, SAMUEL (Pa.)

-letter from, cited, 160

- POWER, NICHOLAS (Dutchess): advertises sale of NY Convention Debates in Country Journal, 2489n; announces his publication of Convention Journal, 2450n, 2459n; as editor of Country Journal, lxiv-lxv, 45-46, 1445, 1458; asked to print account of Hurley celebration of NY ratification, 2402; Convention orders secretary to deliver its journal daily to, 1680; as NY Convention printer, 1675, 1676, 1678, 2343, 2344, 2345, 2346-47, 2450n, 2458; as NY Convention printer prints Constitution as pamphlet, 47; newspaper of accused of being too partisan, 1460; prints broadside of circular letter, 2337n; prints or sells broadside on Va. ratification, 1218, 2081n; prints broadside of NY ratification document, 2335n; provision to pay as Convention printer, 2500. See also Newspapers, New York, in Poughkeepsie
- POWERS, WILLIAM (Columbia): votes in Assembly, 521, 704, 713, 714; as possible Assembly candidate, 1426; defeated in Assembly elections, 1438; nominated for Assembly, 1421, 1433; not nominated as Convention delegate, 1427
- PREAMBLE TO U.S. CONSTITUTION, 295-96; aim of Constitution is to form a more perfect Union, 1974; cited to show that the states have lost their sovereignty, 324, 2144; Constitution will not accomplish goals of, 126; denial that it limits powers of federal government, 470; examined, 1682; not the real reasons for proposing the new Constitution, 1154; quoted, 294, 660, 684, 758-59, 769, 1154, 1299, 1917, 2144, 2146; proof that Constitution creates government with unlimited power, 2146; read, 1693; read in Convention by John Williams, 1919; as stating the objects of the Union, 1693
- PRESIDENT, U.S., 2073, 2275n, 2546; any American male of merit can aspire to become, 402; cabinet of will be dangerous, 197; not likely to be corrupted, 401; danger of corruption and bribery of Congress by, 315; examination of (summary of Article II), 195; The Federalist essays on sent by Hamilton to Madison, 890; as check on other branches of government, 1769; will be a check on corruption, 1945-46; Congress as check on through impeachment, 2158; Council to mentioned, 2159; in Hamilton's plan, xlix; part of Hamilton's view of

2747

2157; and election of by House of Representatives, 1961; not to have influence over members of Congress by appointing them to a federal office, 1916; not interested in expanding size of House of Representatives, 1755, 1758; as check on House of Representatives, 174, 993; impeachment of, 827; list of persons qualified to be, 54-55; necessity for, 54; oath of as check on, 1952; will not use offices to corrupt, 1894; always will be first in integrity and ability, 1952; needs a privy council, 197; with the privy council should make appointments, 1033-34, 1036; will be a new species of executive, 217; will be able to obtain a two-thirds majority for important measures, 2075; objection to treaties being made by president and Senate alone, 2108; provides vigorous executive, 2158; will be surrounded by expectants and courtiers, 196; will not be checked by Congress, 285; compared favorably to NY governor, 857, 861, 1394, 1474; salary of, 198, 876; advantages of a single executive, 862; subjection of to the law praised, 857; succession of after vice president to be set by Congress, 1041; toast calls for undaunted resolution to the executive department, 2419; Washington will be the first, 54, 71, 83, 610, 771, 1040, 2456, 2487-88; after Washington's four years, presidency to be rotated among states, 2488; Washington will be a model for successors, 2487 - 88

amendments concerning: on power of to convene and adjourn Congress, 2547; that all executive officers must take oath not to violate state constitutions, 2124; limiting reeligibility, 2093, 2094, 2094-95, 2097, 2098, 2133, 2240, 2265-66, 2315, 2332, 2451, 2451n, 2547; limiting ability to command army or navy in person, 2093, 2094, 2095-96, 2098, 2123, 2208, 2240, 2266, 2275n-76n, 2315, 2332, 2547; curbing power to pardon for treason, 2093, 2094, 2095-96, 2098, 2123, 2240, 2266, 2275n, 2315, 2332, 2547; fixing term of official appointed by Congress to replace president, 2206; stating there must be an election for every four years, 2206; concerning qualifications of, 2097; and citizenship requirement for holding office of, 2251n; by Congress to replace, 2236; provides for establishment of executive council to advise, 2098, 2123-24,

2240, 2547; requiring that he be a natural born citizen of U.S. and a freeholder, 2312, 2314, 2331

- —compared with a king: no comparison with powers of British king, 64, 123–24, 288–89, 358–59, 857, 861; compared similarly to British king, 120, 197, 197–98, 198, 277, 351, 374; is an elective king, 2532; will not be an elected monarch, 861, 1041; not like king of Spain, 289. See also Monarchy
- —connection with the people: indirectly dependent on, 64; reliance on makes him unable to oppose a bad measure, 184; as representative of the people, 1769, 1775; will be aloof from, 407; will be chosen by, 87–88; will be under influence of the people, 1778
- -method of election: after first term is vague, 196; criticism of, 197, 277, 407, 1387; criticism of Congress' control over, 1041; criticism of military's role in electing, especially Washington as first, 83; defense of, 64, 123–24, 222, 244n, 861, 1141, 1389, 1393–94, 1953, 1961, 1967; dependent on existence of the states, 1963, 1965, 1967; described, 1037; uniform date for presidential electors to cast their ballots, 1145
- -powers of: amendment to divide executive power among three individuals, 183; are too great, 182, 184, 196, 222, 602, 645, 673, 1302, 1381; defense of, 72, 123-24, 178, 289, 358-59, 630, 863, 889, 1393-94, 1474; appointment power of criticized, 53, 196, 198, 231-32, 1032, 2106-7; appointment power of defended, 861, 884, 889, 1853; defense of power to make recess appointments of federal judges, 631; Congress would decide how powerful he would be, 116; criticism of control over army, militia and navy, 53, 196, 198, 374, 1381, 1387, 2095-96, 2532; criticism of control over forts, arsenals, etc., 196; criticism of power over foreign affairs, 198; will dominate over states, 467; defense of military powers of, 627, 881, 1474, 2039, 2095-96; has many more powers than the governor of NY, 1883, 1885; defense of powers of to negotiate treaties, 632, 881; power to convene one or both houses of Congress, 572; criticism of pardoning power of, 196, 198; defense of pardoning power of, 631, 881, 2095-96; responsible only for abuse of his powers, 178; danger of treaty-making power

of, 163; are too vague, 276–77, 277–78; criticism of veto power of, 198; defense of veto power, 289, 876, 1961, 2070, 2071; criticism of war making power of, 198

- —qualifications of: age requirement, 1040, 1145; citizenship requirements, 1145; praise of age qualification, 124; praise of residency qualification, 124; roll-call vote for removing property requirement to hold office, 2812–13
- —re-eligibility of: amendment proposed not to be re-eligible, 2093, 2094; amendment proposed to limit to two terms, 2123; criticism of, 1040–41, 1381, 1840, 2265–66; defense of, 630, 871, 1016–17, 1393–94; will stay in office permanently, 407; Constitutional Convention considers, 1039, 2094, 2095, 2096, 2097n, 2265–66
- and the Senate: cannot act against views of, 222: Cato incorrectly assumes vacancies in are filled by, 279, 280n; as check upon, 174, 2265; Senate will be checked by, 1900; criticism of connection with, 158-59, 222, 223, 278, 286, 374, 419, 572, 2221; criticism of treaty-making power with, 158-59, 163, 222, 223, 276, 278, 374, 419-20, 1018-19, 1262, 2098, 2108; does not have power to fill vacancies in, 400; either one will be tyrannical, 320; foreign affairs will be managed by, 1865-66, 1868; grudging praise for Senate as a check on his appointment power, 232; criticism of Senate's power to try impeachment of, 223, 572; must act with advice and consent of Senate except in pardons and reprieves, 2534; praise of connection with, 124; subject to impeachment of, 178; to make most appointments without the advice and consent of, 183, 184; will be easily led by, 427; will not be checked by, 285, 2266
- —term of office, 2159; amendment proposed to limit to two terms, 2123; amendment that term of office can be changed by Congress by law, 295–96; criticism of length of, 184, 196, 276–77, 288, 1008, 1381; defense of four-year term, 123, 626, 857, 871, 1961, 1964; Constitutional Convention considers, 1039, 2094, 2095, 2096, 2097n; Constitution states there must be an election for every four years, 2236, 2240, 2307, 2315, 2328, 2332
- PRESS, FREEDOM OF THE, 382, 2531; amendment proposed protecting, 2112, 2120,

2201, 2236, 2246, 2307, 2328; Article XVI of Mass. constitution, 74n, 2414n; criticism of attempts to abuse it in Albany, 809, 810, 811; all states agree on importance of, 322; condemnation of attempt to keep Antifederalists out of Boston newspapers, 74n, 185, 186n, 241; Constitution did not provide for, 2553; Constitution endangers, 121, 132, 133, 135, 162-63, 167, 168, 170n, 199, 236, 258, 320, 336, 624, 903, 960-61, 1059, 1263, 1381, 2532; definition of, 487; not endangered by Constitution, 263, 628, 917-18, 933, 1395, 1450, 2534; entitles every American to give his opinion in, 644-45; a freeman cannot be deprived of, 2533-34; as grand palladium of our liberty, 133, 135, 136, 163, 164, 199, 555, 755, 809, 995, 1053, 1059, 1060, 1381, 2205, 2409; Greenleaf as an advocate for, 1105, 1324, 1325n, 1509n; importance to keep open in national debate, 1462; jailing of Eleazer Oswald seen by some as an attack upon, 2428, 2428n; limit to is reasonable, 487; may liberty of press be preserved and its licentiousness punished, 2398; needs to be guaranteed, 158, 200, 475; never abused in America, 487; NY has no provision protecting in its Constitution, 433; and the New York City procession, 1647, 1648; no government can control press, 2534; praise of Eleazer Oswald for printing address of the seceding Pa. assemblymen, 77; a press must be free to all parties, 2410; protected in NY, 917-18, 961, 963n; protected in America, 985; protected fully by some state constitutions, 487; publishing Federalist items in the New York Journal is a new way of abridging, 558; satirical piece criticizing, 405; secured in all the states, 2533; states only danger to, 2533; threatened by Federalists, 73-74; toasted, 1621; will never be abused in U.S., 487; James Wilson says it is not needed, 131; Zenger Case, 163-64

- PRICE, JOHN (Albany): id., 1265n; arrested over Albany fracas, 1264, 1265, 1265n, 1270; endorses Anti-Federal Committee's objections and nominations, 1385; hurt in Albany Fourth of July fracas, 1268, 1270; nominated for Convention, 1365
- PRICE, RICHARD (England): said to favor adoption of Constitution, 1110-11
- —letter from, quoted, 1111n
- PRIMOGENITURE: should be prohibited, 486

PRINTERS AND BOOKSELLERS: in Albany procession, 2386; Constitution places them in jeopardy, 167–68; important job of in keeping freedom of the press alive, 74n; and New York City procession, 1586, 1588, 1600, 1605, 1647; and subscriptions for book edition of Publius, 563–71; toasts, 1621. See also Broadsides, pamphlets and books; Newspapers; Press, freedom of the

- PRIOR, EDMUND (New York City): id., 341n
- -letter from, 340-41
- -letter from, quoted, 341n
- PRISONERS: celebrate Constitution, 1620n; share food from New York City procession, 1658
- PRITCHARD, JAMES: as NY Convention messenger, 1675, 1676, 1678, 2343, 2344, 2345, 2346–47; provision to pay as Convention messenger, 2500
- PRIVILEGES AND IMMUNITIES: Constitution guarantees, 774–75; criticism of, 1167; provision for under Articles of Confederation, 984
- PRIVY COUNCIL: amendment to create, 2096– 97, 2098, 2123–24, 2240, 2266–67, 2267– 68, 2276; needed to advise the president, 197; need for council of appointment, 1031, 1883, 1885, 2547; opposition to, 862; with the President should make appointments, 1033–34, 1036; qualifications for, 2096–97, 2098. *See also* Cabinet
- PROFESSIONAL MEN: have a great influence in government, 991–92; as part of natural aristocracy, 990; should be fairly represented in the legislature, 215; should pay more taxes, 367n. See also Clergy; Lawyers; Physicians
- PROPERTIED MEN: should support Constitution, 79, 85. *See also* Landed men; Landholders; Property, private
- PROPERTY, PRIVATE: amendment proposed requiring ownership of by President, Vice President, and members of Congress, 2312, 2314, 2331; amendment proposed restricts power of Congress over, 2305, 2307, 2327, 2328; of Americans in Europe will be confiscated, 905; Antifederalists said to want to share property of others', 239; Antifederalists do not want to steal others, 1386; and bankruptcy legislation, 1075; at stake in debate over Constitution, 59–60; consolidation is only security for, 2531; Constitution endangers, 156, 157, 168–70, 256, 293, 345,

413, 420, 480, 615, 673, 1008, 1380, 1998, 2532; Constitution must be better suited to protect, 242; Constitution will destroy the equal division of among the people, 238; Constitution will preserve, 87, 89, 146, 581, 850, 860, 866, 1346, 1434, 1449, 1470, 1973; damage done during war for independence, 947; denial it is endangered, 945; endangered by rebellions and riots, 972; endangered during and after war, 974; equality of in Conn., 2018; fairly equally divided in U.S., 1762, 1772; Federalists have, 2197; fall in value of, 764, 854, 931, 1996; federal government will have power to pass all laws affecting, 107; good government needed to protect, 983, 1403; government is meant to preserve, 39, 126, 129n; government needs power to collect taxes to protect, 490; Greenleaf seeks redress through law for loss of through violence, 2409-10, 2412; guaranteed in NY Bill of Rights, 504-5; insecure under Articles of Confederation, 175; jury trial preserves, 202, 375, 378n; land values will rise under Constitution, 815; laws of protect, 739, 964; majority of Americans favor protecting, 240-41; men of favor Constitution, 79, 85; no property qualification for federal officeholders, 1795n; protected under Articles of Confederation, 193; protection of needed, 207; rich have most that needs protecting, 1752-53; right belonging to Englishmen, 643; Senate will protect, 1013; some Americans have more than others, 1760, 1818; should be considered along with persons when apportioning representation, 1735, 1736; should have a share in representation, 1732; slaves are as well as men, 1728; state laws put at risk, 378, 849; state officeholders will affect, 1959; unsafe in R.I., 397; widespread ownership in U.S., 490-91, 604. See also Agriculture; Farmers; Landed men

- PROPERTY, PUBLIC: Constitution provides for disposal of, 2159
- "THE PROSPECT, JUNE 1788: A POEM": printing in NY, 1181
- PROSPERITY: Antifederalists called enemies of, 1468; Antifederalists will bring forth a system that will restore, 1198; Constitution should be defeated to obtain, 1502; Constitution will bring, 65, 67, 75, 89, 100, 148, 175, 617, 652, 763–65, 770, 789–90, 815, 817, 819–20, 877, 878, 963–65, 1093, 1143,

1175, 1214, 1254, 1277, 1307, 1308, 1334, 1429, 1457, 1474, 1497, 1516, 1608, 1621, 1633, 1643; depends on individual's own exertion, 208; everyone desires, 1862, 1869; immigration of wealthy industrious Dutch would help restore in U.S., 88; toasted in New York City, 1288. *See also* Economic Conditions under the Confederation; Rich versus poor

- PROVIDENCE, R.I.: celebration of NY ratification in, 2424–25; news of NY ratification arrives in, 1350n
- PRUIN, JACOB: captain of Albany sloop, 1228
- PRUYN, CASPARUS (Albany): endorses Federalist response to 35 Objections, 1400
- PRUYN, JACOB (Albany): endorses Federalist response to 35 Objections, 1400
- PRUYN, JOHN F. (Albany): endorses Federalist response to 35 Objections, 1400
- PRYOR, ADAM (New York City): and New York City procession, 1640
- Pseudonyms, 922-42n, 976-1086n, 1460; purpose of, 26-27; "A.B.," 876n; "A.B.": The Raising (Francis Hopkinson), 1177, 1179; An Address of Thanks, 1184; An Admirer of Anti-Federal Men, 9, 14-15; Adrastus, 10; Agricola's Opinion, 884-87, 1180; Agrippa (James Winthrop), 6, 1183; Alexander the Great, 869n; Alfred, 2483, 2486n; Algernon Sidney, 1184, 1185; An Address of Thanks, 1184; America (Noah Webster), 4, 478, 484-94n; An American, 1202n; An American, 1183; An American (Noah Webster), 1113-15n, 1181; An American (Tench Coxe's response to R. H. Lee), 463, 1181; An American Citizen (Tench Coxe), 4, 74-75, 123-25; Americanus (John Stevens, Jr.), 4, 59, 68n, 125, 171-74, 182, 195, 276, 287-91n, 327-31, 354-60, 397-402, 478, 580-81, 603-8, 629-33, 2502-3; Amor Patriæ, 46-47, 1434; Anarchy, 808n, 1449-51; Anecdote, 837; Anonimous, 73; Anticipation, 905-6, 1180; Anti-Cincinnatus, 5, 160-61; Anti-Defamationis, 10, 29-31n; An Anti-Federalist, 1366; Aristides, 10, 11, 20-23, 29-31n; Aristides (Alexander Contee Hansen), 686n; The Arraignment of Centinel (Benjamin Rush), 1179; A Baptist (NY item), 6, 331-38n; A Baptist (Pa. item), 1184; Brutus (Tobias Lear), 339; Brutus (Melancton Smith?), 5, 84, 103-4, 105-15n, 121, 138, 143, 154-60n, 177-78, 191, 252-57, 280, 281, 306, 312, 313-19, 339, 356, 388, 390, 403, 409n, 410-16, 441, 445,

446, 464-65, 466-73, 566-71, 575, 583, 593-97, 597n, 600n, 606, 617-23n, 625, 639n, 653-58, 659, 667, 670n, 678, 680-86n, 756-59, 773-76, 795-98, 1183, 1184, 2507; Brutus, Junior, 5-6, 84, 186n, 190-95, 205, 312; A By-Stander, 61n; Cæsar (Alexander Hamilton?), 4, 58, 59, 61n, 68-71, 73, 79, 80, 91-96n, 99, 102, 422, 429-30, 599-600, 600n, 678, 999; Candour, 1183; A Card, 818n; Cassius, 1180, 1181, 1443, 1446-49, 1452; Cato (George Clinton?), 5, 58-61, 68-71, 71, 73, 74, 79-83n, 91-96n, 97-102n, 104-5, 105, 120, 125-30n, 171, 171-74, 177-78, 191, 195-99n, 206, 275, 276-81n, 281, 288-89, 290n, 310, 327-31, 331n, 355-60, 388, 390, 392-94, 394-97, 400, 403, 409n, 416-20, 422, 422n, 423-24n, 429-30, 438-40, 441-42, 442-43, 445, 446, 455, 561-62, 572-74, 575-76, 583, 604, 606, 625, 667, 678, 696, 816, 1181, 1302-4n, 1794n, 2507, 2537, 2544n-45n; Cato, 1302-4n; Cato: The Syren's Songs, 58, 59, 392-94, 429-30, 445; Cato Uticensis (George Mason?), 6; Cato's Soliloquy, 58; Centinel (Samuel Bryan), 6, 7, 57, 84, 96, 102, 154, 166, 191, 194n, 206, 252n, 281, 302n, 319, 320, 352, 383, 403, 426, 428n, 444, 465, 476n, 477, 562, 583, 585, 592n, 606, 628, 629n, 678, 686n, 735, 766, 781n, 783-84, 809, 837, 837n, 881, 895, 899, 1178, 1183, 1357, 1477, 1536, 1540n, 2507; Centinel (Spurious)(Francis Hopkinson), 5; Centinel XV (spurious by Benjamin Rush), 1178; Charity, 969, 970; Cicero, 1183; Cincinnatus (Arthur Lee), 5, 84, 87-91, 125, 154, 160-65, 199-203n, 257-62n, 266, 276, 281-87, 319-27n, 367-72n, 390, 446, 447, 625, 678, 788, 790n; Cinna, 2494-95; A Citizen, 303-6, 340, 390, 456, 582, 652-53n, 674-77, 679-80, 792-93, 793n, 806-7, 811n, 811-12, 812n, 830-33n, 838-43, 851-52n, 891-92, 1178, 1179, 1180; A Citizen, 1421, 1428-29, 1487, 1488-89, 1492n, 1495, 1519-20, 2355-56; A Citizen and Friend of Good Order, 1499-1500; A Citizen, and real Friend to Order and good Government, 1487n, 1489-93; A Citizen of America (Noah Webster), 160, 380, 380n, 473n, 484–85, 619–20, 622n, 787–90, 790n, 830n, 1178; A Citizen of New York, 54-55; A Citizen of New York (as Publius), 564; A Citizen of New-York (John Jay), 471, 473, 734, 922-42n, 942, 959-62, 963, 964, 964n, 1119n, 1120n, 1466-67, 1509, 1510,

1523, 1536, 1539, 1540n, 2503-4; A Citizen of Philadelphia (Pelatiah Webster), 5, 104; A Citizen of the United States, 1178; Civis (David Ramsay), 1178; Civis, 1362, 1515; A Columbian Patriot (Mercy Otis Warren), 735, 894-901n, 978, 1357, 1388, 1477, 1536, 1540n; Columbus, 6; Common Sense, 1185; Conciliator, 784-85, 785n; Country Federalist (James Kent), 4, 142, 430-38n, 581-82n; A Countryman (2 items), 805-6, 808n, 844, 1179, 1188; A Countryman (De Witt Clinton), 6, 69, 143, 149, 372-78n, 406-10n, 447-52, 597n, 597-600, 600n, 623-25, 1794n; A Countryman (Hugh Hughes), 6, 36, 96, 138, 143, 204-5, 243n, 244n, 245n, 271-74, 291-93, 312, 347-52n, 424-28n, 634-37, 667, 670n, 776-82n, 2503; A Countryman (Roger Sherman), 5; Curtiopolis, 4, 104, 206, 478, 625-29, 629n; Curtius, 4, 58, 59, 63-67, 69, 79, 97-102n, 104, 125, 142, 174-81n, 275, 599, 600n; A Customer (multiple authors), 11, 31, 143, 206, 272, 293, 353, 837, 921, 1831; Customers, 1495-96; D----, 307, 402-3; A Democratic Federalist, 6; Democritus, 6, 388, 389, 421-23n, 441, 459-62n, 465, 479-82n, 559-60, 575, 963n; Detector, 74n, 96, 186n, 270n, 298-302, 969-70; A Dialogue Between Two Neighbors, 1180; The Doubting Anti, 970n; A Dutchess County Anti-Federalist, 1543, 1544, 1549-50, 1560-63; A Dutchess County Farmer, 455, 456, 815-18, 1178; A Dutchess County Friend, 1179; A Dutchess County Rifleman, 818n; An Enemy to Imposters, 152-53; Examiner (Charles McKnight), 4, 58, 59, 104, 160, 388-90, 421-23n, 423-24n, 441-42, 442-44, 459-62n, 464-65, 481, 481n, 558, 559, 575-76; Expositor (Hugh Hughes), 6, 143, 272, 658-66, 667, 670n, 823-30n, 1184; Ezekiel, alias Genl. Hubbard, 1460; Fabius, 729n, 754-56, 761-62, 792-93, 793n, 800-802n, 862-64, 1177, 1178, 1179, 1358n, 1359-62; Fabius (John Dickinson), 1345-46, 1346n; A Farmer in Pennsylvania (John Dickinson), 202n, 237, 245n, 291, 293n; A Farmer of New-Jersey (John Stevens, Jr.), 4, 68n, 181-85; Fed., 1614, 1617; Federal Arguments, 1185; Federal Farmer, 6, 186n, 191, 203-45n, 246, 297, 312, 352, 426, 439; Federal Farmer, Additional Letters, 143, 378n, 576-77, 600, 610, 611, 612n, 625, 637n, 670n, 734-35, 766, 776-77, 777, 778-79, 976-1086n, 1093, 1094, 1116-17, 1198, 1278, 1357, 1477, 1771, 1776, 1795n, 2507; A Federal Republican, 2497, 2498n, 2510; A Federalist, 1482; Federalist's Creed, 1186; A Federalist Who is for Amendments, 2510; Fidelia, 913; A Flat-Bush Farmer (A Flatbush Farmer), 1468, 1472-75, 1475n, 1475-76; Foederal Constitution, 4-5; Foreign Spectator (Nicholas Collin), 4; A Fragment, 868-69; A Free Citizen, 1485, 1519; A Freeholder, 1513–15; A Freeholder of the City of Albany, 754, 792-93, 793n, 800, 801, 802n, 830, 1178; A Freeman (Tench Coxe), 1177; A Freeman (two New York City items), 1487-88, 1493; A Freeman (Philadelphia item), 1186; A Friend to Candor and Decency, 1831n, 1831-33; A Friend to Common Sense, 59, 388-89, 442-44n; A Friend to Good Government, 752, 902-5, 917-19, 1180; A Friend to Order and Peace, 1206-7; A Friend to the Confederation, 130; A Friend to Truth, 803-5, 1188; A Friend to the Union, 1505; Genuine Information (Luther Martin), 7, 455, 584, 613-15, 901n, 978, 1184, 1185; George Bryan to John Ralston (spurious letter), 1180; Giles Hickory (Noah Webster), 4, 553-56, 644, 671n, 738-45n, 1177; Gustavus, xxxvii, liii; "H. G". (Alexander Hamilton), lii, 2007n, 2513; Hampden (James Sullivan), 1183; Happy Prospects under the Constitution, 1182; Helvidius Priscus (James Warren?), 6-7; Honestus, liii, 1507-9, 1513; An Impartial Address, 734, 1388-1401n; Impromptu, 24; An Independent Elector, 1486-87; Inimicus Tyrannis, 130; Inspector, 11, 31-34n, 69, 100, 670n; Interrogator (Hugh Hughes), 138, 143, 342-46n, 667, 670n; Investigator, 1185; James Bowdoin to James de Caledonia (spurious letter), 1184, 1185; Jemima Loveleap, 556-58; "J.M.," 1367n, 1373; Ino. J. Ao. Modes (Peter Van Gaasbeek), 1546n, 1566; Junius (Letters of Philip Francis), 615, 982, 997, 1083n; A King's County Farmer, 1472, 1475n, 1475-76; "L. M.," 281; Leonidas, 1262-63; "L. S.," 783-84; A Landholder, 1449n, 1454; A Landholder (Oliver Ellsworth), 5, 612n, 1180; Leo, xl; Leonidas, 1186, 1262-63; Letter Box, 802, 1188; Libertas, 2406n, 2414; A Lover of Truth, 180n; A Lover of Truth and Decency, 869-71, 1185; A Lunarian, 4, 160, 327n, 445-47; A Man of no Party, 58, 69, 86n, 96, 104, 115; Many Antifederalists,

1439, 1441-44n, 1445-46; Many Customers, 6; Many Federalists, 752, 1511-12, 1512n, 1513; Marcus (three items), 85-87n, 1501-2, 1502-4; Marcus (James Iredell), 1295n; Mark Antony, 999; A Master-Piece of Human Wisdom, 1181; Mechanic, 966; A Mechanic, 1614, 1618, 1619n; Medium, 59, 275-76, 303-6; Mercator, 1364-65; A Militia Man to Mr. Fragment, 1186; Minerva, 1493; Montgomery, 1483-84; Mr. Aristecrissy, 582; New England, 5, 204, 576-77; The New Litany, 1180; New Roof (Francis Hopkinson), 5, 772n, 1180, 1317, 1318n; None of the Well-Born Conspirators, 1185; "O.," 1528-29; An Observer, 123-25, 143, 268-70, 298-302, 302n, 389; Observer, 559-60, 576; An Officer of the Late Continental Army (William Findley?), 6, 625, 629n; An Old American, 1183; An Old Customer, 352; An Old Dutchman, 1567-68; An Old Man (Thomas Duncan?), 1177; An Old Man, and a Friend to Impartiality, 1489, 1489n; An Old Soldier, 10, 23-24; Old Square Toes, 559; An Old Whig, 6, 191, 194n, 403, 678; One and All, 1512n, 1513; One of Many, 1443n, 1449, 1452-53; One of the Common People, 6; One of the Nobility, 403-6n; One of the People, 5, 307; One of Your Constant Readers, 390-92; One of Yourselves (Alexander Hamilton), 1515-16, 1516-19n; P. Valerius Agricola, 4, 186-90n, 361-67n; Pat. O'Balaghan, 206; A Patriotic Citizen, 1181; A Pennsylvanian (Tench Coxe), 943, 1110n, 1138, 1139n, 1139-50n 1181; Peter Prejudice (John Mifflin?), 1180; Philadelphiensis (Benjamin Workman), 6, 678, 1183; Philander, 1440, 1460, 1461-62, 1464-65; Philanthropos (Tench Coxe), 5; Philiopæmen, 262-67n; Philo-Centinel, 678; Philopolitis, 11, 31; Philo-Publius (William Duer), 137, 138, 148-51, 267, 313, 341-42, 372, 565, 565n; Philo-Quinceus, 1186; Phocion (Alexander Hamilton), 32, 99, 102n, 138, 353, 668, 778, 781n; A Plain Citizen, 1517; A Plain Truth, 1570; Plain Truth, 5, 629n, 882-84, 1180; A Plebeian (Melancton Smith?), 103, 478, 481n, 924, 942-63n, 978, 1109, 1119n-20n, 1146, 1278, 1536, 1540, 1975n; A Political Dialogue, 5; Political Observations, 790–92n; Pompey Blackamoor, 1460; Poor S-m, 763-65, 1177; Poplicola, 6; The Prayer of an American Citizen (Mathew Carey), 5, 1178; The Prospect, June 1788: A

Poem, 1181; Publius (Alexander Hamilton, James Madison, and John Jay) (see The Federalist); "Q," 1419, 1420, 1420n, 1529, 1535; A Querist, 302-3, 390; "R," 1419-20, 1529n, 1535; A Reader, 302n; A Real Federalist, 1443n, 1445-46; A Real Federalist, 2492, 2495n; A Real State of the Proposed Constitution, 1185; Republican (reference to a person, perhaps Clinton), 667-68; Republican, 1333, 1333n; A Republican (multiple references), 5, 6, 10, 16-20, 20n, 34, 73, 84, 100, 130-33, 390, 473-76; The Republican Federalist (James Warren?), 7; Roderick Razor, 4, 382-88n; Rough Carver, xl, 10, 36-41; A Rough Hewer (Abraham Yates, Jr.), xxxvi, xli, 10, 59, 100, 100-101, 115, 310, 397n; Rough Hewer (Abraham Yates, Jr.), song of in NY Senate, 812-14; Rusticus, 10, 24-26, 1108-9; Schenectady Farmer, 1402; Senex, 809-11, 839, 1178; Sidney, 644-52n, 839, 868, 1153, 1184, 1185, 1186; Sidney (Abraham Yates, Jr.), 5, 6, 59, 73, 100, 102, 102n, 115-18n, 390, 1153-68n, 2486n, 2510; A Sincere Federalist, 1520-21n; "S. J.," 1593; A Slave, 102, 133-34; Social Compact, 4; A Son of Liberty, 133, 134-36; A Spectator, 96; A Speculator, 445; Strictures on the Proposed Constitution (George Turner?), 6; A Subscriber, 970, 973, 1185; A Subscriber, 1483, 1501, 1544n; Suilbup, 794-95n, 839, 1178; Sydney, 68-69, 1208n; The Syren's Song, 58, 59, 392-94, 429-30, 445; Tamony, 1183; Tar and Feathers, 275, 276n; T Atticus, 1460, 1462-64; A Tenant, 966-67, 1386-87; Thomas Tinsel, 1185; Timon, 845, 877-78, 1180; Timoleon, 5, 84, 96, 154, 166-70, 390, 446; Tom Jones, 1460; A Traveller, 307; The Triumphs of Reason, 853-61n, 1179; A True Federalist, 584, 588-92, 593n, 1189; Twenty-seven Subscribers, 138, 558-59; An Ulster County Elector (John Addison), 1549-50, 1550-51; An Ulster County Farmer, 1543, 1549-53; Unprejudiced Person, 1460; Virginia Convention, 1186; Watchman, 585, 912; "W.M.," 1366-67; Wrongheads (Antifederalists called), 561; "W.W.," 1246; "Y.W.," 1107-8n; A Yankee, 1179; A Young Dutchman, 1567-68; "Z," 6; "Z.Y.," 1181

PUBLIC CREDIT: charge that there has been repeated breaches of public faith by state legislatures, 57–58; Confederation Congress unable to support, 116, 1685, 1691, 1696; Constitution will restore, 134, 397, 904-5; denial that it is lost, 945; denial that it will be established under Constitution, 451; destroyed by lack of tax power in government, 1956-57; importance of, 175, 190; Impost of 1781 and 1783 would not have been sufficient to pay, 645; low, 249, 365, 765, 787, 854, 877, 931, 939, 1304, 1686; needs improving, 1089n, 1359; refutation of argument that tax power is needed to support, 2066; toasted at Poughkeepsie Fourth of July celebration, 1291; toasted in Jamaica, NY, 1282; U.S. does not have without coercive power, 88; U.S. lacks to borrow money, 362; U.S. needs, 208; U.S. unable to pay its debt, 1146, 2531; will be lost if Constitution is not adopted, 842. See also Debt, U.S.; Foreign opinion of the U.S.

- PUBLIC CREDITORS: debts owed them will be carried over to new government, 474; do not press Confederation Congress because of its weaknesses, 369; injury has been done to, 2545n; not being paid, 361, 628, 787, 1146, 2531; must be paid interest in NY, xli; of NY have great hopes, 786; paper money issued to defraud, 446–47; should support Constitution, 86; under Confederation, 116; will benefit from a peaceful ratification of Constitution, 238; will be paid, 794; would govern in their own favor if they had the opportunity, 990–91. See also Debt, U.S.; Debts, state
- PUBLIC DEBT. See Debt, U.S.
- PUBLIC DEFAULTERS: active in Constitutional Convention protecting their own interests, 476; fear Constitution will make them settle accounts and pay, 392; not to be protected by prohibition on ex post facto laws, 2150. *See* Debtors, federal
- PUBLIC GOOD: abandoned in large republics, 110, 117, 127; Confederation Congress cannot enforce laws for, 883; debate over Constitution important to, 957; as end of government, 155, 313, 417; good of the country more important than self-interest, 48; man seeks own interest in preference to, 475; necessary in republics, 355; representation in and term of Parliament do not serve, 118n; rulers always decide what is for the public good, 471; some state laws are incompatible with morality and destructive of good faith, 362; sought by Jonathan N.

Havens, 1537; state officeholders concerned more with their own good, 14; superseded by private interest, 929. *See also* Interest, personal; Patriotism; Virtue

- PUBLIC OPINION: Antifederalists know the sentiments of their constituents and can go no further, 2156; great speculation in NY over Constitution, 47; good of the country more important than self-interest, 48; Constitution is the only topic, 890; governs the people, 1778; indifference about Constitution, 902; more difficult to mold to the Articles than to the Constitution, 1256; NY will adjourn without ratifying to get fresh instructions from constituents, 1205; public usually governed by motives of political expediency, 2222; universal joy with ratification by ten states, 1312; will condemn NY Convention if conditional amendments result in rejection of Constitution, 2162
- —Constitution is popular, 1087, 1104; in Alexandria, Va., 36; in Boston, 67–68; in Conn., 67–68; everyone seems to support, 53–54, 54; Constitution received as well as could be expected, 1152; Federalism spreading throughout the country, 174; in Mass., 1127, 1229; in NH, 1188; in New York City, 35, 53, 67, 1309–10, 1314, 1318; first impressions of Constitution are in its favor in NY, 36; three-sevenths favor Constitution in NY, 1152
- —Constitution is opposed: in Md., 968; in NY, 916, 1174; four-sevenths of NY, 1135; few in Poughkeepsie support Constitution, 62; people are shocked at the new Constitution, 50; general sentiments that Constitution is defective and needs amendments, 951
- —division over Constitution: people in interior of NY, 889, 893. See also Constitution, U.S.
- PUBLIC SPIRIT: Antifederalists do not have, 1360; Constitution is sign of, 51; members of Federalist Party in NY have, 22–23; people have and will support Constitution, 431. *See also* Party spirit; Patriotism; Virtue
- "PUBLIUS." See The Federalist
- PULVER, PETER (Columbia): signs Claverack grand jury address, 617
- PUMP MAKERS: in Albany procession, 2384; and New York City procession, 1600
- PUNISHMENTS, CRUEL AND UNUSUAL: amendment against, 2201, 2235, 2306, 2327; Constitution should protect against, 157; general

indefinite exclusion is formal nonsense, 490; prohibited by state bills of rights, 159n, 505

- PURDY, EBENEZER (Westchester): in Assembly votes, 515; as Antifederalist candidate for Convention, 1579n; as defeated candidate for Convention and Assembly, 1579
- PUTNAM, RUFUS (Mass.): and western settlement, 763n
- Pye, DAVID (Orange): defeated for Assembly with vote totals, 1530

"Q.": text of, 1528-29; quoted, 1535

- QUACKINBOX, JOHN (New York City): and New York City procession, 1635
- QUAKERS: are legitimate conscientious objectors, 2247; defense of their right to serve in government under Constitution, 627; most in Dutchess County oppose Constitution, 1445; encouraged to support Constitution, 867–88; homes of were attacked by Constitutionalists at end of Revolution, 491, 493n; must bear up under adversity, 865–66; NY constitution allows conscientious objector status for, xxv, 503; in New York City are Federalists, 867–88; no fear from their election to office, 629n; oppose slave trade and slavery, 408–9; some numbers of Publius might have favorable effect on in Pa., 271, 271n

—letter from printed in newspaper, 865–68 See also Religion; Religion, freedom of

- QUARTERING OF SOLDIERS: amendment proposed regulating, 2112, 2120, 2201, 2235, 2246, 2305, 2327; danger of under Constitution, 903, 1058; prohibited by NY Bill of Rights, 505–6; prohibited in America, 985
- QUEENS COUNTY: celebration of NY ratification in, 2397–98; and election of Convention delegates for, 1531–32; elections to state Convention favorable to Antifederalists (incorrect), 1123, 1536; interest in debate over Constitution is growing and Antifederalists appear strong, 895; and distribution of Antifederalist literature, 896–97; is divided but Federalists are hopeful in, 864, 1531, 1378, 1581; Federalists do well in Flushing, 1531; population of, 550; now approves ratification, 1329; vote totals in for Convention delegates, 1531
- "A QUERIST," 390; text of, 302-3
- "R.": as response to "Q.," 1529n; text of, 1419-20
- RALSTON, JOHN: spurious letter to, 1180

- RAMSAY, DAVID (S.C.): Civis, 1178; Oration, 1182
- RAMSAY, JOHN (New York City): signs Scotsmen address endorsing Constitution, 1404
- RANDALL, THOMAS (New York City): id., 1498n; as chair of Federalist meeting, 1498, 1502, 1518, 1519n; as director of Bank of New York, 1454n; nominated for Assembly, 1454
- Randolph, Beverly (Va.)
- -letter from, cited, 2508, 2513
- —letter to, quoted, 579
- RANDOLPH, EDMUND (Va.): id., 123n; and distribution of *The Federalist*, 1103, 1136, 1136n; elected to Va. Convention, 1189; as governor transmits Va. Act on a second convention to the states, 1089; as nonsigner of Constitution, 185, 462, 579, 2501; opposes Constitution, 185, 462, 579, 2501; opposes Constitution, 78; praise of for deference and moderation, 900; presents Va. Plan in Constitutional Convention, 1874n; recommends calling a second convention when in Constitutional Convention, 2501; supports Constitution, 900, 1174, 1175n, 1189, 1192, 1197n; speech in Va. Convention, 1220n
- —letter from to legislature (10 October 1787): consideration of, 629–33; criticism of, 171; Federalists print penultimate paragraph of, 899–900; praise of, 652, 653n, 1279; publication and circulation of, 578, 2502; NY reprinting of, 579–81; weakness of his objections to Constitution, 630
- —letter from, cited, 2502
- --letters to, 121, 346-47, 1090-91n, 1321-22n, 1333
- -letters to, quoted, xlvii, 104
- -letter to from R.H. Lee, cited, 57, 463
- -letters to, cited, 563-71, 2454n, 2502, 2506
- RANDOLPH, JOHN, OF ROANOKE (Va.), 1335; id., 1604n
- —letter from, 1625–26
- —letter from, quoted, 1604n, 2413n
- -letter from, cited, 2413n
- RANDOLPH, THEODORICK BLAND (Va.), 1335, 1626n
- RATIFICATION, FORM OF. See New York Form of Ratification
- RATIFICATION, PROCESS OF: adopt or reject Constitution only, 2160, 2161, 2169, 2170, 2172, 2188, 2291, 2374; amendments cannot be proposed before ratification, 92; amendments should be adopted before Constitution is ratified, 106, 118–19, 237,

2755

239, 276, 304, 305-6, 336, 419, 450, 466, 736, 945, 958-59, 967, 1092, 1100, 2354, 2364, 2367, 2370, 2373, 2373n, 2375, 2379, 2458; Americans will not allow a new constitution to be crammed down their throats, 30; Antifederalists support absolute ratification, 2375; Antifederalists support adjournment of Convention, 2352, 2363, 2375; Antifederalists in Convention abandon conditional ratification to obtain ratification, 2476, 2478-79; Antifederalists in Convention will not reject Constitution in toto, 2345n; Antifederalists supporting ratification because of recommendatory amendments, 2366; provision for in Article VII of Constitution, 56, 1210, 1385n, 2293, 2297n; Article VII of Constitution (quoted) is a violation of Confederation, 2555; changes in government should not take place quickly, 208; conditional ratification is worse than a rejection, 2374; conditional ratification will put NY outside Union, 2374; Congress would not accept a conditional ratification, 1342, 2153, 2155, 2161, 2179; Constitution is ratified, 1322; Constitution should be adopted quickly, 75, 89, 124, 194, 194n-95n, 240, 323, 326n; Constitution should be debated in a wise and temperate discussion, 48, 59-60, 64-65, 78-79, 90, 106, 136, 145, 146, 186, 187, 212, 241; Constitution should be judged on its own merit not on others' interests, 90, 144; Constitution will not be crammed down throats of the people, 628; Constitution would not have been ratified if unanimity had been required, 1096; Convention criticized for ratifying Constitution without conditional amendments, 2449; if Convention does not ratify, it will adjourn to February 1789, 2359; in Convention conditional ratification was defeated, 2376; Convention resolves to debate Constitution clause-by-clause, 2347, 2350-51; Convention voted for ratification with bill of rights and recommendatory and explanatory amendments, 2376-77; conventions have differed over expedience while agreeing in principle, 2137; is critical, 1455; criticism that the first six states to ratify were not all powerful, 1372; criticism of Constitutional Convention delegates who sit in state conventions, 321; criticism of Federalists so loudly and indecently calling for ratification, 161; criticism of ratifying or rejecting Constitution in toto, 305, 425-26; criticism of those who want quick adoption, 48, 59-60, 60-61, 79, 118-19, 193, 208, 209, 212, 305, 476, 979, 1372; debate over Constitution is most important discussion ever, 354; debate in Convention on the change of upon condition to in full confidence, 2282-85, 2285-87; debates go slowly debating clause by clause, 2356-57; defeat in Convention of motion to adopt Constitution for a limited time, 2430, 2430n; defense of notion that Congress can accept a conditional ratification, 2222-25; differs from that proposed in Congress' resolution of 21 Feb. 1787, 82; discussion should be open, 92; early state conventions should have conversed with each other, 1091; has gone too quickly with seven states being precipitant, 1096-97; manner of NY ratification will prove worse than a rejection. 2506; many in NY oppose unconditional ratification of Constitution, 2224; most Americans thought it would follow procedure specified in Articles of Confederation, 211; much time spent in Convention on mode of ratifying, 2433; NY Convention has adopted an unconditional ratification, 2320; NY's northern counties want conditional amendments while Southern want unconditional ratification, 2187; no previous reason or obligation to ratify, 948; objection to ratification procedure of Constitution, 636, 2112n; one state after another brings the issue to expediency, 1466-67; only general ratification is acceptable. 2138-39; praise of Constitution's provision for, 639; might be difficult to undo, 1097; NY Convention will communicate with Va. Convention, 1091; NY Convention has ratified unconditionally, 2411, 2425, 2436, 2437, 2440, 2441, 2443-44, 2446, 2504; NY would not have ratified without promise of a second convention, 2510, 2511, 2521; no question can be put until entire Constitution is discussed, 2357; outside NY little sympathy for conditional ratification, 2477; petition campaign among Antifederalists in Pa. to stop ratification, 1252, 2216n, 2507; praise for unconditional ratification, 2411; question in Convention is will it ratify conditionally or unconditionally, 2356; ratifying states will not foment civil war, 1255; ratification should only be for a certain

number of years, 1097, 2375, 2376; ratification as a contract with the people of the other states, 2136; ratification with conditional amendments not acceptable, 2160; reasons why Convention ratified unconditionally, 2480-2481; resolution of Constitutional Convention, 973n, 1250, 2293, 2297n; satirical opposition to any examination of the Constitution, 404; thought that whatever Constitutional Convention proposed had to be adopted, 50; violates Articles of Confederation, 2109, 2153, 2155, 2222-23; Smith and Platt convinced that conditional ratification is not possible, 2300, 2504; Smith introduces form of without conditional part, 2440; some in Convention wanted NY to have right to recede from Union if amendments not adopted, 2338; some states hastily adopted Constitution, 1840; two-thirds of convention initially against unconditional ratification, 2293; unanimity of states necessary for new government to function, 2222-23; unconditional ratification by NY praised, 2421, 2424; under Articles of Confederation amendments to be ratified unanimously, 2559n; unwise to adopt amendments that might amount to a rejection, 2159; various efforts made to ratify with conditions, 2378; Va. Convention first to consider notion of conditional ratification, 2292, 2297n; would not have been possible without unanimous acceptance of circular letter, 2525; five states have ratified by 25 January, 1787, 1086n; six states have ratified, 972, 1358, 1369, 1372, 1402, 1470, 1576; seven states have ratified, 1087; eight states have ratified, 1094, 1152, 1169, 1205, 1584; ten states have ratified, 1233, 1254, 1261, 1279, 1280-81, 1281, 1290, 1294, 1312, 1340-42n, 1342, 2131, 2133, 2134-35, 2136, 2222–23; since ten states have ratified, they are unlikely to accept conditional ratification, 2161

—and nine states ratify, 1213, 1223, 1231– 32n, 1241, 1584, 2172, 2173; completed with ratification by nine states, 1899, 1900; criticism of nine states necessary for ratification, 1080–81, 1382; denial that nine state ratifications will bind the whole, 1382; defense of nine states needed for ratification, 1389; if nine states ratify the others will have to ratify, 1130; after nine states ratify the rest will come in, 1389; what happens to those states that stay out of the Union, 1349, 1383, 1389; nine states ratifying does not change attitude of NY Antifederalists, 1902, 1903; once nine states have ratified, better to ratify even with defects than to risk disunion, 2164; once nine states ratification by nine states changes treaties, public domain and public debt, 236–37

- —ratifying states toasted in: Ballstown, 2395; Flushing, 2397; Half Moon, 2399; Hurley, 2401–2; Red Hook, 2416; Saratoga, 2417
- RATIFICATION, PROSPECTS FOR: all the other states including NY's neighbors want ratification, 940; Constitution will be adopted by every state by 1 January 1789, 1366; Constitution should be readily adopted, 78, 297, 360; Constitution will be ratified without amendments, 559: Constitution should be in effect within a year, 1096; Constitution will be adopted or civil war, 762; Constitution will be ratified but probably with some violence, 602; Constitution will not be ratified if Mass. rejects it, 668; if Constitution is rejected it will take a long time to adopt another, 939; doubtful, 1326; eleven states will ratify, 1169; ensured by Mass. ratification, 772, 785-86; expected all states will ratify, 784, 1175; good to be ratified, 801, 1092, 1102; majority in favor of Constitution, 53; much debate over Constitution but majority seems in favor, 91, 91n; must ratify quickly, 901; newspaper war indicates ratification will be delayed, 85n; likely that nine states will ratify and four will not, 972; if nine states ratify the other four will also, 236-37; good that nine states will ratify soon, 919; not likely to ratify an amended Constitution in a timely fashion, 934; reports from different quarters are flattering, 85; with six states ratifying prospects look good, 769-70, 770, 853, 954; praise of those states that have already ratified, 765; rejecting Constitution could be worse than ratifying, 940; rejection of Constitution is not possible, 1092; remaining states will probably ratify with recommendatory amendments, 1094; uncertain, 267, 965, 1094, 1129, 1316, 1319, 1323, 1331, 1333, 1334; will be known in a few months whether Constitution will be ratified, 773; will take a while yet to ratify, 939

- -in Connecticut: favorable, 67-68
- —in Maryland: convention will adjourn waiting to see what Southern States will do, 968; uncertain, 424; will ratify, 1190
- —in Massachusetts: bad in, 672; both sides predict success in, 671–72; favorable, 67– 68, 746; majority in Convention oppose ratification, 669; uncertain, 668
- —in New Hampshire: Federalists are confident of, 1174, 1174n; hope second convention session will ratify, 843; uncertain, 1130, 1153; will ratify, 731, 798–99, 853, 1110, 1119, 1125, 1127, 1136, 1137, 1174, 1174n, 1179n, 1204, 1210, 1221, 1222n, 1226, 1358, 1444, 1704, 2346, 2346n
- -in New York: Antifederalists in Convention have given up on idea of total rejection, 2115; Antifederalists seem to be a majority in NY, 852; will ratify with reluctance, 482, 1102, 1150; evenly divided, 893, 1088, 1092, 1094; nine or ten states will adopt before NY Convention decides, 1171; doubtful, 36, 47, 55, 67, 424, 746n, 843, 889, 890, 924, 963, 1104, 1110, 1127, 1136-37, 1137, 1138, 1226, 1243, 1246, 1248, 1260, 1296, 1314, 1316, 1317, 1321, 1338, 1345, 1358, 1566, 1582n; favorable, 35, 75n, 76n, 482; should with a good grace, 1086; likely would reject Constitution by a great majority, 889; Federalists believe will ratify, 1130, 1174; good in over long term, 746; hope Convention will adjourn without rejecting Constitution, 1150; some hope for, 1204, 1232, 1293, 1327, 1343, 1523, 1704, 2115; illustration that it will ratify, 2561; improving, 1876, 2084n, 2114-15, 2226-27; in not so bad, 85, 1742; uncertain what NY will do if Va. and NH ratify, 1168; unlikely NY will stay out of, 1172; if NY does not ratify it will lie between two separate confederacies or between, 1095-96; importance of Mass. to NY's ratification, 767; hope that NY Convention will ratify, 1704, 2115; NY Convention is about to ratify, 2254, 2276n; people in NY favor Constitution, 55; will adjourn without rejecting, 1169; will hold out even if all the other states ratify, 1103; will leave Union rather than ratify with other states, 1104; will not, 55, 483-84, 565, 1129, 1231-32n, 1241, 1243, 1260, 1313, 1352, 1353, 1521; will probably adopt if nine states had ratified, 1096, 1102-3, 1104, 1110, 1129n, 1138, 1229; will ratify, 35, 964, 1095, 1130,

1137, 1174, 1222, 1248, 1249, 1253, 1258, 1263, 1313, 1337, 1351, 1523, 1524, 1581; will easily ratify immediately, 75n, 76n; will ratify as influenced by Va., 1308, 1346n, 1352; might ratify, 1222, 1343, 1353, 1521, 1522, 1522n; will come into a halfway measure, 1347; has a possibility after Va.'s ratification, 1297; is tardy and considering amendments, 1322; will not ratify but will propose amendments, 1235n, 1323; will not ratify unconditionally, 1323; will ratify if welfare of state is considered, 1244; will ratify in a way acceptable to Congress, 1331; will fairly soon, 1325-26; some arrangement will be made for NY to ratify and stay in the Union, 1339; Convention will adjourn without ratifying, 1312; decision of other states will have an impact on NY delegates, 1207; even betting on results for NY, 1509; favors NY with recommendatory amendments, 1330; George Clinton says NY will ratify, 1204

- —in North Carolina: account says it is much opposed to Constitution, 1557; evenly divided, 1094; illustration that it will ratify, 2561; likely to ratify if Va. and N.H. ratify, 1137–38, 1351; uncertain, 424, 1669; will follow Va., 1153; will ratify, 786, 919, 1102, 1192, 1213, 1241, 1248, 1313n, 1347, 1351, 2420, 2425, 2434; will reject, 895
- —in Rhode Island: expected to ratify, 2434; hope for, 2425, 2463–64; illustration that it will ratify, 2561; must ratify, 1349; uncertain, 424, 2446; unlikely to ratify, 1521; will stay out of Union as long as it can, 1348
- —in Virginia: doubtful for, 1228–29; evenly divided, 1094; expected to be ninth state, 1228; hope for slim margin in favor, 1229; hope it will ratify, 1127, 1128, 1128–219; hope it will reject, 611; uncertainty of, 35–36, 67–68, 424, 746n, 786, 843, 1104, 1129, 1225–26, 1226n, 1669; unfavorable, 1226, 1226n, 1228–29, 1557; will probably ratify with recommendatory amendments, 1126, 1152, 1234, 1235n; will ratify, 901n, 1095, 1102, 1119, 1120n, 1137, 1149, 1169, 1174, 1174n, 1190, 1192, 1197, 1204, 1228, 1229, 1230, 1235, 1241, 1244, 1246, 1528, 1704, 2439n; will reject, 895
- RAY, JOHN (New York City): in Assembly votes, 515, 521; nominated as Convention delegate, 1483, 1487, 1506n

- READ, DANIEL (Albany): in Half Moon District celebration of NY ratification, 2399
- READ, GEORGE (Del.): in Constitutional Convention, 1083n
- "A READER": quoted, 302n
- "A Real Federalist," 1443n; text of, 1445-46
- "A REAL FEDERALIST": criticisms of Francis Childs's published debates read in Assembly debate, 2492; text of, 2549–60
- RECALL: amendment proposed provides for recall of senators by state legislatures, 2030, 2123, 2125-26, 2239, 2259-60, 2315, 2332, 2353; appointment of new senator needs to take place immediately after removal of incumbent, 1859, 1860; Articles of Confederation provision for, 910, 912n; in Confederation Congress in avoiding corruption, 1816, 1820-21, 1823, 1850, 1852, 1860, 1874n, 1886, 1888; in confederations states have power over their congressional delegates, 213; could be used to de-populate Senate and make it inoperative, 1855; criticism of lack of in new Constitution, 621-22, 910, 1014-15, 1018, 1836, 1838, 2143-44; danger that power will be misused by demagogues, 1844-45; defeated in Constitutional Convention, 1874n; defense of, 1838, 1849, 1858-61; defense of concerning senators, 1839, 1842, 1843, 1853, 1871, 1873, 1879-83, 1884, 1884-85, 1888, 1972; impractical for representatives elected by the people, 1850; motion made for in NY Convention, 1875; never used by state legislatures under the Articles, 1841, 1858; opposition of for senators, 1844, 1857, 1862-63; opposition to, 1846, 1847, 1854-55, 1862-63, 1892-94, 1895, 1896; and possible transfer of factions from state to federal government, 1873; power of over Senate would harm general welfare, 1844, 1844-45, 1846, 1847, 1848, 1849; proposed in Va. Plan in Constitutional Convention, 1874n; provision for in Articles of Confederation, 621, 622, 910, 912n, 984, 1008, 1014-15, 1698n, 1816, 1821, 1822, 1824, 1836, 1838, 1858, 1860, 1874n, 1888; U.S. representatives and senators subject to, 1786; would allow state legislatures power to annihilate federal government, 1857; would bind Senate too closely to interests of the states, 1853, 1854, 1857, 1859; would not work against reelection of virtuous and knowledgeable senators, 1859-60. See also Rotation in office

## CUMULATIVE INDEX

- RECEIPTS AND EXPENDITURES: amendment defeated that accounts of be transmitted to state executives at least, 2125; amendment that accounts concerning shall be published at least annually, 2091
- RECORDS AND PROCEEDINGS: valid among states under Articles of Confederation, 984
- RED HOOK, DUTCHESS COUNTY: celebration of NY ratification in Rhinebeck Precinct of, 2415–16
- REDICK, DAVID, 2219; id., 2220n
- REID, JAMES R. (Pa.): letter from cited, 1252
- REID, JOHN (New York City): sells Federal Farmer, 976
- RELIGION: Americans share the same, 886; Anglican Book of Common Prayer quoted, 762, 763n; Apostles Creed, 2553, 2559n; Constitution will encourage, 175, 867; debate over Constitution is important to, 957; flourishing of toasted, 2365; Franklin said to support an episcopal hierarchy, 347, 348; ministers and corporations of Dutch, Episcopal, and Presbyterian churches in Albany procession, 2388; Mohammedanism, 619; popery or no religion will be established under Constitution, 903; Quakers must bear up under adversity, 865-66; reference to the Alcoran (Koran), 619; should follow tenet to love one another, 868; slave trade is a disgrace to Christianity, 292; slavery and the slave trade opposed by various churches, 408-9; will be fixed in America and be mild as God, 2439. See also Biblical references; Clergy; God; Quakers; Religion, freedom of; Religious tests
- RELIGION, FREEDOM OF: all states agree on importance of, 322; amendment proposed provides for, 2112, 2120, 2201, 2234, 2247, 2305, 2327; proposed bill of rights provides for conscientious objectors, 2110, 2112, 2127n; Constitution endangers, 258, 334, 336, 351, 903; Constitution ideally suited for U.S. with its sentiments for freedom and toleration, 66; Constitution will preserve, 1658; criticism of lack of protection for in Constitution, 235, 1166, 1381, 2553; danger of an established religion for the general welfare, 624, 1393; defense of lack of protection for in Constitution, 1393; denial Constitution will end in theocracy, 628; exists in U.S., 334, 985; fear that religious tyranny will be used in support of political measures, 2553; needs to be protected under all governments, 642; provision of NY

constitution concerning, xxv, 503; and the Constitution, printing and reprintings in NY, 1182; hope that God inspires Convention delegates to protect, 1138; religious tyranny is the most dreadful, 2553; support for separation of religion from government, 332. *See also* Conscience, right of

- RELIGIOUS TESTS: prohibition of in Constitution shows other religious freedoms are subject to control, 258; defense of Constitution's prohibitions of religious test for officeholding, 627, 629n
- RENSSELAER MANOR, ALBANY COUNTY: Federalists will have a majority in, 898. *See also* Officeholding; Officeholding, state; Officeholding, U.S.
- RENWICK, JAMES (New York City): signs Scotsmen address endorsing Constitution, 1404
- REPRESENTATION: adequate under Constitution, 396-97, 486, 792, 978, 1082n, 1742, 1768, 1774, 1953, 1954, 1961, 1964, 1967; amendment on ratio of population, 2030, 2125, 2129, 2207, Americans could never be adequately represented in Parliament, 893; ancients were ignorant about benefits of representative government, 173; any government for America should provide for full, fair and equal, 110; apportionment of along with direct taxes will be unfair, 416-17; argument against increasing because of cost and difficulty of getting them to attend, 1002; in Britain, 173, 280, 284, 665, 740, 995-96, 1082n, 1720, 1721, 1747, 1748, 1783, 1788-89; British inequities, 118n, 556, 740, 1716, 1721; can never be adequate in country the size of U.S., 223; in colonial America, 1716; in Congress under Constitution will be strictly maintained because of pro capita voting, 1787; consequence of failed ratification will be no representation for NY, 2138-39; corruption and faction likely when it is too small, 1753; could be reduced, 2035, 2037; in Constitutional Convention, 1083n, 1727, 1732, 1740n, 1807, 1828n; criticism of equal state representation in Senate, 214, 254; criticism of equality of states in Confederation Congress, 176, 424; criticism of NY's apportionment in House of Representatives, 280, 281n; danger of too large becoming a mob, 1954; debate in NY Convention over size of, 1740; defense of size of House of Representatives, 1802-3, 1804-5; definition of full and equal, 214-15, 988; denial of concept

of by classes, 396; different in the state legislatures, 1757; discretionary of Congress, 1749, 1754, 1759, 1765, 1765-66; discussion of appropriate ratio of, 2019-20; early history of, 280, 417, 1952; English were first to discover benefits of representative government, 173, 280; full and equal required for free and good government, 214, 314, 330, 983, 992; government under Constitution is representative democracy, 2157; greater amount provides freedom, 2019; high percentage of professional men always included, 992; impossible to have fairly under Constitution, 1872, 1873; impracticable to obtain properly under Constitution, 1822, 1825; inadequate in Rome prevents development of liberty, 996-97; inadequate under Constitution, 104, 198, 215, 217, 219-21, 223, 225-26, 226, 227, 238, 243, 255, 257, 269, 278, 279-80, 284, 314, 316, 336, 407, 458, 658, 663, 952, 953, 979, 992, 999-1000, 1006, 1007, 1009-10, 1013, 1018, 1024, 1066, 1068, 1741, 1746-47, 1749-50, 1753-54, 1755, 1757, 1759, 1763-68, 1780, 1781, 1782, 1784-85, 1973, 2059, 2553; interest and feeling for people motivates representatives, 1815-16, 1817, 1818; interests of all parts of community need not be represented, 1770; interests should not be represented, 1810, 1814, 1817; is only security people have from oppressive taxation, 416; key factor in republican form of government, 607; large and adequate is especially needed in government covering a large territory, 998; large number is only security for liberty, 1758; less in Congress proportionately than in Great Britain, 1767; less in Congress proportionately than in state legislatures, 1766-67; less powerful government needs less of, 410; middle class must be adequately represented, 1782, 1820, 1821; middle class must counterbalance wealthy in, 1753; mirroring society favored, 1750, 1753; Montesquieu quoted that people should be represented in their legislature, 989–90; the more people who can serve in legislature the greater the security of a free people, 280; must be proper, 1933; must express the sense and will of the people, 1721, 1764; must include solid part of community, 1756; needed except in small territories, 1720; needed in large countries, 1721; needs to be reduced in the Senate,

no equality of in House of Representatives, 253-54, 254; not safe to allow it to be determined by discretion, 1783; NY legislature has just and full, 198; one of best features of a free government, 983; one of the principles of free government, 2193; people must be adequately represented in a republican form of government, 1782; in post-Revolution American states, 1716; praise of large state compromise over equal state representation in Senate, 439; property and persons should be considered in apportioning, 1735, 1736; ratio for in Constitution, 1740n; representatives ought to represent interest of their constituents, 1819; rich and great would be elected under Constitution, not the middling, 314; ruled by general voice of the people, 1774; should be based on property and persons, 1728; should be by a majority vote, 1912; should be in small districts, 1720; should be large enough to include rich and middle class, 1760, 1818; should have knowledge, interests and feelings, 1816, 1818; should go along hand and hand with power to tax, 225-26, 322; should not be by population including women, children and slaves, 418-19; should be greatest at the state level in a federal republic, 1066; should not mirror occupations, 1082n; small districts will still elect natural aristocracy, 1817; states will want to increase, 1815; solves problem for governments in large territories, 395; of states in Congress under Articles of Confederation, 984; strong and numerous representation best weapon against bribery and corruption, 315; taxation accompanies, 1735; three-fifths clause agreed to by Melancton Smith, 1802; too feeble and imperfect in light of extensive and undefined powers, 2220; too small for NY in Congress, 1747, 1748; too large becomes too expensive, 396; too much in some state legislatures, 1001; uncertainty of correct size, 1034, 1729, 1733, 1756, 1760, 1766-67, 1767, 1768-69, 1784, 1815, 1818, 1826; under a confederacy states must be equally represented, 2143; U.S. is best represented although not perfectly, 989; vices of the people will be represented, 1821; when enlarged it increases numbers of farmers and merchants, 992; with adequacy of liberty results as in Great Britain, 995-97; will grow

as population grows, 464, 1737; would be virtual not actual under Constitution, 116; yeomanry effectively represented in states, 227. *See also* House of Representatives, U.S.; Republican form of government

- "Republican": address to conventions of NY and Va., 1333, 1333n
- "A REPUBLICAN" (multiple authors), 5, 6, 10, 20n, 34, 73, 84, 390; response to by Aristides, 20–23; text of, 16–20, 130–33, 473–76
- **REPUBLICAN FORM OF GOVERNMENT: admired** in U.S., 1774; advocates for elected to Constitutional Convention, 212; amendment to guarantee within capital advocated, 2089; Americans have not deserted, 1777; American Revolution fought to revive, 2196, 2197: Antifederalists said to want a federal republic, 1793; American state constitutions differ from Montesquieu's democracies, 355; ancient republics were all small, 1927; ancient republics were democracies, 328; overgrown ancient republics became, 110; annual elections needed in, 1278; Antifederalists oppose, 789; aristocracy a danger in large republics, 117, 127; aristocracy less oppressive than the licentiousness of democracy, 396; no aristocracy of officeholding in, 1812; bicameralism essential to, 435-36; can be established, 1254; can be a league of states but laws must apply to individuals, 1809; can exist in large territory, 1957, 2020, 2540, 2540-41; cannot be trusted with unlimited power, 1763; Clinton wants federal republic, 1801n; criticism of argument that Constitution creates, 2058-59; Constitution will provide, 72, 146, 246, 581, 639, 857, 887, 941, 1389, 1399, 1456-57, 1774, 1777, 1960, 1966, 1990, 1995, 2029; Constitution violates some principles of, 239, 242, 943, 1010, 1380, 1450, 2221; corruption has done more to destroy, 1757; defined by Montesquieu, 117, 398, 1396; denial that it can exist only in small territory, 171-73, 177-78, 327-31, 395, 464, 626, 677, 1764, 1957, 1962, 1965; denial that a bill of rights is not needed under, 642; denial that Constitution endangers, 971; depends on support of citizens, 112; description of, 615, 988; different variations of are possible, 607; dishonesty of people produces a knavish legislature and corrupt executive, 248-49; dominance of legislative branch in, 745n; expand the sphere theory, 1962-63, 1965; established

when countries are too big for pure democracy, 988; extending the sphere protects liberties, 1967; factions sometimes prevail even in good republican governments and prevent needed loans, 2069, 2070, 2070-71; forms of should be in constitution, 1914; factions will destroy, 173; federal capital will not have, 1079; federal capital should have, 1076-77; federal republic defined, 1060-62; federal republic is only government that will protect rights in America, 1060; federal republics do not work, 1686-87; free and frequent elections of legislature is great principle of, 314, 432-33, 607, 1020; great object is to guard against centering of power in one person or family, 1039; guaranteed to states by Constitution, 179, 971, 2159, 2533; guarantee of to each state criticized, 598, 1160, 1163, 1382, 2532; an honor to serve in legislature under, 1018; in large republics there is a balance of power among states and central government, 329-30; instability has plagued it, 1866; large republics are better than small democracies, 173, 329-30, 338, 356; large republics need standing armies to maintain laws in the fringes of their territory, 128; large territories cannot support, 110-14, 117, 126, 126-27, 127, 214, 215, 215-16, 216-17, 439, 650, 791, 893, 1034, 1380, 1931, 1933, 2020, 2537; laws of are characteristic of the people, 421; leagues of cannot exist if they operate on districts not individuals, 1819; legislature must remain fixed, 1912; love of power is balanced by sense of dependence on the people, 1856; majority of Americans support, 240, 598; majority in Congress unlikely to accept conditional ratification from one state, 2161; majority rules in, 492, 859, 1149, 1171; many people have recently become opponents of in U.S., 1754, 1757, 1758; Montesquieu on republics in extensive territories, 110, 117, 126-27, 178, 327-31, 354-55, 355, 439, 605-6, 650, 651n, 1957, 2158, 2252, 2253n, 2540, 2541, 2545n; must have some strong body to control fluctuations in popular assemblies, 1861-62; magistrate's term of office should not be unstable or too long, 1039; many in America have an aversion for, 1000; modern republics were aristocracies, 328; must condemn divinely-inspired Constitution, 777; needed, 1861; need for limitation on

bills of attainder shows Constitution departs from republican principles, 2221; need for limitation on ex post facto laws shows Constitution departs from republican principle, 2221; need for limitation on titles of nobility shows Constitution departs from republican principles, 2221; need for suspension of writ of habeas corpus shows Constitution departs from true principles of, 2221; need to trust officeholders of against abuse of power, 2266; new government cannot be governed as because of its extent, 2537; NY's neighbors espouse and favor ratification of Constitution, 940; officials in are responsible to electorate, 857, 907; opponents of in U.S., 654, 980-81; opponents of want dangerous form of government, 207; particularly depend of opinion of the people, 1768; patriotism is needed in, 355; people are collectively thought of as sovereign, 80-81; people must be adequately represented in, 1782; people secure if representative government is founded on republican principles, 2221; people should choose whom they want, 1773; people in should be homogeneous with no clashing interests, 111-12; powerful leader of republic will veer toward aristocracy or monarchy, 198; praised, 648, 1389, 1396; praised but sovereignty of state governments and liberties of people gone, 2556; problem is people do not chose rulers who are both politicians and patriots, 91-92; public good abandoned in large republics, 110, 117, 127; as a question in considering Constitution, 603; reason for establishing a federal republic, 1066; requires stability and liberty, 1869, 1870; Roman republic, 110, 328-29, 1009, 1931, 2156, 2542, 2542-43, 2559n; rotation in office should be required in, 72, 1840; said to be decried, 1780; still greatly admired in U.S., 1774; strength is the attachment of parts to the whole, 1974; representation is the hinge of, 173, 607; representative government best way of having the people pass laws, 313; representatives stand up for the people, 111; abused with despotism under Roman rule, 649; rotation in office one of the excellencies of, 72, 592; requires stability and liberty, 1869, 1870; rotation in office should be required in, 1840; safest and most compatible with liberty, 73; safety of people in depends on how much they

share in power, 198, 290; simple confederation cannot properly rule U.S., 472; small republics are nurseries of parties, factions and discord, 357; standing army incompatible with, 38, 112, 1381; state governments as ideal of representative democracy, 182; Steele compares to absolutism, 647-48; strength is the attachment of parts to the whole, 1974; threatened by small representation under Constitution, 2019; true principle of is to diffuse the power of making laws, 1017; U.S. is best suited for, 983; U.S. too large a territory for a consolidated government, 458; virtue is the principle of, 172, 398, 399-400; weakness in central authority causes civil war in, 1726; the well informed of every class should serve in the legislature, 1017. See also Government, debate over nature of: Republicanism

- REPUBLICANISM: Antifederalists less favorable to, 1256; Antifederalists love, 1101, 1105; Antifederalists support, 1258; Constitution is a departure from, 1081; lifetime service in Senate violates principles of, 1878; people need to be versed in political science to experience benefits of, 1878; principles of must be adhered to, 1971–72; rotation in office requirement is important to, 1878, 1883; stability of government should prevent hasty measures, 1883; Abraham Yates has principles of, 869. *See also* Government, debate over nature of; Republican form of government
- REPUTATION, NATIONAL: at stake in debate over Constitution, 59–60; important to have and pass on to posterity, 60. *See also* Foreign opinion of the U.S.; Public credit
- REQUISITIONS, 116; abandoned during Confederation, 2040; amendment recommended that no direct taxes to be levied until requisition has been levied, 2003, 2116-17, 2122, 2126-27, 2177-78, 2203, 2228, 2237, 2238, 2289-90, 2308, 2313-14, 2329, 2330; amendment to apportion on basis of population under Confederation, 1085n-86n; Antifederalist amendment will restore old system, 1950, 1951; Antifederalist proposal advocates different system of than under Articles, 1999; applied only to states, 1061; apportioned by Congress by population agreed to by eleven states, 1080; to be apportioned on the basis of population, 1085n-86n; called pompous petitions for charity, 1940-41; civil war under system

of requisitions, 1942, 1986-88; closer the British Army the more states paid, 1941; Confederation Congress has power to assess, 364; Confederation system described, 1005; Congress has no power to force states to comply with payment of, 2545n; Congress should be given coercive power to collect, 883; Congress under Constitution should levy internal taxes via system of, 1067, 1973, 2060; Congress under the Constitution will be able to collect, 1068; defense of system of, 2047-48; defective system that requires war to collect from delinquent states, 1731; denial that Congress will only have this power to tax, 226; difficulty of NY paying while British occupy, xxix; for the year 1787, 14n, 102, 102n, 327n; general government should be confined to, 1758; governor urges NY legislature to pay, 693; Hartford Convention proposes coercive power for Congress to collect, xxvii; has been fairly successful, 1935; has not worked for raising troops, 1696; have been too broadly condemned, 1925; insuring compliance with as reason for calling Constitutional Convention, 304; limited funds requested in 1783, 1929; N.J. will not pay until NY adopts Impost of 1783, xxxvii; NY has paid high percentage of, 151, 165, 883, 954-55, 963n; NY thought it was overcharged, xxviii; NY hurt by system of during war, 1976; NY paid, 697, 698-99, 1723, 1724, 1731, 1947, 1949, 1993; NY could not pay all, 2007n; not paid after the war, 1996-97; not paid in German Republic, 1732; not paid because of inability of people to pay, 1968, 1999-2000, 2003, 2021; not paid because of various reasons, 1969; only feeble source of revenue for Confederation, 1802, 1805; opposition to, 1710-11, 1711, 1942, 2038, 2467; paid by Pa., 14n, 1724, 1731, 1947, 1993; payment of, 1739n, 1970n; prediction it would be difficult to pay because of paper money, xli-xlii; should be used, 2026, 2027; somewhat successful, 1928; Melancton Smith said to support states that did not pay, 2040; should be used to raise army under Constitution, 1074; some states paid little if any, 954-55, 963n; states have not fully paid, 12, 14n, 151, 176, 365, 489-90, 845, 846n, 904, 928-29, 930, 954-55, 963n, 1062, 1066, 1473, 1686, 1690, 1693, 1705, 1709, 1723, 1940, 1945, 1947-49, 1951, 1981, 1985-86, 1993, 1994, 2002, 2038, 2040, 2041, 2043, 2044; state payments of, 963n, 1063, 1947, 1949; states can choose not to comply with, 1802; states complied with, 2056; states could not pay, 2040; states pay as it suits them, 1723; states who suffered most during the war paid the most, 1731; states will comply with, 1967, 1968; states will not comply with under Constitution, 1734, 1998, 2039, 2044-45; support for, 2021; system of could lead to civil war, 1724; system will not work, 1993; system did not fail because of poverty or distress, 2039; system needed to be made effective, 2006n; system not all bad, 1932; system needs fixing, 1802; system proposed by Antifederalists will end in civil war, 1986-88; system will not work because of lack of coercion except army, 1693; unclear whether Congress will use under Constitution, 231; use system but change name if felt necessary, 2026; was successful, 2048; too difficult to get states to contribute, 1696; two-thirds have been paid, 1932; will work, 2021; would limit opposition to national taxation, 2047. See also Taxation

RESERVED POWERS: amendment proposed giving to states those powers not expressly given to Congress, 2089, 2121, 2201, 2234, 2248, 2249, 2305, 2326-27, 2547; certain taxes should be reserved for the states, 2060, 2062; Congress has only delegated powers while the rest are left to the states, 993; denial of Wilson's theory of, 131, 156, 158, 162, 168, 200, 233, 265, 1059; Hamilton espouses, 2034, 2035, 2036-37; Hamilton's form of ratification recognizes states have, 2309-10; liberty must be protected with express declarations and reservations, 168; and Mass. amendments, 751, 962n, 1055, 1401n; as much power should be reserved to the states as is safe for the federal government, 2066; people retain anything not expressly delegated to those who govern, 1052, 1053; praise of those retained by the states, 1955; should be examined if there are any, 1561; states retain unless expressly stipulated in a confederation, 984; some rights should be reserved to the people, 155, 1396; theory espoused, 1982-83, 1984, 1991, 1995; Va. amendment states that whatever power is not expressly given is reserved, 2083-84. See also Delegated

powers; Implied powers; Judiciaries, state; Necessary and proper clause; Wilson, James

- REVENUES: national needed to pay for national objects, 1724. See also Taxation
- REVOLUTION, RIGHT OF: people have if not restrained by existing compact, 1066; states will only have this kind of power against the central government, 1007; the only way people will be relieved of tax burden under Constitution, 468. *See also* Government, debate over nature of
- REVOLUTIONS: history shows danger of, 176; military execution of laws will result in, 218
- RHINEBECK PRECINCT, DUTCHESS COUNTY: celebration of NY ratification in, 2415–16
- RHODE ISLAND, 2292; allusion to after NY ratifies only one state remains out of Union, 1233; as Antifederal state criticized, 185; Antifederalists in blasted by NY's unconditional ratification, 2421; Antifederalists in receive letter from NY Federal Republican Committee, 1198; assembly elected twice annually, 985; between 1776 and 1784 failed to provide for reception of common law, 2252n; Britain would seize in war with France, 378; cannot form a union with NY and N.C., 1255; could be divided between Mass. and Conn., 1348, 2421, 2463-64; divided over Constitution, 1189; does not adopt population amendment to the Articles of Confederation, 1085n-86n; does not call a convention, 687, 1097, 1659n; does not send delegates to Constitutional Convention, 14n, 153, 153n, 244n, 627, 1258; and election of delegates to Confederation Congress, 1401n; example of the people's will being enacted, 859; Federalists have a respectable number in and are the wealthy, 1175, 1378; Federalists in boycott referendum on Constitution, 1378: governor calls legislature to call a convention, 1193; has not considered Constitution since it rejected it by referendum, 2451; has not ratified, 1260, 1634; held up as example of a state not participating in congressional elections, 627, 1144; if it adopts Constitution it will retain sovereignty, 2421; if it continues troublesome, new government will crush her, 2466; insignificance of, 1248, 1351; located between two states that could squeeze it to death, 1348-49; majority in oppose Constitution, 1378; and Massachusetts Centinel pillars cartoon, 2435; legislature submits NY circular letter to towns

of, 2508-9; majority in described as a sad example of political depravity and error, 2423; NY will be compared to if it does not ratify, 1303; NY Antifederalists compared to, 1169; nine towns vote for calling a second convention while five towns vote against, 2508-9; no word when convention of will be called, 1205; Northern interest would be weakened without it in Congress, 1316; Northern States should take action to get it to ratify, 1316, 1317n; not in interest of to increase representation in Congress, 1730; one of three corrosive forces that gave rise to the new Constitution, 1152; only state to have violated rights more than Pa., 492; other states have nothing to fear from its rejection of Constitution, 1222; and paper money, 849, 2154, 2469; payment of requisitions by, 14n; people elect delegates to Congress in, 984, 1698n; private property unsafe in, 397; prohibits foreign slave trade, 341, 341n; radical economic policies of, 90, 91n, 248-49, 250, 311, 365, 435, 475, 476n, 736, 849, 853, 1034, 1120n, 1139, 1146-47, 1392, 1891, 1895, 1924, 1928, 1969n-70n, 1985, 1992; reference to minority in, 2197, 2216n; referendum on Constitution called, 919, 1189; has rejected the Constitution, 895, 972, 973n, 1087-88, 1095n, 1152, 1189, 1190, 1557, 1669, 1970n, 2217n, 2297n, 2451; rejects Impost of 1781, xxviii, 368, 1990, 2008n; refusal to ratify will not affect NY, 609; role of in adoption of ordinance for putting new government into operation, 2459, 2466; role of in Congress debate on federal capital, 2452, 2453; some wish that it will not act on Constitution until crisis is over, 2454; stays out of union, 1295; Trevett v. Weeden (1786), 435, 849, 851n; virtuous minority of toasted, 2416, 2423; when it becomes federal presidential possibilities from will be identified, 54; will at least investigate the matter of Constitution, 2465; will be the only state not to ratify, 1347; will demand its terms if NY demands its terms, 2132, 2134; will join the Union, 1248, 1254; will not be able to exist without a connection to new government, 2464; will not foment civil war, 1255; will obstruct proceedings if federal government does not have power, 1390; will stay out of Union as long as it can. 1348

- —prospects to ratify: expected to, 2434; hope for, 2425, 2463–64; must ratify, 1349; uncertain in, 424, 2446; unlikely to ratify, 1521; will oppose, 1241
- See also New England; Northern States; Large States versus Small States
- RICE, 1735; benefits Northern States navigation industry, 1733
- RICH VERSUS POOR: always will be difference, 377n-78n, 1776, 1777; America has different classes, 1758, 1762; Antifederalist leaders have amassed wealth, 1516, 1518; Antifederalists try to convince poor to oppose Constitution, 885; appellate jurisdiction of Supreme Court favors rich over poor, 135, 848-49; aristocratic and democratic elements hold different views, 990-91; Beccaria quoted on differences between, 1752; character is affected by social class, 1751-52; Constitution gives no advantage to rich, 1771-72; Constitution will favor wealthy, 314, 615-16, 967; criticism of R.R. Livingston as wealthy, 1830; better to trust jury trial than great men as judges in cases of property, 375; deferential society in which rich have advantages, 1751; differences between, 1772; excite envy and distrust, 1817, 1818; do not balance out in America, 1012; Federalists are rich, 1198-99; Antifederalists are powerful, 1198-99; federal judiciary benefits rich, 337, 374, 847-48, 1381, 1395; good laws try to stop division of society into, 378n; manor interest will exert pressure on yeomen if NY Convention adjourns, 1330; men exposed to different temptations, 1819-20; middling people want the federal and state public debts paid justly, 447; the people will suffer if new government pays its debt in specie, 369; poll tax unfair to poor, 448-49, 1938; poor are oppressed by fear of despotic aspects of government, 398; poverty almost unknown in U.S., 1088; property class in NY are Federalists, 1332; poor are usually more selfish, 1811; poor not oppressed in U.S., 2018; poor oppressed in most countries, 2018; representation should include rich and middle class, 1760, 1818; rich and poor will support demagogues, 1751; rich defended, 1518; rich favor different kind of government than the poor, 1386; rich want lucrative offices under Constitution, 1382: rich will not benefit more from the Constitution

than the poor, 1396-97; rich are more intemperate, 1756, 1820, 1821; rich are not the only intemperate persons, 1816; rich are the envy of the poor, 1811; rich are well educated, 1817, 1818; rich are wise, 1817, 1818; rich could have virtue, 1781; rich defended, 1816; rich not only ambitious, 1816; rich will spend much publicly, 1758; rich do not have empathy for poor, 1758, 1761-62, 1781; rich do not concern themselves with everyday matters, 1752; satire U.S. should be entitled to some great men, 794; satirical piece praising aristocracy and nobility, 403-6n; senators will only associate with the rich, 1837; should not be taxed the same, 1409-10; Smith opposes overrepresentation of rich, 1834-35; vices of the wealthy are more favorable to the state, 1772; vices vary with class, 1772; wealth operates in small districts, merit in large ones, 1777; wealthy will administer government under Constitution, 1758, 1777, 1782, 1783, 1937; wealthy in R.I. are Federalists, 1378; well-born will rule, 1496. See also Antifederalists; Aristocracy; Democracy; Federalists; Monied men

- RICHMOND COUNTY (STATEN ISLAND), 888; close to N.J. and a danger to NY outside the Union, 1684–85, 1698n; election of Convention delegates from, 1533–35; farmers in would suffer if NY does not ratify, 1148; highly Federalist, 864; polls stay open for election of Convention delegates, 1354; population of, 550; prediction Federalists will win Convention elections in, 1533, 1581; victorious Convention delegates, 1529; will stay in Union if NY rejects Constitution, 1353; will secede from NY if NY rejects Constitution, 1095–96, 1691
- RIDLEY, MATTHEW (Md.)
- -letter to, quoted, 308n
- RIGGERS: in Albany procession, 2385; and New York City procession, 1600, 1645, 1664, 1665
- RIGGS, CALEB S. (N.J.): id., 1319n
- -letter from, 1319
- RIGHTS: free elections are root of all, 157, 317-18, 330, 359-60, 374, 419, 432-33, 435, 607, 739; protection of some in Constitution jeopardizes others, 132. See also Bill of rights; Civil liberties
- RIVINGTON, JAMES (New York City), 32, 33n
- ROBBINS, EZEKIEL (New York City): appointed election inspector, 1494

- ROBERTS, THOMAS: sells Federal Bonnet, 2379–80
- ROBERTSON, ALEXANDER (New York City): signs New York City Scotsmen address endorsing Constitution, 1404
- ROBERTSON, CHARLES (New York City): signs New York City Scotsmen address endorsing Constitution, 1404
- ROBERTSON, ESQ. (Ulster): at Newburgh meeting, 1547
- ROBINS, EZEKIEL (New York City): id., 2480n; attends NY Antifederalist Society meeting, 2475
- ROBINSON, THOMAS (New York City): as Revolutionary leader, 610, 612n
- ROBINSON, WILLIAM, JR. (Pa.)
- —letter from, cited, 748
- ROBISON, JOHN (Albany): supports Federal Committee slate, 1375
- ROCHAMBEAU, COMTE DE (France): toasted in New York City, 1288
- ROCHE, JOHN (N.H.): id., 1221n; NH-NY express payment for, 1217
- ROCKWELL, NATHAN (Westchester): in Assembly votes, 521; elected to Assembly, 1578, 1579
- "RODERICK RAZOR," 4; text of, 382-88n
- ROE, MR., 2285, 2286
- ROGERS, LEONARD (New York City): and New York City procession, 1637
- ROME, 173, 2146; Achaean League destroyed by, 1726, 1732; aggressive to neighbors, 1622; although empire was extended only city of Rome and a few Italian cities were republics, 2542; always on the public's lips, 1344; American public speaking over Constitution is reminiscent of, 1437, 1438n; end of was the increase of its dominion, 1561; aristocracy develops in, 995; cap of liberty in, 2077n; critical of Carthaginian faith, 787, 790n; Cataline, 1303, 1303n; Cæsar and a standing army, 596; Citation laws, 86, 87n; civil law does not protect liberty in, 995; code of the Twelve Tables, 287n; Comitia Centuriata, 287n; commonwealth received death wound from Marius, 2543, 2545n; consuls seldom usurped powers because of annual appointments, 1039; Decemviri, 283, 287n; democracy falls in, 19, 396; despotism in, 649, 653; dictators seldom usurped powers because of short terms, 1039; diligence of people of secured liberty, 841; discipline of, 856; emperors of

had senates to check them, 320; factions cause fall of, 840; form of free government without substance, 2146; history of contact with Britain, 975, 976n; history of shows danger of standing army, 653; history of demonstrates that small republics do not last as long as large ones, 2541-42; human nature disgraced by vices of, 653; jury trials, 259; large standing armies kept dominions in subjection, 2542; law, 1238; law allowing creditors to do bodily harm to debtors, 2018, 2028n; listing of four tyrants of empire of, 278; Livy's history quoted, 1109; maintained large armies for a long time without endangering people's freedom, 2543; military of praised, 2399; necessary and proper clause similar to powers given to dictators of, 2221; patriotism in ancient Rome, 328; provinces were governed by tyrants, 1927; retired president compared to retired Roman consul, 1040; public games of, 1344; reference to bloody tyrannies of Nero and Diocletian, 333; inadequate of representation in prevents development of liberty, 996-97; republic of, 328-29; the republic of that was subverted was a very small one 2542-43; republican Rome extended its empire by arms, 2542; republics were small, 110; respectable nature of the large Senate of, 1009; Roman Republic large but their government to not extend far, 1931; Senate becomes despotic when foreign threat was alleviated, 649; Senate under republic grants dictatorial power to consuls, 2559n; senators, consuls and tribunes not elected by common people, 996-97; state governments under Articles excel governments of in protecting rights, 1154; subversion of commonwealth, 2540, 2545n; taxing power of senate without a veto power by the people, 1007; tribunes in, 989, 994, 1082n, 1780, 1781, 1782, 1795n; tribunes check on Senate, 330, 1770, 1776, 1778; tyranny of city of, 2555; under kings has been called republican form of government, 2156; vast extent of empire, 2539; when it grew too large it became tyrannical, 110; while free did not have a standing army, 260; was once as free as Americans, 840. See also Classical antiquity; Governments, ancient and modern

ROOME, HENRY (New York City): appointed election inspector, 1494

- ROOSEVELT, ISAAC (New York City, F-Y): id., 1484; description of, 1491; elected to Senate, 1527; nominated for Senate, 1496, 1497, 1504; returns to New York City from Convention, 2404
- in NY Convention, 1481, 1677; elected delegate, 1104, 1522n, 1524, 1526, 1531–32; nominated as delegate, 1481, 1482, 1484, 1486, 1487, 1489, 1496, 1497, 1498, 1500, 1502, 1504, 1506, 1510, 1511, 1512, 1512n, 1515, 1524; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323; voucher for paying, 2501n
- —letters from, 2359, 2364, 2375–76
- ROOSEVELT, JAMES (Columbia): signs Claverack grand jury address, 617
- ROPE MAKERS: and New York City procession, 1600
- ROSEBOOM, JACOB (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- Ross, WILLIAM (New York City): as printer of Federalist pamphlet, 181
- -letter from, cited, 182
- ROTATION IN OFFICE: considered and rejected in Constitutional Convention, 1846, 1847, 1848; criticism of, 1901; criticism of lack of under Constitution, 1008, 1836, 1838; criticism of lack of for President, 1381; defense of Constitution omission of, 978; democracy in voting hurt by, 1845, 1846, 1848, 1849; deprives government of services of great men during emergencies, 1856; destroys faction in Confederation Congress, 1842, 1843; did not stop factions from Confederation Congress, 1901; increases number of men serving, 1888, 1899; motion made in NY Convention for in Senate, 1875; need for, 592, 635, 1016-18, 1838, 1840, 1849, 1879; no provision for in Constitution, 2532; not a suppression of democracy, 1852; often part of a bill of rights, 1030-31; operates well under Articles of Confederation, 1841, 1843, 1873; opposition to creates ties to national government, 1856; opposition to for the Senate, 1857; opposition to, 1083n, 1846, 1847, 1854-55, 1856, 1862-63, 1894, 1896-97; natural flow of people in and out of office, 382, 857; necessary in republican form of government, 72, 1840; principle of established,

1913; re-electability breeds conscientious service, 1856; required by Articles of Confederation, 984, 1008, 1016, 1017, 1816, 1836, 1838, 1839, 1842, 1843, 1873, 1874n, 1875, 1878, 1886, 1887, 1888, 1901; some ancient and modern republics have requirement for, 1016; some state constitutions have requirement for, 1016; supported for Senate, 635–36, 910, 1837, 1839, 1873, 1878, 1878–79, 1883, 1885, 1887–88, 1888, 1902; will not keep good men out of Congress, 1017–18; will not prevent factions, 1898. See also Recall; Terms of office

- "ROUGH CARVER," xl, 10; text of, 36-41
- ROUGH HEWER (Abraham Yates, Jr.): reference to Federalist satire on death of, 638, 639n, 795n; said to be rogue (satire), 794
- RUCKER, MR. (New York City): and New York City procession, 1641
- Ruм: too much production and consumption of, 1746
- RUSH, BENJAMIN (Pa.): id., 271n; The Arraignment of Centinel, 1179; criticism of his praise of James Wilson's speech, 322, 326n; criticized by Cincinnatus, 370, 372n; criticized for Federalist writings of, 162; observations on Philadelphia's 4th of July procession, 1193; speech of in Pa. Convention, 479, 480, 481n, 777, 781n, 958, 963; spurious Centinel XV, 1178; spurious letter from, quoted, 138
- —letter from, quoted, 481n
- -letter to, 270-71
- -letters to, quoted, 800, 1222n
- RUSSELL, EBENEZER (Washington): and distribution of Antifederalist literature, 896-97
- ----in Senate: votes, 512, 513, 524, 715, 720, 727
- "RUSTICUS" (two items), 10; texts of, 24–26, 1108–9
- RUTGERS, HENRY (New York City): appointed election inspector, 1494; nominated for Assembly, 1494, 1495
- RUTHERFURD, JOHN (New York City/N.J.): id., 578n
- —letter to, 578
- -letters to, quoted, liii, 139, 455, 580, 688
- RUTHERFURD, WALTER (New York City/N.J.): id., 578n
- —letter from, 578
- -letters from, quoted, liii, 139, 455, 580, 688
- RUTLEDGE, EDWARD (S.C.): id., 2475n; listed as a great man supporting Constitution,

2197, 2217n; signer of Declaration of Independence, 2217n

- —letter from, quoted, 2475n
- -letter from, cited, 2474
- -letter to, 2474-75
- -letter to, quoted, 2506
- RUTLEDGE, JOHN (S.C.), 55; listed as a great man supporting Constitution, 2197, 2217n; signer of Constitution, 2217n
- RYERSS, GOZEN (Richmond, F-Y), 1231, 1247, 1247n, 1534, 2344; elected to Assembly, 1535
- —in NY Convention, 1533, 1677; on committee to arrange amendments, 2128, 2129; ratifies Constitution, 2441; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323

-letter from, newspaper printing of, 2320

- "S. J.," 1593
- SADDLERS: in Albany procession, 2387; and New York City procession, 1600, 1653, 1664
- SAFETY: Constitution said to promote, 59; denial that Constitution would endanger, 134; depends on ratification of Constitution, 60, 67. *See also* Domestic tranquility
- SAG HARBOR, NY: Antifederalists in, 1538
- SAIDLER, JAMES (New York City), 1247; signs Scotsmen address endorsing Constitution, 1404
- SAIL MAKERS: in Albany procession, 2385; and New York City procession, 1586, 1588, 1600, 1644–45, 1664
- SAILORS: Americans are sailing on other countries' ships, 930; should be employed on American ships, 819–20; will benefit from Constitution, 134; will increase in US with a navigation law, 1316. See also Commerce; Shipbuilding
- ST. ANDREWS SOCIETY: is Federalist, 1378–79, 1379n; members of favor Constitution, 1499
- ST. CLAIR, ARTHUR (Pa./Northwest Terr.): id., 1261n, 2445n-46
- -letter to, 1261, 2445-46
- -letter to, quoted, 1139n
- ST. CLAIR, DANIEL (Pa.): id., 2446n
- -letter from, 2445-46
- St. PATRICK: code name for Jonathan N. Havens, 1539n

- ST. PAUL'S CHURCH: and New York City procession, 1601; site of William Duer's Fourth of July speech, 1242
- St. TAMMANY, 1659n; and New York City procession, 1638
- SALARIES: amendment restricts setting of for members of Congress, 2315, 2332; Congress will keep high, 615, 1010, 1381; of Confederation Congress paid by states, 984, 1401n, 1787-88, 1816, 1819, 1826, 1907n; of Congress paid by U.S. treasury, 1787; of Congress versus officeholders, 1882; criticism of Congress being paid by federal government, 374-75; criticism of size of for President, 198; danger from being set too high or too low, 1011; decent salaries will attract respectable characters, 48; defense of Congress' power to set, 632, 1014-15, 1393; different views of held by aristocratic and democratic elements, 990-91; of great officers, customs collectors, and of Congress will cause an increase in expenses of government, 957; representatives' per diem, 1002; state legislatures more responsible in setting because of fuller representation, 1011
- —and judges: criticism of ability to increase, 1047; defense of not lowering of, 1393; may be increased but not decreased, 681, 1045; must be paid at stated times and cannot be reduced, 874; state judges dependent on state legislatures, 987; too many and too high for Supreme Court judges, 1383; will be paid by federal government, 108; will be increased as their jurisdiction increases, 685
- See also Expenses of government; Officeholders, U.S.
- SALARY-MEN: will benefit from a peaceful ratification of Constitution, 238. *See also* Officeholders
- SALLY, MAJOR (Dutchess), 1261, 1262n, 1292
- SANDS, COMFORT (New York City): despised as a speculator, 1500, 1501n, 1520, 1521n; as director of Bank of New York, 1454n
- —and Assembly: criticism of as Federalist candidate for, 1520, 1521n; elected to with vote results, 1527; nominated for, 1454, 1496, 1497; reports to committee of the whole committee's amendment in response to governor's speech, 695; votes in, 704, 713, 714

- SANDS, ROBERT (Dutchess): defeated as Convention delegate, 1466; nominated as Convention delegate, 1440, 1455, 1456
- SARATOGA, ALBANY COUNTY: celebrates NY's ratification, 2416–17; is highly Federalist, 1374; might be the turning point in the Convention election, 1374; Schuyler misses election in, 1376
- SARGENT, WINTHROP (Mass./Northwest Terr.): id., 1169n
- -letter from, cited, 1351
- -letters to, 1169-70n, 1351-52
- -letters to, quoted, 1585, 1631
- SARLS, LOTT W. (Westchester, F-Y)
- —in NY Convention, 1575, 1677; elected delegate, 1578, 1579; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- SAVAGE, EDWARD (Washington): votes in Assembly, 515, 521, 704, 713, 714; elected to Assembly, 1574
- SCATAKOKE (SCHAGHTICOKE), NY: meeting in votes in favor of Constitution, 862; said to be all Federalists, 862
- SCHENCK, JOHN (Queens, A-Y): in Assembly votes, 516, 521; elected to Assembly, 1532
- —in NY Convention, 1531, 1677; elected delegate, 1531, 1532; votes for Hobart's motion to adjourn, 2230; as Antifederalist votes to ratify Constitution, 2219n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; as Antifederalist votes with Federalists for adjournment, 2219n
- SCHENECTADY, ALBANY COUNTY: celebrates NY's ratification, 2417–18; hostility of for New England, 247–48; merchants depressed in, 1402; people divided in, 893, 894n
- "Schenectady Farmer": reference to, 1407; text of, 1402
- SCHERMERHORN, JOHN W. (Albany): supervisor, 1414, 1415, 1416; nominated as Convention delegate, 1368; votes for as Convention delegate, 1418, 1419
- SCHERMERHORN, PETER (New York City): appointed election inspector, 1494
- SCHOHARIE, ALBANY COUNTY: Antifederalists campaigning in, 1367; Federalists strength in, 1357; people divided in, 893; votes

against Constitution, 1412; Abraham Yates to visit, 861

- SCHOONHOVEN, JACOBUS V. (Albany): supervisor, 1414, 1415, 1416
- SCHOONMAKER, CORNELIUS C. (Ulster, A–N): id., 498, 1570n; coordinates Ulster County election campaign, 1542; and distribution of Antifederalist literature, 896–97
- —and Assembly: amendment of to Benson's motion, 703–4, 704, 707n, 708, 713, 728; debate over calling NY Convention, 690, 702; does not want to be a candidate for, 1556; elected to, 1571, 1572; nominated for, 1566, 1569; speeches of, 708, 712; votes in, 703, 705, 713
- —in NY Convention, 1542, 1677, 2301;
   elected delegate to, 1571; nominated as delegate to, 1566; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- --letters from, 1553-56, 1557-59, 1563, 1563-64, 2083-84, 2115-16, 2228-29, 2286, 2298-99, 2351
- —letters from, quoted, 2085
- —letters from, cited, 1557–59, 1921n, 2031n, 2218n, 2219n, 2282n
- -letters to, 1546-47n, 1548, 1556-57
- -letters to, quoted, 1468, 1536
- —letters to, cited, 1545, 1553, 1557–59, 1563, 1563n, 1565n, 1566, 2286
- SCHOTACK, COLUMBIA COUNTY: Federalist meeting in, 1433
- SCHUYLER, ABRAHAM (Albany): nominated for Convention, 1365
- SCHUYLER, JOHN BRADSTREET (Albany): id., 1376n
- -letters to, 1376, 1579, 2352
- -letter to, quoted, 1876
- -letter to, cited, 1249n
- SCHUYLER, PETER (Albany), 601n; id., 1478n; votes for as a Convention delegate, 1480; votes in NY Senate, 512, 513, 524, 715, 720, 727; will bring first copies of Publius to Albany, 1378
- -letter from, 1478-79
- -letter to, 1478
- -letter to, quoted, 1478
- —letter to, cited, 1479
- SCHUYLER, PHILIP (Albany), 1222, 1374; id., 499; in Albany procession, 2383, 2390, 2445; and charter of Bank of New York, xli; and Columbia County politics, 1132, 1421;

congratulated on ratification of Constitution, 2473; criticism of, 31; description of, xxx; and the distribution of The Federalist, 913; endorses Federalist response to 35 Objections, 1399; he and his allies are excluded from nomination to state convention, 1370; as possible governor, xxvi, 32; Hamilton's father-in-law and political mentor of, 32, 2252, 2253n; Hamilton uses to rise in power and standing, 11, 1421; appointed to Hartford Convention, li; ill with gout, 1376; influence of on Northern members of state legislature, 2252; as leader of political party, xxx; nominated for Convention, 1362; opposes paper money, xli; qualified to be president, 54; spectator at NY Convention, 1121, 1122n, 1208n; supports call of a constitutional convention, 1284n; is well, 1215

- —in NY Senate: on call of Constitutional Convention, xlv, 508, 509, 512; opposes oath to support NY constitution, 688; supports calling state convention, 730; speeches of, 718, 721, 722, 723–24, 724; votes of, 512, 513, 715, 720, 727
- —letters from, 519–21, 699–700, 1211, 1214– 15, 1249, 1373–75, 1375–76, 1376, 1429– 31n, 1432–33, 1444, 2176–77, 2348n, 2352, 2353–54, 2376–77
- —letters from, quoted, xxvi, xxvii, xxxvixxxvii, xxxvii, xl, xlv-xlvi, xlvi, 507, 508, 509, 688, 751, 1219n, 1357, 1477, 1674, 1875-76, 1876, 2084-85, 2087, 2318n, 2354n
- —letters from, cited, 1211, 1213, 1249n, 1431, 1432, 2031n, 2352, 2353, 2354n
- -letters to, 833, 1364, 1427-28, 1431-32, 1437, 1451
- -letters to, quoted, 749, 750, 2353
- —letters to, cited, 1357, 1429, 1432, 1468, 2348n
- SCHUYLER FAMILY: are Federalists, 1092
- SCIENCE: Constitution will encourage, 175, 1070; may they flourish, 2399; toasted at New York City procession dinner, 1658; toasted at Poughkeepsie Fourth of July celebration, 1291; will advance, 1614

SCOTAK, ALBANY COUNTY: politics in, 1432n

- SCOTLAND. See Great Britain
- SCOTSMEN: in Albany endorse Constitution, 1357, 1499; in New York City support Constitution, 1499; support for Constitution, 1403–5; criticism of, 1412

- Scott, John Morin (New York City), 610, 612n
- Scott, Lewis A. [Louis A.] (New York City): nominated as Convention delegate, 1483; signs Scotsmen address endorsing Constitution, 1404
- SCOTT, THOMAS (Pa.): and Pa. Convention Debates, 1378
- SCUDDER, HENRY (Suffolk, A-Y): elected to Assembly, 1541; nominated for Assembly, 1537; and distribution of Antifederalist literature, 896–97
- —in NY Convention, 1536, 1677; elected delegate, 1541; as Antifederalist voted to ratify but did not sign circular letter, 2337n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2313, 2319, 2323; and vote of on 25 July report of Committee of the Whole (30 to 25), 2318n
- Seabury, Samuel, 33n
- SEAMAN, WALTER (Westchester): elected to Assembly, 1578, 1579
- SEAMEN. See Commerce; Economic conditions under the Confederation; Mechanics; Sailors
- SEAPORTS: will be destroyed if U.S. remains under Articles of Confederation, 905
- SEARCH AND SEIZURE: amendment securing people against unreasonable, 2111, 2120, 2201, 2236, 2306, 2328; Constitution provides no protection against unreasonable, 135, 157; protection against illegal searches and seizures is an American tradition, 235; in state bills of rights, 159n; unreasonable not allowed in America, 985. See also Bill of rights; Civil liberties
- SEARS, ISAAC (New York City), 610, 612n
- SECESSION: after nine states ratify, others vote themselves out of the Union, 2164; Congress would not accept, 2374; fear of accounts for NY Convention's procrastinating disposition, 2379; idea of was started in Richmond, Va., 2374; motion giving NY right of if a second general convention is not called, 2290–99, 2301, 2310; NY cannot recede from Union because its compact with other states is perpetual, 2291; NY may secede from Union, 2373, 2373–74, 2376, 2379, 2446; once nine then ten states ratified, there is a secession of ten states from old Union, 2164; some Antifederalists

realized not an option, 2504; some states wish to dismember NY, 2161; threat that southern counties would secede if NY does not ratify unconditionally, 1240, 1353, 2140, 2371, 2434, 2484–85

- SECRECY: charge that Antifederalists are ashamed of their conduct and do not want their names revealed, 466
- —and Confederation Congress: cannot act with, 930; debating the Constitution's transmittal to the states, 57; has met in since 1780, 1154; some things in Confederation Congress should not be disclosed, 1897; used by various politicians with army at Newburgh, 654
- —in Constitutional Convention, xlviii, 33n; defense of, 99; criticized for, 81, 305, 431, 477, 626, 640, 645, 660, 951, 1154; injunction of removed, 2005, 2010
- SECTIONALISM: different interests of, 2073; exists in U.S., 1693; must be guarded against in U.S., 1683; NY and New England differ, 1688, 1692; Southern States might recall senators if Eastern States are attacked, 1855; will prevent borrowing money to pay for necessary war, 2070, 2071; will prevent declaration of war, 2070; will prevent treaty making, 2070. See also North vs. South; Northern States; Southern States
- SECURITY, PRIVATE: Constitution does not protect, 953
- SEDGWICK, THEODORE (Mass.): id., 1528n; elected to U.S. House of Representatives from Mass., 1794n; and express system forwarding Mass. news of ratification to NY, 767; as speaker of Mass. House of Representatives, 1132
- -letter from, 1325
- -letters from, quoted, 1131, 1132n
- —letter from, cited, 2507

-letters to, quoted, 1129n, 2345n, 2380n, 2507

- SELF-INCRIMINATION: amendment guaranteeing right against, 2200, 2235, 2306, 2327– 28; not required in America, 985; men entitled to be protected from, 1057; state bills of rights prohibit, 156. *See also* Bill of rights; Civil liberties
- SELF-INTEREST: Antifederalists accused of, 51–52, 65, 71, 424, 1339, 1360; charges that delegates to Constitutional Convention

had, 69, 475-76; Constitution limits, 64; Federalists accused of, 450; the few, selfish, and ambitious individuals pursue ardently, 62; good of the country more important than, 48; lay aside and elect Federalists, 1362; rulers must avoid to pursue public good, 316; seekers of should not be regarded in debate over Constitution, 209; should be avoided in voting for Convention delegates, 1561; some want government to further, 207-8; some who seek will always be elected, 314; state officeholders oppose Constitution because of, 9, 26, 51-52, 58, 68, 86, 90, 97, 144, 149-50, 152, 185, 391, 405, 424. See also Human nature; Interest, personal

SENATE, U.S., 432, 2535, 2546; cannot originate money bills, 1901; in Constitutional Convention, 1807, 1865; corruption potential in, 1842, 1843, 1845, 1846, 1847, 1848, 1857, 1868; denial that it alone could declare war, 1849, 1853, 1874n; described, 253; dependent on existence of the states, 1963, 1965, 1967; gives advice and consent to President except in pardons and reprieves, 2534; in Hamilton's plan, xlix, 2159; members of will be attached to their states, 1865; method of making it respectable, 1013; no need for senators to take oath not to violate states rights, 2468; positions of will be envied by others, 1853-54; powers of, 889, 890n; power of to declare war rests with, 1852; power to reject or amend money bills, 1836; refusal of states to appoint could cause problems, 1026-27; represents general interests of country, 1860, 1861, 2468; represents legislatures of states, 2535; represents both their state and entire U.S., 1844; represents the sovereignty of the states, 1850, 1852, 1853, 1854, 1860, 1883, 1886, 2071; senators may be instructed by state legislatures, 1768; senators will stay attached to interests of their states. 1856; should be dependent on state legislatures, 1841-42, 1851, 1853, 1869; should not be divested of local interest, 1853; should pursue general welfare not state interest, 1863; should represent the states, 1841; to give stability and energy to government, 1856; stalemate between NY Assembly and Senate on matter of electing U.S. Senators, 2497, 2498, 2498n; will be aloof from the people, 407, 1837; will be chosen

<sup>—</sup>letter to, 1528

<sup>-</sup>letters to, cited, 1197n

by the people, 87–88; will be in session longer than House, 283; will have power to ratify treaties of peace and alliance but not commerce, 1019–20; will be powerful, 1836–37, 1917; will be under influence of the people, 1778; will not be easily corrupted, 1783, 1846, 1847, 1849, 1857, 1868, 1945–46, 2072; will not be too dependent upon the states, 1886, 1888, 1892; will oppose increase in size of House of Representatives, 1755, 1758, 1759

- -amendments concerning, 2259-60; not requiring advice and consent to appointments, 183, 184; George Clinton defends, 2221-22; limiting term to one in twelve years, 2030, 2123, 2125, 2239, 2315, 2332, 2353; provides for recall of by state legislatures, 2030, 2123, 2125-26, 2239, 2259-60, 2315, 2332, 2353; that Congress not have power to regulate elections for, 2122, 2126; that no money be borrowed without consent of two-thirds of House of Representatives, 2123; that Senators must take oath not to violate state constitutions, 2124; prohibits Senators from holding other federal offices, 2123, 2239, 2260, 2315, 2332, 2546; proposed in Convention on organization of, 2361; requires that only state legislatures fill vacancies to, 2207, 2239, 2273, 2275n, 2315, 2332; requiring that members of Congress be natural born citizens, 2312, 2314, 2331
- -as a check or check upon: as a check on House of Representatives, 1824-25, 1826, 1861-62, 1895; checked by House of Representatives, 174, 1900, 1961; House of Representatives will not effectively check, 419, 1897, 1899; will easily control the President, 427; will not be a check on President. 320, 2266; will not be checked by the President, 285; checked by President, 174, 1900; checked by state legislatures, 174, 1870, 2144-45; President cannot act against views of, 222; with President to manage foreign affairs, 1865-66, 1868, 1900; no check on it, 1836, 1837-38, 1838, 1839; as a check on state legislatures, 1895 -criticism of: appointment power of, 222, 278, 283, 419, 632, 911, 1012, 1013, 1018, 1031, 1032, 1034, 1035, 1164-65, 1262, 1836, 1838, 1839, 1885, 1904, 2096-97; will be aristocratic, 278, 283, 284-85, 286, 320-

21, 351, 371, 374, 419, 427, 910, 1012; aristocrats in will not levy a land tax, 418; ability with President and House to obtain western lands for themselves, 824; is open to bribery, 2532; changes necessary in, 1013-14; Congress' power to invest sole power to appoint officers in President, 231-32; Congress' power to regulate elections of, 220; in danger of falling under foreign influence, 2532; will lose dependence on the people, 1888; will lose dependence on the states, 1888; distant and separated from the people, 1886; method of election, 278, 283, 374, 407, 419, 1020, 1380, 1387; will endanger the House of Representatives, 283, 284-85; equal state representation in, 214, 221, 221-22, 254, 278, 314, 374, 419, 673, 903, 908, 909, 1263; executive and judicial functions of, 221-22, 222, 223, 278, 283, 286, 572, 911, 953, 979, 1262-63, 1897, 2096-97, 2213, 2221; impeachment power of, 222, 223, 278, 283, 284, 320, 371, 419, 572, 824, 825, 828, 850, 852, 908-10, 911, 1019, 1166, 1262, 1838, 1839, 1904, 2096-97; lifetime service in violates republican principles, 1878; members of reside in capital and become estranged from their home states, 1873; members of should be more dependent upon their states, 1842, 1843; most objectionable part of Constitution, 282-83; objection to Art. I, section 6, on dual officeholding of 2353; opposition to executive powers of, 1839, 1899; powers of can take sovereignty from states, 1851; possesses too much power, 254, 351, 374, 1839, 2532; per capita voting in, 778, 824, 1011-12, 2144; power of to amend money bills, 283, 284; qualifications for, 825-26; representation needs to be reduced in. 1013; power of to ratify treaties, 158-59, 163, 276, 419-20, 1018-19, 1032, 2108; should have an age limited for service in, 826; method setting up staggered election of, 825; term of office can be changed by Congress by law, 295-96; too large for an executive branch, 1012; too small, 217, 223, 256, 279-80, 458, 1006, 1007, 1009-10, 1012, 1836, 1838, 1842, 1843, 2532; method of filling vacancies in, 279; Vice President of U.S. as president of, 197, 222, 283, 826, 1262; will be constantly sitting, 572; will be monopolized by a few men or families, 636; will control House of Representatives, 993; will not be like classical senate, 1012; will seek their own interests, 1842; will stay in office permanently, 407, 824, 910, 1837, 1838, 1839, 1840, 1850, 1858, 1873, 1887–88, 1902; will take up residence in Capital and forget home state, 1837, 1886

- -defense of: appointment powers, 232, 400-401, 1013, 1394, 1844, 1853, 1901, 2106-7, 2265; equal state representation in, 178, 432, 439, 440, 633, 820, 864, 1012; manner of electing, 124, 820, 1141, 1389, 1390, 1953, 1961, 2533; executive powers of, 1013, 1836, 1908n; impeachment power of, 178, 632, 852, 1013, 1900, 1908n, 2072; make-up of, 1141; qualifications, 124, 820; residency qualification for, 124, 1199; size of, 820, 1390, 1401n, 1985, 1868; Senate can do nothing by itself, 2068; treatymaking power of, 124, 400-401, 632, 845, 881, 2071; provides stability and wisdom, 2157; only security to state governments in the new system, 1887; denial that it alone could declare war, 1853; will not become perpetual, 1845, 1896; will probably be more democratic than House of Representatives, 1012; will protect property, 1013; will represent the states and create a federal republic, 221, 1013, 1141
- -organization of: age requirement, 1145, 1838; apportionment of, 296, 629n; citizenship requirements for, 1145; method of election, 432, 1012, 1027; and oaths for impeachment trials, 827; per capita voting in, 244n; qualifications for, 909; quorum of, 1794n; recall for favored, 1839, 1853, 1880, 1884-85; recall of opposed, 1844, 1847, 1853, 1855, 1857, 1862-63, 1895; residence requirements for, 1145; rotation in office supported for, 635-36, 837, 910, 1839, 1873, 1878, 1878-79, 1883, 1885, 1887-88, 1888, 1902; rotation in office opposed, 1857, 1862-63, 1894; term of criticized, 278, 279, 283, 320, 374, 419, 427, 621-22, 635, 673, 824, 909-10, 910, 1008, 1013-14, 1014, 1380, 1839, 1860, 1874, 1878, 1887; term of defended, 626, 820, 837, 1013, 1144, 1145, 1844, 1865, 1865-66, 1868, 1869, 1870, 1892, 1895-96, 1901, 1961, 1964; staggered election, 432, 825, 909, 1848, 1850, 1852, 1854, 1865, 1868, 1870, 1872, 1896, 1897; Small States wanted equal representation in, 296; vacancies in

to be filled by governor, 400, 909; vacancies incorrectly to be filled by U.S. President, 400, 912n

- See also Appointment power; House of Representatives, U.S.; Impeachment; President, U.S., Recall; Separation of powers; Treaties
- SENATES, STATE: no direct control over taxation, 1002; representation in twice the amount of U.S. Representatives, 1002
- "Senex": printing in NY, 1178; text of, 809-11
- SEPARATE CONFEDERACIES: Antifederalists accused of wanting, 104, 114n, 144, 147, 300–301; danger of, 842; denial that Antifederalists favor, 143, 270; fear of will require necessity of standing army under Constitution, 128, 2480; if states really had desire to be united, Articles would suffice, 309; impossible, 1255; NY would not fit in any, 1692; no desire for, 1254; no hope of forming two, 1241; opposition to, 764, 1005; possible if Articles of Confederation are not revised, 13; will increase expenses of government and number of officeholders, 114n; will occur if Constitution is not adopted, 147, 151. See also Union
- SEPARATION OF POWERS: advocacy for in U.S. government, 983, 985; all states agree on importance of, 322; Congress would have legislative and judicial powers, 116; Constitution praised for, 64, 73, 238, 606-7, 677, 887, 932, 1686, 1725, 1734, 1777, 1953, 1961, 2158; criticism of blending of Senate and Vice President, 197, 222, 283, 826; criticism of Constitution for lack of, 104, 283, 285, 286, 320, 332, 636, 953, 979, 1262-63, 2532; criticism of mixture of in Senate, 221-22, 222, 223, 278, 283, 286, 322, 572, 911, 953, 979, 2213, 2221; criticism of Senate's power to try impeachments, 278, 283, 284, 320, 371, 419, 572, 824, 825, 908-10, 911, 1019; defined, 2158; denial that separate branches of government will be destroyed under Constitution, 603-4; difficulty in republics because of dominance of legislative branch, 745n; Federal Farmer calls for, 213; good governments must have, 907-8, 1036; grudging praise for Senate as a check on President's appointment power, 232; must be part of any viable government, 1972; as outlined by Montesquieu, 1696, 1699n, 2163n; in NY constitution, xxxix; necessity of, 330, 419, 932, 1773; not absolute, some control over each

other, 2534; not necessary when each branch appoints its own officers, 1036; people secure if legislative, executive, and judicial powers are properly distributed, 2221; and power of purse and sword to be kept separate, 1964; powers separated into legislative, executive, judicial, but all independent of any other power for its continuance, 2145; Senate and executive are two branches who support one another, 2532; tax power should be divided among various branches of government, 2018-19; will not be a sufficient check on powers of Congress, 1936. See also Balanced government; Checks and balances; Congress under Constitution; House of Representatives, U.S.; Judiciary, U.S.; President, U.S.; Senate, U.S.

- SERVICE, GEORGE (New York City): signs Scotsmen address endorsing Constitution, 1404
- SHARP, PETER (Columbia): signs Claverack grand jury address, 617
- SHARP, PETER (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; nominated for state Convention, 1365
- SHARPE, JAMES (Albany): endorses Federalist response to 35 Objections, 1400

SHAYS, DANIEL (Mass.), 393, 421, 1540, 1540n

SHAYS'S REBELLION, 250, 310, 311, 1147, 1149n, 1540, 1540n, 1795n, 1970n; Antifederalism equated with, 95, 353, 1360; caused by dishonest debtors, 421; caused by high taxes, 326; George Clinton opposed, 16, 16n; confronted Mass. problems, 1924; Constitution will cause replication of in different states, 426; criticism of, 240; difficult for Mass. to quell, 127-28; gave rise to Federalists, 240; if Mass. had standing army it would have been suppressed easily, 128; in a small state would have been disastrous, 173; less likely under Constitution, 736; many Shaysites in Mass. Convention, 672; one of three corrosive forces that gave rise to the new Constitution, 1152; partly caused by slow process of judicial appeals, 847; produced a change in spirit of state government, 1786; as sign of languor in Confederation Congress, 151; and Springfield and Pelham battles, 365, 367n; suppressed and opponents win state elections, 1313, 1314n; trifling compared to other governments, 1928; would not have occurred if Mass. representation was smaller, 396. *See also* Economic conditions under the Confederation; Political conditions under Articles of Confederation; Violence

- SHEDDEN, WILLIAM (New York City): signs Scotsmen address endorsing Constitution, 1404
- SHEPHERD, WILLIAM (Albany): in Albany procession, 2385
- SHERMAN, ROGER (Conn.): in Constitutional Convention on committee on representation, 1828n
- SHIP JOINERS: in Albany procession, 2385; and New York City procession, 1600, 1643, 1644, 1664
- SHIPBUILDING: Constitution will benefit, 1307; in doldrums, 930; will increase in US with a navigation law, 1316
- Shippen, Thomas Lee (Pa.)
- -letters to, quoted, 160, 916, 1587-88
- -letters to, cited, 103, 160
- SHIPPEN, WILLIAM, JR. (Pa.): receives copy of R.H. Lee's amendments, 463
- -letters from, quoted, 160, 306, 1587-88
- -letter from, cited, 103
- SHIPPING: Constitution will encourage, 134; U.S. relies too much on foreign, 1113
- SHIP WRIGHTS: in Albany procession, 2385
- Shirtliff, Major, 1236
- SHOHARRE, NY. See Schoharie
- SHOPKEEPERS: hard times of, 764
- SHORT, WILLIAM (Va.), 1138; id., 123n, 1138n
- —letter from, cited, 160
- -letters to, 122, 247, 2378
- —letter to, quoted, 1197n
- —letter to, cited, 927
- SICKELS, THOMAS (Albany): nominated for Convention, 1362
- SICKELS, THOMAS (Orange): votes in Assembly, 516, 521, 704, 713, 714
- "SIDNEY" (Abraham Yates, Jr.), 5, 6, 59, 73, 100, 102, 102n, 390; asks state legislature to inhibit federal officials from taking oath to support Constitution, 2510; authorship of, 115; circulation of, 115; questions chances of a general convention in obtaining amendments, 2505; text of, 115–18n, 644– 52n, 2480–86; Abraham Yates as, 651n, 1184, 1185, 1186, 2486n, 2510. See also "Sydney"
- SIEMON, JOHN (New York City): and New York City procession, 1638
- SILL, RICHARD (Albany): id., 603n; as a member of the Albany Federal Committee, 1399; nominated for Assembly, 1368

- -letter from, 602-3n
- -letter from, quoted, 688
- SILVERSMITHS: in Albany procession, 2384; in New York City procession, 1586, 1600, 1650, 1664
- SILVESTER, FRANCIS (Columbia): id., 763n
- -letter from, 763
- -letter to, 2427
- -letter to, cited, 2401, 2402
- SILVESTER, JOHN (Columbia): signs Claverack grand jury address, 617
- SILVESTER, PETER (Columbia): id., 637n, 2427n; votes in Assembly, 704, 713, 714; and Assembly committee's response to governor's speech, 694, 695; said to have become a Federalist, 637; might withdraw candidacy for Senate, 1431; nominated as NY senator, 1367, 1368, 1423, 1428n, 1433, 1434; stands well in Albany and Montgomery, 1433; will be elected to Senate, 1436 —letter from, 2427
- -letter from, cited, 2401, 2402
- SIM, PETER (Albany): as Scotsman endorses Constitution, 1405
- SIMMON, JOHN (New York City), 1495
- SIMMONS, CAPTAIN (New York City): and the building of the ship *Hamilton*, 1592, 1593
- SIMPSON, WILLIAM: brings news of NY ratification to Springfield, 2425
- "A SINCERE FEDERALIST": text of, 1520-21n
- SINNICKSON, THOMAS (N.J.): id., 1336
- -letter to, 1336
- Skinner, Abraham (Suffolk): draft ticket, 1537
- SKINNERS: in New York City procession, 1637SLANDER: Hamilton's attack on Clinton characterized as, 18
- "A SLAVE," 102; response to, 134–36; text of, 133–34
- SLAVE TRADE: clause protecting quoted, 200; consideration of in Constitutional Convention, 341n, 1393, 2078n; criticism of, 409, 649; criticism of clause restricting congressional prohibition before 1808, 254, 273, 274, 279, 291–92, 293, 342–44, 408, 409, 445, 448, 636, 913n, 2555–56, 2558, 2560n; defense of Congress' power to prohibit after twenty years, 627, 1080; defense of leaving states free to act on their own, 627; disgrace to Christianity, 292; God will punish U.S. for keeping open, 409; nations of Europe are stopping, 292; no fear of Quakers' attempt to prohibit, 629n; NY act of 1788, 341n; opposed by various churches, 408–9;

power to prohibit importation of as advantage, 2159; Quakers oppose, 408–9; R.I. prohibits, 341, 341n. *See also* Slavery; Southern States

- SLAVERY: abolished by Mass., 341n; are men as well as property, 1728; cap of liberty in Rome, 2077n; Christendom ashamed of existence of, 343; comparison of population of Southern States with states of N.H., Mass., and R.I., 773; criticism of, 253, 292, 397n, 913n, 2555-56, 2558, 2560n; criticism of Constitution for not abolishing, 340; fugitive slave clause eliminates Mass. as asylum for runaways, 340, 341n; Great Britain trying to abolish, 292; no fear of Quakers' attempts to free, 629n; owners of called wicked, 1715, 1719; opposed by various churches, 408-9; Quakers oppose, 408-9; should not be represented in national legislature, 1721; slaves should not be counted for representation, 417, 418-19; South has many, 1728; Southern States will benefit from three-fifths clause, 238; state militias will be used to suppress slave uprisings, 135, 636; violates every principle of the Revolution, 253; will eventually be abolished, 340, 341n. See also Fugitive slave clause; Slave trade; Southern States; Three-fifths clause
- SLEIGHT, MR. (Ulster): campaigning for John Addison, 1563–64
- SLY, JOHN (Ulster): and creating an Antifederalist slate in Ulster, 1569
- SMALLPOX: in N.C., 1294
- SMALL STATES: criticism of equal state representation in Senate, 214, 221, 221–22, 254, 278, 296, 314, 374, 419, 673, 864, 903, 908, 909; defense or praise of equal state representation in Senate, 178, 432, 439, 440, 633, 820, 1012, 1727, 1732, 1734, 1735, 1806; ten of thirteen states are small states, 221; and representation in House of Representatives, 1806, 1808
- SMALLWOOD, WILLIAM (Md.): and Md. toasted in Fredericksburgh, NY, 1279
- SMILIE, JOHN (Pa.), 477; made ingenious objections to Constitution, 2537, 2544n-45n
- SMITH, ABEL (Westchester): as defeated Antifederalist candidate for Assembly, 1579
- SMITH, ABIGAIL ADAMS (New York City): id., 1137n
- -letters from, 1136-37, 1173, 2429-30n
- -letter from, quoted, 2413n

- SMITH, CALEB (Suffolk): in Assembly votes, 516, 521
- SMITH, CHARLES (New York City): signs Scotsmen address endorsing Constitution, 1404
- SMITH, EPENETUS (Suffolk): and distribution of Antifederalist literature, 896–97
- SMITH, GEORGE (Suffolk): drafts ticket, 1537; nominated as Convention delegate, 1536, 1537, 1539
- SMITH, HENDRICK (Ulster): as moderator at Montgomery, Ulster County, meeting that burns Constitution, 803, 804
- SMITH, JACOB (New York City): and New York City procession, 1641
- SMITH, JEFFERY (Suffolk): addresses Smithtown inhabitants at town's celebration of NY ratification, 2418; nominated for Assembly, 1537–38
- SMITH, JOHN (Suffolk, A–Y), 2115; id., 1330n, 2116; elected to Assembly, 1541; nominated for Assembly, 1537; in Assembly, 521, 704, 713, 714, 2498, 2498n; and distribution of Antifederalist literature, 896–97
- —in NY Convention, 1536, 1537, 1538, 1677, 2232; elected as delegate, 1541; not nominated for delegate, 1537; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2319, 2323
- —letter from, 1539–40
- -letter from, cited, 1328
- —letters to, 1328–30n, 1537–38, 1538–39n, 2345n
- -letters to, quoted, 1536, 1604n
- -letter to, cited, 2219n
- SMITH, MELANCTON (New York City/Dutchess, A-Y), 8, 1452-53; id., 499, 2218n, 2480n; and Antifederalist newspaper printer for Albany, 679, 834; appointed agent to settle western lands dispute between NY and Mass., li; attends NY Antifederalist Society meeting, 2475, 2476, 2509-10; member of committee of correspondence of NY Antifederalist Society, 2475, 2509-10; receives vote as delegate to Constitutional Convention, 515; criticism of his Antifederalism, 1332; denial that he is now a Federalist, 1448; has become a Federalist, 1442; nominated for Assembly, 1454, 1494, 1495, 1500, 1502; opposes Impost of 1783, 2035, 2039; praise of, 1448; residency of, 1439, 1441, 1458; salary of paid by state impost, 610; says Federalists promises of second

convention and amendments are an illusion, 2505; some Antifederalists hate more than Hamilton, 2232; wants delay in Congress' calling first federal elections, 1251; will be tarred and feathered when he returns to New York City, 1241

- —and Antifederalist literature: and distribution of, 896–97; as possible author of Brutus, 103, 639n; as possible author of Federal Farmer, 205; as possible author of A Plebeian, 927, 1540n
- —as delegate to Congress, 508; on committee examining grants of power to Congress, 1738n; and debate over Constitution, 56, 56–57; not reelected to, 688; seconds resolution sending Constitution to states, 56; submits NY call for a constitutional convention, xlvi; supports Lee's bill of rights, 57; speeches of, quoted, xxxviii, xxxix
- —and election to NY Convention: criticism of his nomination from Dutchess County, 1441–44n; defense of his nomination from Dutchess County, 1447–48, 1452; elected delegate, 1355, 1356, 1466; nominated as delegate, 1439, 1441, 1458, 1481, 1483, 1489, 1493, 1507, 1580; and selection of candidates for Kings County, 1555; meets with Van Gaasbeek in Poughkeepsie, 1546n; and Ulster County nomination list, 1542, 1543, 1548
- -in NY Convention, 1439, 1459, 1669-70, 1676; absent from, 2189, 2217n; amendments proposed by, 1739n, 2029, 2030, 2088-89, 2092, 2093n, 2096-97, 2097-98, 2099, 2108, 2109-10, 2110, 2128, 2150-51, 2177-78, 2203, 2242-43, 2252, 2276, 2347, 2354n, 2546, 2547; appointed to committee to arrange amendments, 2128, 2129; appointed to a committee of three to prepare circular letter, 2311, 2312; attending and is hard at work, 2362; blamed for division among Antifederalists, 2233; brought about ratification because of compromise on amendments, 2429; charged with inappropriate steps in, 1330; and conflict with R.R. Livingston, 1297-98, 2015-16; convinced that conditional ratification is not possible, 2299, 2300; criticized for being uncertain respecting manner of ratification, 2175; documents read from to show crisis situation economically, 2038; draft of NY circular letter by, 2337-39; formerly a strong Antifederalist now supports ratification,

2380; intends to object to provisions concerning President, 2094; member of informal committee of four to arrange amendments, 2250, 2252, 2254, 2281n; not persuaded by Hamilton's argument, 2063; objects to ratification procedure of Constitution because it violates Article X, 2112n; opposes Jay's motion for ratification with explanatory and recommendatory amendments, 1673, 2129; and plan for ratification, 1332n; praised as speaker, 2360; proposed form of ratification of, 2442n; proposes NY may secede if a constitutional convention has not met, 2373, 2373n; realized previous amendments were not possible, settled for recommendatory ones, 2429; reference to a phrase of a speech of, "A beast, dreadful and terrible to behold," 2495, 2496n; representation of speeches of has done more justice to than deserved, 2492; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323; said NY should stay out of Union even if 12 states ratify, 2232; said to have a new proposal concerning mode of ratification, 2189; sends NY Convention amendments to Nathan Dane, 2015-16; silent during debate on Lansing's motion calling for NY to recede, 2298; supports Jones's motion to change "upon condition" in form of ratification, 2280, 2283; supports three-fifths clause, 1802; supposedly said he always believed that all but NY would ratify, 2232-33; speeches in are received well in New York City, 1240; travels to NY Convention, 2343n; votes against Lansing's motion giving NY right to recede from Union, 2318; votes to ratify, 2438, 2441, 2442, 2498n

- —described as: great Antifederalist leader, 611–12, 1241, 1243, 1352, 2378; managing the Convention, 2015–16; a moderate, 2128; a principal speaker, 1671, 2030; speaking often but with erroneous principles, 1222; will shine, 1795
- motions of, 1679n, 1742, 1743, 2099, 2105n, 2135, 2151n, 2152, 2200–2203, 2213–15, 2218n, 2219, 2224, 2225, 2226–27, 2227, 2227–28, 2229, 2230, 2231, 2232, 2252–53, 2253, 2277–78, 2278–79, 2290, 2296n, 2299, 2309, 2347

- -speeches of, quoted, 1795n, 1877
- —speeches of, cited, 1722, 1723, 1740, 1740–41, 1741, 1742, 1743, 1935, 2016, 2099
- ---speeches of, praised or defended, 1832, 1975n, 2285
- ---speeches of, responses to, 1740, 1742, 1742n, 1743, 1744, 1746, 1767-80, 1787, 1789, 1795n, 1809, 1810-12, 1814, 1822-27, 1830, 1891, 1895, 1899-1900, 1911-12, 1939, 1943-44, 1946, 1949, 1950, 1954, 1959, 1959-60, 1978, 1983, 1985, 1986-88, 1992, 2039, 2040, 2042, 2049, 2051, 2052, 2053, 2054, 2067, 2075, 2076
- —notes of debates, 185, 215, 1695–97, 1759–67, 1778–80, 1805–6, 1846–47, 1855, 1857, 1886–90, 1909, 1912–14, 1946–48, 1964–66, 2031–32, 2075, 2076, 2133–35, 2169, 2171, 2173, 2255
- --letters from, 638-39, 671-72, 1556-57, 2015-16, 2341-42, 2369, 2496-97
- —letters from, quoted, 103, 140, 748, 924, 1468, 1536, 1876, 2028, 2505
- —letters from, cited, 747, 1251, 1254, 1563, 1563n, 2031n, 2232, 2490
- --letters to, 834-35, 1254-59, 1308-10, 1417-18, 2490
- -letters to, quoted, lxiii, 834, 2016n, 2489n
- —letters to, cited, 1259, 1358, 2015–16, 2297n, 2369
- SMITH, NATHAN (Ulster): and Assembly's response to governor, 698; as candidate for Assembly, 1556, 1566; and distribution of Antifederalist literature, 896–97; elected to Assembly, 1571, 1572; votes in Assembly, 516, 517, 518, 521, 704, 705, 713, 714
- SMITH, PASCHAL N. (New York City): and New York City procession, 1647
- SMITH, WILLIAM (NY/Canada), 32, 33n
- SMITH, WILLIAM (Mass.): id., 1151n; and Federalist express between N.H. and NY, 1124, 1125, 1126, 1211

- -letters from, 1150-51, 1211
- —letter from, quoted, 1219n
- Smith, William (Suffolk)
- —letter from, cited, 2432
- -letters to, 2115-16, 2432-33, 2474
- -letter to, quoted, 2505
- SMITH, WILLIAM PITT (New York City): id., 1612; Ode on the Adoption of the Constitution, 1182, 1586, 1605, 1612–14, 1660n, 2561
- SMITH, WILLIAM STEPHENS (Queens), 1137; id., 2398n; carries letter from Richard Price, 1111n; as delegate to general convention of the Cincinnati, 1287; presides over Flushing celebration of NY ratification, 2397
- Smith, Reverend William (Pa.), 351n
- SMITHTOWN, SUFFOLK COUNTY: celebrates NY's ratification, 2418–20; satirical Antifederalist meeting in, 1540
- SMUGGLING. See Commerce
- "Sneer": text of, 1833-35
- SNYDER, JOHANNIS (Ulster): id., 1544n; and distribution of Antifederalist literature, 896–97; attends Federalist Hurley meeting and says he wants Constitution adopted, 1548; delegate to Ulster County meeting, 1542; as member of Ulster County committee of correspondence, 1548, 1553-54, 1558; nominated as Convention delegate, 1542, 1545, 1547; not to be trusted by Antifederalists, 1558; opposition to Poughkeepsie list of Convention nominees, 1546; said to be Federalists trying to divide Antifederalist ticket in Ulster, 1542, 1543; serves on Kingston committee to attend Ulster County meeting, 1543, 1544; votes in Assembly, 516, 521
- SOCIAL COMPACT THEORY: American Revolution based upon, 126; American states in a virtual state of nature, 437; compacts cannot be binding, force needed to restore them, 2181; Constitution will not be a compact among the states but contract among the people, 758, 758-59; Constitution as a compact, 234, 235, 411, 474, 1052; Constitution is a violation of original compact (Articles of Confederation), 2222-23; Constitution is not similar to a religious compact, 2222-23; described, 39, 129n, 131, 154-55; every free government is founded in compact, 188, 254, 742; some rights cannot be given up in, 216; in forming governments among states, 745n; forms of

election are part of in republics, 1020; governments are derived from consent of the people, 426–27; law necessary for liberty, 436–37; monarchy is not derived from compact, 127; must give up some liberty to preserve the rest, 87, 1058; no compact between free people of Conn., 433–34; often violated by officeholders, 52; recognizes rights of the people, 426–27; only sets broad principles, 998–99; should have been expressly stated in Constitution, 154

- —Articles of Confederation: as a social compact, 948, 2222–23; called the National Compact, 693; not a perpetual compact because it ends in February 1789, 2292, 2297n; viewed as a perpetual compact, 2291
- *See also* American Revolution; Bill of rights; Delegated powers; Natural rights; Reserved powers; Revolution, right of
- SOLDIERS. See Army; Army, standing; Military; Militia
- "A Son of Liberty," 133; text of, 134–36
- Sons of Liberty, 610, 612n
- SOUTH AMERICA: spoils of will benefit U.S. under Constitution, 86
- SOUTH CAROLINA: amendments proposed by Convention of, 1921n, 1975n, 2142n, 2296n, 2360, 2507; amendments proposed by first federal Congress ratified by, 2509; will probably call for amendments under provisions of Constitution, 2133-34; Antifederalists are weak in and are led by Rawlins Lowndes, 853; British occupy during Revolution, 1970n; constitutional distinction between religious sects in, 985; convention of to meet, 853, 1097; convention ratifies with recommendatory amendments, 1099, 1191, 1205n, 1209, 1210n, 1252; elects assembly biennially, 985; and equity courts, 1051; help pay cost of army, 2021; hopes it will ratify, 672; size of House of Representatives of, 1729, 1735; legislature declares it inexpedient to call a second convention, 2509; and NY Federal Republican Committee, 1099, 1101, 1198; payment of requisitions by, 14n, 1941, 1970n, 1993; ratifies Constitution, 736, 919, 1099, 1120n, 1124, 1126, 1128, 1129, 1129n, 1130, 1132, 1132-33, 1136, 1137, 1191, 1198, 1205n, 1209, 1210n, 1252; ratification celebrated in Charleston, 1192; report of ratification by in New York City, 1132-33,

1292; role of in Congress' debate on federal capital, 2452; some anxiety in over ratification, 1093; state policies make collection of private debt difficult, 1146–47; toasted in Jamaica, NY, 1281; toasted in Lansingburgh, 1283; toasted in New York City, 1287; Va.'s Convention will be affected by, 1128; will ratify, 672, 786, 853, 919, 1095, 1102, 1119, 1123, 1190. See also Southern States

- SOUTH HEMPSTEAD, QUEENS COUNTY: Antifederalists in, 1531, 1538
- SOUTHERN STATES: Antifederalists of criticized for inculcating popular arguments, 2460; are not the navigating states in the U.S., 1727, 1732; Constitution as mere matter of accommodation with Northern States, 292; criticized for resisting efforts to abolish slavery in Constitution, 340; favor aristocracy, 128, 221; and federal capital site, 2140, 2453-54, 2457, 2460, 2460-61; fisheries not an important concern for, 1693; have different interests than Northern States, 128, 2073; have different principles than Northern States, 195; prefer small House of Representatives because of difficulty of sending delegates, 1808; liberty is less respected in, 128; are planters, 1732; might recall senators if Eastern States are attacked, 1855; republicanism of questioned, 854; as section that might clash with others in treaty making, 2070; slave population of, 773, 1728, 1732; some might league with NY out of the Union, 1899; staples of benefit navigating states, 1733, 1735; three-fifths clause benefits, 238, 254, 664, 665; three-fifths clause as compromise with, 1716, 1741, 1742, 1748, 1759; will receive protection from slave uprisings under Constitution, 238; will receive representation for slaves, 238, 254. See also Maryland; North Carolina, Slavery; South Carolina; States, impact of Constitution upon; Virginia
- SOVEREIGN IMMUNITY: criticism of Constitution for abandoning, 230–31, 796–98; states may not be defendant in U.S. judiciary because they retain, 2102, 2103, 2104
- SOVEREIGNTY: amendment stating all power vested in people, 2200, 2234, 2305, 2326; amendment to provide that commissions, writs, and process be in name of people, 2099; of America in Confederation years spurned and insulted, 189; an aristocracy

when controlled by independent few, 2157; Article II of Articles of Confederation quoted, 165n; under Articles of Confederation states retain, 131, 363; central government needs more to preserve Union, 150; Confederation Congress has only some attributes of, 363-64; Constitution is based on sovereignty of the people, 1077, 1995, 2160, 2205; Constitution transfers from the many to the few, 237; Constitution praised for giving to federal government, 72; Constitution will be a contract among the people, 758, 758-59; Constitution does not guarantee that will of people will be law, 2220; criticism of Congress' power to supersede state laws in many areas, 294, 1747-48; criticism of thirteen separate sovereignties, 761; defense of majesty of the people, 80, 81, 105; does not matter how sovereignty is divided between states and federal government, 149-50; exercised only by suffrage in a democracy, 745n; federal government that lets states remain individually sovereign will not work, 287; federal government will have too many powers over internal matters, 315; happiness determined by rights reserved to the people not the division of sovereignty, 1683; legislators possess, 738; Locke defines, 324; a monarchy when controlled by single man, 2157; more should lie with states because they have better representation, 1705; must be turned over to government in social compact, 188-89; must provide for universality, permanency and uniformity, 363; of the nation must provide defense and tranquility, 1008-9; NY still sovereign and will do what it has to regardless of other states ratifying, 2156; no statement leaving to states in the Constitution, 131; objection to majesty of the people, 92-93, 99; people are, 80-81,

105, 111, 179, 604, 709, 743n, 907, 932, 983, 985, 1052, 1077, 1095, 1201, 1247, 1683, 1695, 2111, 2119; in the people but to be exercised in legislatures, 742; people have given to their state representatives, 355; in the people who can propose amendments to the Constitution, 1095; proper division between states and national government, 466; Puffendorf defines, 324; remains with states under a confederacy, 2143–44; requires a coercive power, 213; Senate represents the sovereignty of the states, 1850, 1852, 1853, 1854, 1860, 1883,

1886, 2071; should be shared in U.S. between states and federal governments, 472; should not be limited by constituent components, 2044; sovereignty within a sovereignty is absurd in government, 363, 364, 2556; of state reaffirmed by governor's filling vacancies in U.S. Senate, 400-401; state sovereignty endangers Union, 491; states' and federal government's both derived from the people, 179; states can lose through power of the Senate, 1851; states cannot all be sovereign (creates nests of hornets), 172; states lose under Constitution, 82, 323-24, 425, 440, 457, 1153-54, 1155-56, 1157, 1578, 1628, 1746, 1896; states will be destroyed under Constitution, 1380; states must give up some to have effective federal government, 83, 1692, 2043; states need recall power over senators to preserve, 1842, 1843; states retain in a confederation, 984; states retain much of under Constitution, 626, 631, 636, 857-58; states should retain for internal affairs, 270, 414-16, 491, 2055; states should not be deprived of, 1372; states will have under Constitution and thus should have power to recall senators, 1014-15; states will have certain advantages over federal encroachments, 1730; states will lose in tax matters under Constitution, 414-16; U.S. insulted by British retention of Northwest posts, 2038; will be shifted from people to Congress, 296; will of the sovereign is law in every government, 111, 2467. See also Delegated powers; Division of powers; Government, debate over nature of; Implied powers; Judiciary, U.S.; States, impact of Constitution upon; Supremacy clause

- Spaight, Richard Dobbs (N.C.)
- -letter to, quoted, 915-16
- SPAIN: in alliance with against Great Britain, 1657; Columbus discovered New World for, 1661; Great Britain might use influence to defeat a treaty with, 2071; king of saluted, 1610; conflict with U.S. over Mississippi River, 1699n, 2070, 2071, 2078n; monarchs of abused their powers, 1039; negotiations with U.S. broken down, 1660n; and dominance over The Netherlands, 1686, 1696, 1699n; and New York City procession, 1341, 1611, 1628, 1660n; no treaty with U.S., 1341; Philip II, 2554, 2560n; united U.S. has nothing to fear from colonies of,

114n, 1341; U.S. army needed to defend against, 565; U.S. is indebted to, 88; U.S. president is not like king of, 289

SPARTA. See Greece

- "A SPECTATOR," 561; printing and reprinting in NY, 1185; quoted, 753; text of, 972–73
- SPEECH, FREEDOM OF, 382; all citizens have right to express their opinions, 22, 25, 30; aristocratic junto attacks anyone expressing different opinion, 25; guaranteed in legislature in NY Bill of Rights, 505; leaders of society should be able to speak out, 18; would be limited by an aristocracy if Union dies, 38. See also Bill of rights

SPEEDY AND PUBLIC TRIAL. See Jury trial

- SPENCERTOWN, COLUMBIA COUNTY: Federalist meeting in, 1431, 1433; second Federalist meeting to nominate candidates, 1421
- Springfield, Mass.: celebrates NY's ratification, 2425
- STAATS, BARENT G. (Albany): endorses Federalist response to 35 Objections, 1400
- STAGG, JOHN, JR. (New York City): as secretary of NY Society of the Cincinnati, 1287; as assistant in New York City procession, 1601
- STAMP ACT (1765), 349–50, 351n-52n, 610, 612n, 1326, 1326n, 2413n
- STARING, HENRY (Montgomery, A-N)
- —in NY Convention, 1477, 1677; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2319, 2322; votes for as a delegate, 1478, 1480
- STATE EXECUTIVES: letter from Va. Gov. Beverley Randolph to, cited, 2508; NY circular letter transmitted to, 2505
- STATE LEGISLATURES. See Legislatures, state
- STATE OF NATURE: states would be in if Constitution were rejected, 939. *See also* Social compact theory
- STATEN ISLAND. See Richmond County
- STATES, IMPACT OF CONSTITUTION UPON: balance of power between states and central government, 207, 354; civil list is four times greater than, 2021; clear line should be drawn between power of state and federal governments, 1886; condition of will improve, 151; Hamilton wants limited corporations in Constitutional Convention, 2009n, 2009–14; have different number of representatives, 1757, 1770, 1776, 1779; hope that NY ratification will help restore

harmony among, 2382; larger in size than House of Representatives, 1759, 1867; major impact on NY, 690; not as diverse as counties in the large states and in Great Britain, 1793; powers of both governments compared, 677; ratification of Constitution will cause anarchy and civil discord, 306; recommendation for states to cast lots for president after Washington's four-year term, 2488; role in electing president, 1895; are subject to will of people, 1857, 1862-63, 1891, 1895, 1907, 2000; should harmonize with the central government, 1889; should not limit central government in national matters, 2044; vary in size, 1729; will experience same problems as general government, 1775

- -advantages of: all have greater representation than in Congress, 1758, 1766-67; assemblies should be checked by senates, 1891; better checked by proximity of electorate than in Congress, 1785, 1786; as buffer between people and Congress, 857-58, 1754, 1757; are advantageous, 1948; all have different interests, business and employment, 2044; have acted well for the most part, 1902, 1924; have same interests as the people, 1913; may instruct representatives, 1825; more in tune with the people thus know taxing capability of the people, 2000; never used recall power under the Articles, 1858, 1860; new states to be formed as further checks on federal government, 179, 1818; slavery can be abolished on their own, 340; take care of state affairs, 2060, 2258; will no longer be able to pursue policies that will dishonor themselves, 1223; will not raise armies, 1947; will operate with mutual forbearance, 1996; will support state interests, 1860
- —amendments concerning: allows for state judges to take part in trial for impeachment, 2241, 2316, 2333; preventing federal interference in states not sending delegates to Congress, 2353; can adopt amendments to the Constitution, 1142; federal officeholders are not immune from state laws, 2124, 2208, 2268, 2275n; on filling Senate vacancies by legislatures of, 2207, 2239, 2273, 2275n, 2308, 2315, 2329, 2332; giving them power to provide for militia if Congress does not, 2208; grants them increased powers over elections of representatives,

2122, 2236, 2238, 2241-42, 2314, 2317, 2330-31, 2334, 2351; militias protected when serving outside states, 2241, 2317, 2334; NY Convention amendments meant to strengthen, 2025; that all officers must take oath not to violate state constitutions, 2108, 2124, 2241, 2317, 2334, 2548; permits to pass certain laws regarding bankruptcies, 2239, 2315, 2332; that all powers not expressly delegated to Congress are reserved to, 2089, 2121, 2201, 2234, 2248, 2249, 2305, 2326-27, 2547; providing penalties for not meeting requisitions, 2238, 2313-14, 2330; restricting judicial powers of U.S. in cases involving, 2100, 2121, 2202, 2236, 2241, 2274, 2307, 2317, 2329, 2333-34; retains system of requisitions, 2126-27, 2177-78, 2203, 2228, 2237, 2289-90; state courts right of appeal to Supreme Court, 2240, 2316, 2332-33; states have concurrent and co-equal power to, 2206; state laws should apply to federal district in civil and criminal cases for non-military personnel, 2109-10, 2110, 2124, 2239; second convention might increase powers of, 2506; several states have recommended so general convention is necessary, 2336n-37n; no treaty be construed to alter state constitutions, 2108, 2121, 2202, 2236, 2548; use of word expressly in a draft amendment of Va. Convention concerning, 2248

- —Congress, U.S.: can set qualifications for electors of U.S. House of Representatives, 1145; are no effective check on central government, 1766, 1781, 1782, 1952; Congress' exercise of necessary and proper clause might entirely abolish state legislatures, 109; House of Representatives only safeguard for, 573–74; might not fill congressional positions therefore necessity of congressional regulation of elections, 863; no longer protect people from Congress, 106; will not be able to tax or raise troops without approval of Congress, 595; will survive only with the consent of Congress, 467–73, 468
- —criticisms of: cannot comprehend general interests of the Union, 1853; will injure federal government, 2025; will have powerful influence on federal government, 1775, 1895; will not conspire against federal government, 1974; will perhaps be too strong, 1896

- -dangers of: concurrent power to tax will have bad effect upon states, 2058-60, 2062; Constitution will not meet the full and entire approbation of, 83; danger that states would subvert general government, 1889, 2004, 2048, 2049; danger they will not call for election of representatives, 1906; in danger of being swallowed up into a universal aristocracy, 2532; guarantee of republican form of government to each state, 598, 1160, 1163; have been guilty of indiscretions, 1985, 1992, 1996; have no expertise in foreign affairs, 1901; have no mandatory rotation in office requirement, 1914; need to protect government against designing and refractory states, 2535; new government must have extensive powers to keep 13 different states together, 2538; seacoast states most likely to suffer if sectionalism prevents borrowing money to wage war, 2070, 2071
- —and federal judiciary: criticism that U.S. judiciary will conflict with state judiciaries, 2101–3; federal judiciary will diminish legislative power of the states, 639, 681; should not be subject to federal judiciary in cases involving individuals, 229
- -and loss of power of, 107, 108, 109, 217, 597-99, 756, 1720, 1749-50, 1880, 1927, 1931, 2213; over bankruptcy, 223, 228, 1075; are totally dependent on bounty of Congress for support and existence, 2146, 2556; confidence of the people will be reduced, 2038; Constitution does not provide for existence of state governments, 2555; Constitution has created an energetic government that can act upon individuals, 2469; Constitution creates a consolidated government, 2143-44; Constitution's restraints on, 108, 238; Constitution will not be a compact among, 758, 758-59; could not check the central government, 1871, 1872; criticism of Constitutional Convention for not putting equivalent of Article II in Constitution, 2552; danger to because of purse and sword together in national government, 2048; have lost power over militia, 2556; independence of must be provided for, 1971-72; lack power to support themselves except at will and pleasure of federal government, 2145; laws of are nullified if inconsistent with Constitution, laws and treaties, 106-7, 2033; loss of sovereignty, 82, 83, 323-24, 425, 440, 457, 1153-

54, 1155-56, 1157, 1628, 1683, 1880, 2043, 2221, 2532, 2533, 2556; might be reduced in size under Constitution, 1759; police powers will be lost, 218; reduced to the status of petty corporations by being liable to suits, 2145; refutation of argument that Constitution does not take powers from the states, 2065; rights will be taken away, 1109; rights of states destroyed under Constitution as proved by Preamble, 2144; Senate is check on, 1895; size of legislatures could be reduced, 1749; states endangered of being overthrown by new government, 2537; no tax power left for, 107, 1922-23, 1929, 1931, 2032-33, 2042, 2213, 2556; their local interests will clash in the federal government, 1895; there will be a struggle for power between state and federal governments, 2004, 2005, 2059-60; though there is a role for states under Constitution this is too feeble, 2146; will be annihilated, 109, 218, 466, 467-73, 756, 759, 875, 951, 1034, 1380, 1746, 1747, 1747-48, 1871, 1872, 1886, 1889, 1919, 1920, 1922-23, 1929, 1930, 1935-36, 1938, 1939, 1951, 2001-2, 2002, 2019, 2025, 2041, 2054, 2146-47; will be left constitutionally defenseless, 1072; will be under the control of the people, 1007; will not be able to withstand an arbitrary central government, 1006-8; why keep up expensive farce under Constitution, 2019

-protection offered to: are not endangered except by corruption, 1945; as the best agent to levy and collect taxes, 2022; credit of will rise, 86; defense of argument that federal and state governments are supreme in their spheres, 2068; denial that large states will dominate, 632; denial that states will be overthrown by new government, 2537; existence of depends on a strong and efficient federal government, 1684; existence of needed for federal government to exist, 178-79, 179, 1389, 1863, 1887, 1922, 1947, 1958, 2004, 2005, 2041, 2053, 2193-94; federal government will protect rights of, 1872, 1949; federal government might be too dependent upon, 1864; full and adequate representation existed, 1873; governments of will remain close to people and be considered their guardians, 217; guaranteed republican form of government, 179, 971, 2533; Hamilton says there

is no danger to, 2000-2001; almost impossible for federal government to annihilate, 130n; multiple interests of as opposed to single interest of general government, 2004; people will have more freedom under because of greater representation, 2019; people will not consent to annihilation of, 604-5; people will be tied to state governments, 1963, 1967; police powers retained by, 414, 1823, 1967; powers of defense left to, 567, 631, 636, 667, 889, 2052; prohibitions on should also apply to federal government, 624; reserved powers of, 2309-10, 2531; rights of not to be modified or abridged by Congress, 2205; rights of will be preserved under Constitution, 617; representatives in are numerous, 1882; should have power of purse and sword, 1968; should have the power to levy and collect excises, 2023; state sovereignty is only stable security for liberties of people, 2221; states have a natural superiority over general government, 1863-64; states needed to protect civil liberties against encroachment by federal government, 2059; states will have vast influence, 1868; suggestion that associations of would oppose national government, 2046; is guaranteed taxing power, 2042; will help administer the Constitution, 1957-58; will serve as check on federal government, 993, 998, 1457, 1769, 1773, 1778, 1779, 1790, 1794, 1864, 1880, 1947, 1949; will not be annihilated, 606, 626, 815, 1889, 1893, 1939, 1942-43, 1943, 1946, 1948, 1949, 1950, 1957-59, 1963, 1965, 1967, 1990, 1995, 2050-51, 2053, 2193-94; will be most powerful, 1869; will retain much of their sovereignty, 626, 631, 636, 857-58, 1896, 2533; will have necessary revenue, 2020; will defend happiness and rights of the people, 1958-59, 2556; will have certain advantages over federal encroachments, 1730; will have different interests from federal government, 1974

—Senate, U.S.: are all sovereign and are represented equally in the Senate, 1012, 2071; will check Senate, 174, 1870, 2144–45; criticism of equal state representation in, 214, 221, 221–22, 254, 278, 314, 374, 419, 673, 903, 908, 909, 1263; could only meet to elect senators, 1968; defense of equal state representation in Senate, 178, 432, 439, 440, 633, 820, 864, 1012; Senate depends

on existence of, 1145, 1858, 1887, 1906, 1958; as sovereign bodies should have power to recall especially Senators, 1014– 15; intrigues in to recall senators, 1848; praise of in election of Senate by, 1961; Senate should not be too dependent on, 1892; senate subject to recall will be too dependent on, 1892, 1895; U.S. Senate should be dependent upon, 1841–42, 1851; may instruct senators, 1768, 1825; Senate is check on, 1895

- See also Debts, state; Delegated powers; Division of powers; Duties; Elections, U.S.; Judiciaries, state; Judiciary, U.S.; Large States versus Small States; Police powers; Reserved powers; Senate, U.S.; Sovereignty; Supremacy clause
- STATES, NEW: better represented and thus should have more power, 1705; examine Confederation Congress rules for, 1723; Congress may admit under Articles of Confederation, 984; Constitution's provision concerning, 639, 2160; Constitution provides for admission of, 2159; sectionalism may make new arising states less likely to agree to war, 2070; separatist movements shows Confederation Congress incapable of maintaining domestic tranquility, 1693, 1696; will add to the representation of Congress, 1729
- STATES UNDER THE ARTICLES OF CONFEDERA-TION: abide by laws when it suits their purposes, 883, 1821, 1822; actions of have frightened people, 210-11; all state governments are about four times cost of Confederation government, 1067; assemblies have been just as wise and orderly as senates, 1009; better representation make them more responsible in setting their own salaries, 1011; breaking apart, 177; central government forced to deal collectively with states who were too strong, 2469; had no idea or desire for a complete change in government from Constitutional Convention, 951; have nothing to do with common defense, 2041; have not abused recall provision of Articles, 910; Congress may admit, 984; critical and dangerous situation of, 784; declaration of rights of are generally in agreement with one another, 322; description of executive councils of, 986-87; description of governors of, 986; differ in interests and distinct in habits and opposite

in prejudices, 65; each has a single executive who acts in certain cases with an executive council, 1037; equality of in Confederation Congress is condemned, 176, 364; are in full exercise of their powers, 193, 208; fundamental weakness of Articles is that it operates upon, 1723, 1725, 1748; limiting Congress compared to Parliament limiting the king, 959; have legislatures with separation of powers, 985; had power to legislate concerning bankruptcy, 1075; have checks on Congress that protect liberty, 1008; if they would do their duty the Articles would work, 857; if states really had desire to be united, Articles would suffice, 309; jarring interests of, 83, 93, 126, 177-78, 182-83, 322, 2545n; judiciaries have protected rights, 1044; legislatures have sometimes been abusive of rights, 177-78, 189, 1044; many ties bind together, 177, 322; must inviolably obey Articles of Confederation, 296n; not permitted to negotiate treaties, declare war, or negotiate peace, 440; people in different states should deliberate over Constitution, 1091; praised, 2049; praise of as protecting the rights of the people, 1153–54; prohibition of state armies in peacetime, xxxiv; provide for peace, 947; have not paid entire requisitions, 151, 1928, 2545n; resent NY, 2165-66; response of to NY circular letter, 2507; as a restraint on Congress raising an army, 621; retains sovereignty in a confederation, 131, 162, 984; smaller states might be tyrannized by larger ones, 2545n; some are almost too large to be republics, 127; some are not as well administered as they ought to be, 209, 2531; some were remiss in sending their militias during Revolution, 2262; state injustice, state debility, and state embarrassment, 189; sufficiently energetic to command obedience to their laws, 305; can alone collect taxes, 364; war power of, 440, 984, 1874, 2078n; all will not abide by treaty provisions, 1694; have violated the Confederation, 2138; violated obligation of contracts, 1146-47. See also Articles of Confederation; Coercive power; Commerce; Congress under Articles of Confederation; Constitutional Convention; Conventions, state; Debts, state; Interstate relations; Political conditions under Articles of Confederation; Ratification, process of; Requisitions; Sovereignty

- STATIONERS: and New York City procession, 1586, 1600, 1647, 1664
- STAY LAWS: state enactments alarm creditors, 210
- STEAK, CAPTAIN (New York City): and New York City celebration on Fourth of July, 1286
- STEPHEN TOWN DISTRICT, ALBANY COUNTY: votes disgualified, 1415
- STERNHOLD & HOPKINS'S PSALMS, 480, 482n
- STEUBEN, BARON WILHELM VON (Albany), 670n; arrives in Poughkeepsie with news of Albany fracas, 1296; criticism of by A Countryman, 667, 670n; as delegate to general convention of the Cincinnati, 1287; and doctors' riot, 915, 965n; pamphlet of on select militia, 244n, 637n; as president of NY Society of the Cincinnati, 1287; toasted in New York City, 1287
- STEVENS, EBENEZER (New York City): nominated as Convention delegate, 1485
- STEVENS, JOHN, JR. (N.J.): id., 68n, 1612n; as author of A Farmer, of New-Jersey, 4, 68n, 182; thanked by committee on arrangement of New York City procession, 1612; and Americanus, 4, 59, 68n, 125, 171–74, 182, 195, 276, 287–91n, 327–31, 354–60, 397–402, 478, 580–81, 603–8, 629–33, 2502–3; text of A Farmer, of New-Jersey, 181–85

- —letters from, quoted, 171, 182
- -letter from, cited, 182
- —letter to, cited, 182
- STEVENS, JOHN, SR. (N.J.): id., 68n; elected to N.J. Convention, 380, 381n
- -letters to, 68, 380-81
- -letters to, quoted, 171, 182, 478
- -letter to, cited, 182
- STEVENSON, HAY (New York City): signs Scotsmen address endorsing Constitution, 1404
- STEVENSON, THOMAS (New York City): signs Scotsmen address endorsing Constitution, 1404
- STOCKTON, RICHARD (N.J.)
- -letter from, quoted, 800
- STODDARD, ASHBEL (Columbia): in Albany procession (newspaper printer), 2386; as printer of the *Hudson Weekly Gazette*, 46, 1422, 1434, 2391n; prints Dissent of Minority of Pa. Convention, 478; reprints Constitution, 1422, 1434
- STONE MASONS: and New York City procession, 1586, 1599, 1640, 1663

<sup>-</sup>letter from, 68

- STORING, HERBERT J., 59; on authorship of Brutus, 103; on authorship of Federal Farmer, 205
- STOUTENBURGH, ISAAC (New York City): appointed election inspector, 1494; nominated as Convention delegate, 1481, 1483, 1487, 1493, 1495, 1500, 1503, 1507; nominated for Assembly, 1494, 1495, 1496; votes in Senate, 512, 513, 524
- STOUGHTENBURGH, PETER (New York City): and New York City procession, 1636
- STOUGHTON, THOMAS B. (New York City): nominated for Assembly, 1494
- STRANG, JOSEPH (Westchester): in Assembly votes, 515, 521, 704, 705, 713; and distribution of Antifederalist literature, 896–97
- STRANGERS OF DISTINCTION (FOREIGNERS): and banquet at New York City procession, 1586, 1600, 1615, 1615–17, 1655
- STRIKER, MR., 2116
- STRINGER, SAMUEL (Albany): endorses Federalist response to 35 Objections, 1399; supports Federal Committee slate, 1375
- STRONG, CALEB (Mass.): id., 1314n
- -letter from, 1339
- -letter from, cited, 1313
- —letter to, 1313–14
- -letter to, quoted, 1172
- —letter to, cited, 1339
- STRONG, SELAH (Suffolk): nominated as a Convention delegate, 1536, 1537; as possible Convention candidate, 1537
- Strong, Captain, 2454
- STUART, ARCHIBALD (Va.): id., 1226n
- —letter to, 1225–26
- -letter to, quoted, 123n
- —letter to, cited, 1222n
- STUART, WILLIAM (New York City): id., 1311n —letter from, 1310–12n
- —letter from, quoted, 1584
- STYMES, FREDERICK (New York City): and New York City procession, 1635
- "A SUBSCRIBER": printing in NY, 1185; text of, 973
- "A SUBSCRIBER": text of, 1483, 1501
- SUFFERN, JOHN (Orange): and distribution of Antifederalist literature, 896–97
- SUFFOLK COUNTY, 2136, 2152–53, 2154, 2162; and distribution of Antifederalist literature, 896–97, 1536; highly Federalist, 864; interest in debate over Constitution is growing and Antifederalists appear strong, 895; population of, 550

- —and election of Convention delegates in, 1536–41; Federalists and Antifederalists divide, 1581; Federalists fearful in, 1377–78; Floyd and L'Hommedieu actively campaigning in, 1378; prediction Antifederalists will win, 1536; prediction Federalists will win, 1536
- "SUILBUP" (PUBLIUS SPELLED BACKWARDS): printing in NY, 1178; text of, 794–95n
- SULLIVAN, JAMES (Mass.): Hampden, 1183
- SULLIVAN, JOHN (N.H.), 54; id., 1128n; and news from N.H. Convention to NY Convention, 1211; praised for his role in obtaining N.H. ratification, 1235; as president of N.H. convention, 799; and reprinting of A Citizen of New-York, 925; speech of in N.H. legislature, 1188
- -letters from, 1192, 1211, 1217
- -letters from, quoted, 799, 1219n, 1221n
- -letters from, cited, 1211, 1234, 1235n
- -letters to, 1126, 1234-35, 1580-81
- -letters to, quoted, 800, 925
- -letters to, cited, 1124, 1197n
- SUMNER, THOMAS (S.C.): and NY Federal Republican Committee, 1101n
- SUPERVISORS: and role in election of Convention delegates, 1679n
- SUPREMACY CLAUSE: all conflicts between states and federal government will be settled against states, 2000; amendment proposed that no treaty be construed to alter constitution of any state, 2108, 2121, 2202, 2236, 2548; argument that federal government is supreme, 2064; and concurrent powers, 1966, 1967, 1969, 2025-26; Congress laws will be supreme, 2036, 2531; Constitution as a fundamental law, 631–32; criticism of, 106, 426, 597-99, 1151, 1158, 1159, 1380; criticism of treaties as, 158-59, 163, 198, 232-33, 278, 419-20, 426-27; criticism of use in sending American soldiers anywhere, 292; danger from, 109, 158-59, 168, 202, 232, 234, 334, 420, 1263; defense of, 491, 565, 626, 666n, 850, 1390, 1959-60, 1966, 1982, 1990, 1995, 1997-98; defense of treaties as, 632, 795; each level of government is supreme within its sphere, 2055; favors central government in disputes over taxes, 414, 1930, 1936-37, 2025-26; federal government will be supreme, 1071, 1927, 1933, 2034; in Hamilton's plan, xlix; legislature should have supreme power, 738; of Articles not binding on bad laws, 1821, 1822; quoted, 158, 202,

294, 426; reference to as establishing a body corporate, 411; states must comply under Articles, 1818; will give central government power in concurrent jurisdictions, 2023–24; will overrule state bills of rights, 202. *See also* Judiciary, U.S.; Necessary and proper clause; Sovereignty; Treaties

- SUPREME COURT. See Judiciary, U.S.
- Swann, John (N.C.): id., 1295n
- -letters from, 1294-95, 2430
- -letter to, cited, 1294
- SWART, DIRCK (Albany, A-A): id., 1123n
- —in NY Convention, 1676; as Antifederalist did not vote on ratification and did not sign circular letter, 2337n; asserts motion will be made to adjourn, 2233n; elected delegate, 1356, 1416; election certificate, 1416; leaves early before voting, 1207, 1330, 1331n, 2233n, 2375, 2375n; nominated as delegate to, 1370, 1380; in roll-call votes, 2199, 2210; traveling to, 1172; votes for as delegate, to 1417, 1419; will not attend, 1122; will return to, 1331
- SWART, THOMAS (Dutchess): and celebration of NY ratification in Rhinebeck Precinct, 2415
- SWARTWOUT, JACOBUS (Dutchess, A–N): votes in NY Senate, 512, 513, 524, 715, 720, 727
- —in NY Convention, 1439, 1459, 1676; elected delegate, 1466; nominated as delegate, 1439, 1441, 1443, 1455, 1458; in rollcall votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323
- SWEDEN. See Governments, ancient and modern
- SWITS, CORNELIUS (Albany): endorses Federalist response to 35 Objections, 1400
- "SVDNEY" (Abraham Yates, Jr.): Yates as author of, 2486; printed and copies sent to Poughkeepsie, 1174, 1174n, 1208n; text of, 1153–68n. See also "Sidney"
- "Syren's Songs": praised, 562

"T. ATTICUS," 1460; text of, 1462-64

- TAGHKANICK, COLUMBIA COUNTY: campaigning for Federalists in, 1435
- TAILORS: in Albany procession, 2386; and New York City procession, 1586, 1599, 1634, 1662
- TALBOT, SILAS (Montgomery): id., 1237n
- —letter from, 1236–37
- -letter to, 1326

- TALLMAN, ISAAC I. (Dutchess): nominated for Assembly, 1455; defeated as Convention delegate, 1466; nominated as Convention delegate, 1440, 1455, 1456
- TALLOW CHANDLERS: and New York City procession, 1586, 1600, 1653, 1664
- TALMADGE, JAMES (Dutchess): nominated for Assembly, 1458
- TANNERS: in Albany procession, 2387; and New York City procession, 1586, 1599, 1637, 1663
- TAPPEN, CHRISTOPHER (Ulster): id., 2084n, 2458, 2459n; as candidate for Assembly, 1556, 1566; elected to Assembly, 1571; wants George Clinton to run for Convention from Ulster County, 1548
- —letter to, 2083-84
- -letter to, quoted, xxx
- TAPPEN, CORNELIUS: and controversy over John Addison, 1566
- TAPPEN, PETER (Dutchess), 1796; id., 62n; as assistant justice takes affidavits, 1553; and distribution of Antifederalist literature, 896–97, 898
- -letter from, 62-63n
- —letter to, 882
- TARIFFS. See Impost
- TAULMAN, PETER (Orange): and distribution of Antifederalist literature, 896–97; votes in Assembly, 516, 521, 704, 705, 713; tied for Assembly in Orange County, 1530
- TAXATION, 2531; all of the states agree on taxation by representation, 322; amendment creating auditor general to be appointed by House of Representatives, 184; amendment proposed in Convention on powers of, 2361; amendment proposed prohibiting except if states levy or refuse to levy, 2546; bills on can be overridden by state legislatures, 1069-70; can be abused, 1004; and common defense, 231, 470, 569, 1973, 2052; and concurrent powers, 108, 1034, 1926, 1930, 1952, 2025-26; and connection with representation, 579; denial that it was based on compromise, 419; different views of held by aristocratic and democratic elements, 990-91; people of Dutch descent fear that Constitution means higher taxes, 2379; federal government will legislate for raising, 1070; government needs power to protect rights and property, 490; and implications for federal capital, 1076, 1079; importance and difficulty of levying and collecting, 417; in confederations power of

should reside in federal government, 213; in Netherlands central government can levy external taxes but only by requisition, 225; internal taxation should remain with states, 213, 218, 219, 223, 225; most difficult subject in government, 413; most important power that can be granted, 107-8; must not be high to encourage industriousness, 417; one of two most important powers of government, 684; people will suffer if new government taxes in specie to pay public debt, 369; people will eliminate their state governments to lower, 875-76; must be passed by the people's representatives in America, 985; powering Constitution mentioned, 623; power of is absolutely necessary for the existence of a government, 414; representation is only security people have from oppressive taxation, 416; salt tax, 1892, 1895, 1908n; should be assessed by a properly representative body, 225-26; should be equal in America, 48; some want to avoid by cheating public creditors, 447; Southern District pays half taxes of NY, 237; as sovereign power of government, 189; states have different systems of, 489; states have lost power over, 2556; states will be treated more equally under Constitution, 151; superintendent of finance and auditor general ought to be kept separate, 183-85; under Constitution military will be used to collect, 135-36; will favor some and oppress others, 1004-5

- —and American Revolution: Americans oppose Parliament's attempts to tax them without representation, 893; fought over, 226, 1386
- -under the Confederation: Congress only has power to assess requisitions, 364; Congress' inability to levy might be a blessing hiding inability of people to pay, 369; Congress should have been given some power to collect, 458; Congress has exercised sovereign power over by laving and assessing, 363; Congress needs power over, 560, 576, 577; attempt to use army to raise, 658; Congress cannot collect, 116, 364, 403, 458, 930; description of requisition system, 1005; heavy taxes laid by Eastern States, 1108; high under Confederation but will be even higher under Constitution, 326; high state taxation under Confederation has caused impoverishment, 475; needs power

to tax, 1935; proposal for system of under Confederation by Robert Morris, 334, 368; and Shays's Rebellion, 326; states had been the buffer between Congress and the people under the Articles, 1010

criticism of Congress' power of, 104, 107, 109, 135, 136, 167, 225, 242, 244n, 336-37, 369, 411-13, 413, 448, 467-73, 566-71, 615, 673, 952, 965, 998, 1004, 1007, 1008, 1010, 1059, 1068, 1159, 1163, 1380, 1538, 1935-36; to appoint continental tax collectors, 1380; to raise and support armies, 593-97; concurrent powers over, 673, 1930-31, 1936-37, 1973, 2025-26; Constitution disregards the ability of the states to raise, 1004; called internal taxes, 225; cannot be fairly levied by a central government for the U.S., 215; federal and state governments should have distinct areas to tax, 414-16; Federalists promise too much for lowering under Constitution, 956; giving power to Congress would violate NY Constitution, 673; will assess on necessities of life, 468-69; danger Congress will set up oppressive customs service, 416; danger of poll tax under Constitution, 135, 224-25, 279, 415-16, 418, 419, 448-49, 449, 673, 1387, 1409-10; execution of under Constitution will need a standing army, 128; unsafe power for federal government over internal as well as external, 225; called internal taxes, 225; cannot be fairly levied from a central government for the U.S., 215; high under Confederation but will be even higher under Constitution, 326; will assess on necessities of life, 468-69; New Yorkers will pay more taxes under Constitution, 673; not much will be left to states, 417; oppressiveness of can only be prevented by states, 998; power over in hands of few in a large republic, 113; power over will be too great, 468; power of federal government to levy will reduce states' ability to pay their debt, 796-98; power over should not be lodged in Congress because of inadequate representation, 1005; should need a larger quorum and larger majority to enact, 1068-69; should not restrain freedom of the press, 1059; stamp act will be passed, 136, 225; if states and Congress had tax power there would be too many taxes, 1067; U.S. needs better split in power over, 1071; some Federalists admit that Congress has unlimited powers over, 471; will cause

opposition to government, 1136; will rise under Constitution, 903, 956–57

- and defense of Congress' power of, 48, 489, 2480; burden on poor and industrious will be lessened under Constitution, 134; concurrent power over, 565, 1946, 1948, 1949, 1950, 1956, 1966, 1973, 1991-92, 2025-26, 2042; Congress will have power that it lacks under Confederation, 482; Constitution will provide for a full treasury, 134, 1382, 1383; denial powers granted are dangerous, 565, 627, 630, 631, 815, 917-18; denial that Congress will only have power to requisition states, 226; to prohibit export duties, 235; people as a majority working through states could stop federal internal taxes, 1068; proper accounting of state payments will be made under new Constitution, 883-84; revenue needed for existence of any government, 566-71; as safe to lodge in Congress as in state legislatures, 490; on slave trade, 1393; will be less on an individual under, 1450, 1476
- -and direct taxes: amendment proposed that none be laid before census is taken, 2547; apportionment of direct taxes and representation will be unfair, 416-17; criticism of, 415-16, 663, 753, 953; criticism of being tied to representation, 663; as a concurrent power, 108; Congress has complete powers over, 1067; defense of, 2467; necessity of, 863, 1391; and three-fifths clause explained by Publius, 763; on exports preferred over, 571; land taxes, 224-25; Mass. amendments restrict levying, 752; federal government will levy, 418; only left for the states, 108; powers of Congress related to not to be discussed in second convention, 2504; should be levied uniformly on all states, 2467; unclear how they will be levied and collected, 231
- —excises: amendment prohibiting on American manufactures, 2546; amendment prohibiting unless duties are insufficient, 2546; defense of, 2467; defense of on distilled spirits, 2042; powers of Congress related to not to be discussed in second convention, 2504; supporters of Constitution state Congress needs power to levy, 2480
- —and import duties: Constitution will raise revenue only from duties, 85; denial that main revenue for U.S. under Constitution will be from, 324–26, 367–68, 417–18, 955; federal government should have power

over, 415–16; danger Congress will set up oppressive customs service, 416; no problem from, 448; should be levied on land and reasonable amount on commerce, 418–19; Congress has all imposts and excise taxes, 673; everyone agrees central government should have control over imposts, 570, 1391; impost is absolutely necessary under new government, 784, 1308

- —in New York: Convention amendment concerning laying and collecting taxes, 1235–36; has failed to levy a tax because of opposition of great aristocratic landowners, 418; has no provision protecting against unlimited power of in its constitution, 433; legislature supports more power for Congress, xxix; low in because of revenue from its state impost, xxxvii; as part of Clintonian program, xxxi; poll tax has not been abused by, 1391; relief requested from NY legislature, xli; prohibited by NY Bill of Rights unless levied by representatives of the people, 505
- —purse and sword combined, 2082; Constitution will not end in tyranny of, 1955; danger of in one body, 611, 1003, 1005, 1065, 1156, 1372, 1384; when the democratic branch controls the purse rights will be protected, 1011; having power over the purse and sword is everything, 65, 217–18, 250, 413, 520
- —and requisition system: Congress should not be able to lay internal taxes except through, 1067; federal government will be able to collect, 1068
- See also Duties; Expenses of government; House of Representatives, U.S.; Impost of 1781; Impost of 1783; Money bills; Property, private; Poll taxes; Representation; Requisitions; Senate, U.S.; Slavery; Threefifths clause
- TAYLER, JOHN (Albany): id., 50n; in Assembly votes, 516, 521; nominated for Convention, 1366; receives vote as delegate to Constitutional Convention, 516
- —letter to, 50
- TAYLOR, JOHN (New York City): signs Scotsmen address endorsing Constitution, 1404
- TAYLOR, COLONEL (Albany): in Half Moon District celebration of NY ratification, 2399
- TEARSE, PETER B. (Washington): votes in Assembly, 704, 713, 714
- TEN BROECK, ABRAHAM (Albany): id., 1236n, 1266n; and state Senate election (1786),

894n; endorses Federalist response to 35 Objections, 1399; Federalists praised for role in Albany Fourth of July fracas, 1265, 1272; nominated for Convention, 1356, 1362, 1368; returns to Albany from Poughkeepsie, 1235; visits Poughkeepsie to view NY Convention, 1208n; votes for as Convention delegate, 1418, 1419

- letters to, quoted, xxxvi–xxxvii, xxxvii
- TEN BROECK, CORNELIUS (N.J.): id., 1244n —letter to, 1244
- TEN BROECK, DIRCK (Albany): and Albany celebration, 1268; among those most hurt in Albany fracas, 1268, 1271, 1272; endorses Federalist response to 35 Objections, 1400; nominated for Convention, 1363
- TEN BROECK, JOHN (Albany): endorses Federalist response to 35 Objections, 1400; nominated for Convention, 1362
- TEN BROECK, MAJOR (Columbia): campaigning for Antifederalists in Columbia, 1435; and town officers' election in Clermont, 1423
- TEN BROECK, PETER BODINE (Columbia): id., 901n
- —letter from, 901
- TEN EYCK, ANTHONY (Albany, A-A), 1416; campaigning with Antifederalists, 1367; supervisor, 1414, 1415, 1416
- —NY Convention, 1676; elected delegate, 1356, 1416, 1417, 1419; nominated as delegate, 1370, 1380; as Antifederalist did not vote on ratification or sign circular letter, 2337n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2278, 2281, 2284, 2287, 2288, 2301, 2309, 2311, 2319; traveling to, 1172
- TEN EVCK, BARENT (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- TEN EYCK, HENRY (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- TEN EYCK, JACOB C. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- TEN EYCK, JOHN D. P. (Albany): as a member of the Albany Federal Committee, 1375, 1399; in Albany procession, 2388
- TEN EYCK, JOHN H. (Albany): endorses Federalist response to 35 Objections, 1399; supports Federal Committee slate, 1375

- "A TENANT": text of, 966-67, 1386-87
- "TENANTS OF THE COUNTY OF ALBANY": address to, 966–67
- TENDER ACTS: Constitution prohibits states making anything but gold and silver a tender, 850; criticism of, 972; praise of Constitution's prohibition of, 229, 2159; state enactments alarm, 210, 211, 762, 849. See also Debts, private; Legal tender; Paper money; Property, private; Stay laws
- TENTH AMENDMENT: amendment to necessary and proper clause that Congress shall have no powers but those expressly given, 2089
- TERMS OF OFFICE: amendment to create privy council for four-year term, 2096–97, 2240, 2266–67, 2267–68, 2276; charge that Congress can change by law, 295–96; too long, 458
- —for House of Representatives: criticism of biennial elections for, 278, 279, 303, 427, 621–22, 1008; defense of two-year term, 400, 432, 626, 627, 1144, 1145
- —for President, 2159; amendment proposed to limit to two terms, 2123; amendment proposed not to be re-eligible, 2093, 2094; Constitutional Convention considers, 1039, 2094, 2095, 2096, 2097n; criticism of length of, 184, 196, 276–77, 288, 1008, 1381; defense of four-year term, 123, 626, 857, 871, 1961, 1964
- for Senate: amendment proposed to limit senators to six years in twelve, 2030, 2123, 2125, 2239, 2315, 2332, 2353; criticism of six-year term, 278, 279, 283, 320, 374, 419, 427, 621–22, 635, 673, 824, 909–10, 910, 1008, 1013–14, 1014, 1380, 1839, 1860, 1874, 1878, 1887; defense of, 626, 820, 837, 1013, 1844, 1865, 1865–66, 1868, 1869, 1870, 1892, 1895–96, 1901, 1961, 1964. See also Recall; Rotation in office
- TERRITORIAL DISPUTES: Congress has power to settle between states under Articles of Confederation, 984
- TESTIMONY: amendment proposed provides for right to compel, 2111, 2119
- THATCHER, GEORGE (Maine): id., 820n; kept informed about Mass. Convention, 747
- —letter from, quoted, 750
- —letters to, 818–20, 1102, 1323–24
- THOMAS, DR. (Dutchess): treats Samuel B. Webb, 1222
- THOMAS, ISAIAH (Mass.): id., 2414n
- —letter to, 2414
- -letter to, cited, 2406n

THOMAS, JOHN (Dutchess): id., 63n; supports Constitution, 62

THOMAS, THOMAS (Westchester): and distribution of Antifederalist literature, 896–97; as sheriff of Westchester County, 1579n

- THOMPSON, EZRA (Dutchess, A–A)
- —in NY Convention, 1676; elected delegate, 1466; nominated as delegate, 1439, 1441, 1458, 1459; absent for vote on Hobart's motion to adjourn, 2219n; as Antifederalist did not vote on ratification or sign circular letter, 2337n; left before vote on ratification, 2219, 2219n
- THOMPSON, ISRAEL (Albany, A-N): supervisor, 1414, 1415, 1416

—in NY Convention, 1676, 2347; zealous Antifederalist delegate, 1172; elected delegate, 1356, 1416; election certificate, 1416; nominated as delegate, 1370, 1380; in rollcall votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; votes for as delegate, 1418n, 1419; voucher for paying, 2501n

- THOMPSON, JOHN (Albany): elected to Assembly, 1415; nominated for Assembly, 1370, 1384
- THOMSON, CHARLES (New York City): id., 1528n; letter of transmitting Constitution to states read in NY Assembly, 707; reported to have a suit of federalist fashion, 837; as secretary to Congress, 44, 590
- —letter from, 1527–28
- Thomson, Hannah (New York City): id., 837n
- —letter from, 837
- THOMSON, WILLIAM C. (New York City): and New York City procession, 1638
- THORNE, RICHARD (Queens): in Assembly votes, 516, 521
- THREE-FIFTHS CLAUSE, 1794n, 1828n; accepted in the Constitutional Convention, 1740n; adopted by Congress as part of population amendment to Articles, 1740n; Antifederalists in NY Convention accept as an accommodation, 1807; benefits North as well as South in representation, 1728; criticism of, 253, 274, 314, 417, 418–19, 664– 65, 1380, 1715–16, 1719, 1721, 1741, 1742; defense of, 1390–91, 1728, 1732–33, 1741, 1742; Hamilton favors, 1740n; discriminates against Northern States, 664, 665; Smith agrees to, 1802; South will benefit

from, 238, 254, 664, 665; Southerners averse to paying taxes under, 1409–10; summarized by Publius, 763; yield to the Southern States on, 1716, 1741, 1742, 1748, 1759. *See also* House of Representatives, U.S.; Slave trade; Slavery; Taxation

- THURSTON, CAPTAIN (Columbia): as possible Assembly candidate, 1426; campaigning for Federalists, 1434
- THURSTON, JOHN (Columbia): signs Claverack grand jury address, 617
- TIEBOUT, JOHN (New York City): sells remaining copies of *The Federalist*, 880
- TIERCE, PETER B. (Washington): in Assembly votes for delegates to Constitutional Convention, 516; and distribution of Antifederalist literature, 896–97; elected to Assembly, 1574
- TILLARY, JAMES (New York City): signs Scotsmen address endorsing Constitution, 1404
- TILLINGHAST, CAPTAIN (R.I.): role of in Providence celebration of NY ratification, 2425
- TILLINGHAST, CHARLES (New York City), 8; id., 499, 2151n; attends NY Antifederalist Society meeting as secretary, 2475, 2476; as author of Conciliator, 785n; Gov. Clinton treats with kindness, 1796; as courier of Antifederalist letters, 1797, 1798, 1800n; and distribution of Antifederalist literature, 659, 894, 898; and NY Federal Republican Committee, 1101n, 1134n; staying with John Lamb, 1799; will be sent information from NY Convention by De Witt Clinton, 1744
- -letters from, 297-98, 667-71n, 1795-96
- -letters from, quoted, lx, 77, 139, 207, 297, 338, 342, 659, 688, 748, 749, 1794n
- -letters from, cited, 271-72, 637n, 644n, 670n, 747, 2150
- —letters to, 312, 1975n, 2082–83, 2085, 2150–51, 2230
- -letters to, quoted, 190-91, 204, 297
- —letters to, cited, 103, 244n, 271, 669, 670n, 1921n, 2151n, 2189, 2218n
- TILLOTSON, THOMAS (Dutchess), 699; id., 700n, 1245n, 1446; nominated for Assembly, 1455; calls Federalist meeting in Nine Partners, 1446, 1455; votes in Assembly, 704, 713, 714
- -letters from, 1444-45, 1451
- —letters from, quoted, 800, 1439
- -letter from, cited, 1244
- —letter to, cited, 1451
- TILLYER, THOMAS (Pa.), 590

## CUMULATIVE INDEX

- TIN-PLATE WORKERS: and New York City procession, 1600, 1649–50, 1664
- "TIMOLEON," 5, 84, 96, 154, 390; criticism of, 446; text of, 166–70
- "TIMON": printing in NY, 1180; text of, 845, 877–78
- TITLES OF NOBILITY. See Nobility, titles of

TINMEN: in Albany procession, 2384, 2387

- TOASTS: following Albany procession, 2390; for Conn. ratification, 771, 1281, 1283, 1287; in Fredericksburgh, Dutchess County, 1278; in Fredericksburgh and Southeast, 1279; in Frederickstown celebration of ratification by nine states, 2365; in Hudson, 1280–81; in Jamaica, NY, 1281– 82; in Kingston, 1283–84; in Lansingburgh, 1283–84; and New York City procession, 1587, 1601, 1657; in New York City, 770– 71, 2470; to peace, 1276, 1282, 1283, 1288, 1292, 2390, 2416, 2417
- —celebrating NY ratification in: Ballstown, 2395; Brooklyn, 1275; Dover, Dutchess County, 2396; at Flushing, Queens County, 2397–98; Half Moon District, 2399; Newburgh, 2414–15; Plymouth, Mass., 2423, 2416; Red Hook, 2416; Saratoga, 2417; Schenectady, 2418
- TOBACCO, 1735; benefits Northern States' navigation industry, 1733
- TOBACCONISTS: in Albany procession, 2385; and New York City procession, 1586, 1600, 1652, 1664
- "Том Jones," 1460
- TOMPKINS, JONATHAN G. (Westchester): and distribution of Antifederalist literature, 896–97; as Antifederalist candidate for NY Convention, 1579n; as defeated Antifederalist candidate for Assembly and NY Convention, 1579; votes in Assembly, 516, 521, 704, 705, 713, 714
- TONNAGE AND POUNDAGE: general government has exclusive power over, 1933
- TOOKE, JOHN HORNE (England): id., 1660n
- TOWNSEND, JAMES (Queens): in Assembly votes, 516
- TOWNSEND, MR. (Queens): defeated as Convention delegate, 1532; defeated for Assembly, 1532
- TOWNSEND, SAMUEL (Queens): and distribution of Antifederalist literature, 898

- TOWNSEND, SOLOMON (New York City): id., 2480n; attends NY Antifederalist Society meeting, 2475
- TRADERS: in Albany procession, 2388; should be fairly represented in the legislature, 215; and New York City procession, 1586, 1600, 1654–55, 1665
- TRADES: success wished to all, 1622
- TRADESMEN: said to be having hard times, 765; will benefit from Constitution, 1422; will march in New York City procession, 1241
- TRANQUILITY. See Domestic tranquility
- TREASON, 2275n; amendment that President not have power to pardon for without consent of Congress, 2093, 2094, 2095-96, 2098, 2123, 2240, 2266, 2315, 2332, 2547; charges of will be brought under Constitution to suppress opposition, 136; criticism of President's power to pardon in cases of, 196, 198; defined as a crime by Constitution and not pardonable by state constitutions, 889; as grounds for removal from office via impeachment, 874; must have two witnesses for conviction of, 1046; opposition to Constitutional Convention said to be, 16; praise of Constitution's provision concerning, 639, 2159; prohibiting freedom of speech is treason against the people, 18; punishment for, 1163; speaking out against Constitution is satirically said to be, 405, 405n-6n; talk of New York City's independence could be construed as, 1170
- TREASURY, U.S.: amendment that Congress appoint commissioners of, 2098
- TREATIES: amendment drafted concerning, 2098; amendment stating that state constitutions may not be altered by, 2108, 2121, 2202, 2236, 2307, 2329, 2548; amendment to Articles of Confederation creating appellate court with jurisdiction over, 1699n; amendment that treaties not abrogate federal laws, 2108; between France and U.S., 342, 557, 558n, 1657, 1660n; and cases of equity under, 639, 795; central government responsible for entering into, 1945, 1955; Confederation Congress lacks power to enforce, 12, 88, 424, 458, 930, 1402, 1690, 1694, 1696; Confederation Congress has power to make, 1694, 1817; Constitution will assist U.S. in getting commercial treaties, 85; criticism of as supreme law of the land, 158-59, 163, 198, 232-33, 278, 419-20, 426-27; criticism of President authority

over, 198; danger of sectionalism in ratification of, 2070; danger of Senate and President alone having power to enter into, 158-59, 163, 222, 223, 276, 278, 374, 419-20, 1018-19, 1262, 2098, 2108; defense of as supreme law of the land, 632, 795; defense of exclusion of House of Representatives from power to make, 881, 2071; defense of power to make, 124, 400-401, 632, 845, 881, 2071; defense of President's power to negotiate, 632, 881; defense of provisions for in Constitution, 161, 400-401; defense of Senate's power in ratifying, 845, 881, 1013, 1394, 1844; distinction between treaties of peace and alliance and treaties of commerce, 1019-20; federal government will enter into, implement, and enforce, 1071; formed with other countries by the Union of U.S., 342; necessary for representatives to understand, 1776; new Congress has similar power to enter into as the Confederation Congress, 1685; NY will be forced to enter with foreign nations if it rejects Constitution, 867; nine states needed to ratify under Articles of Confederation, 1018-19; no part of disunited states will want to ally with NY, 1695; not enforced could end in war, 1690; powers over possessed by Confederation Congress, 2054; prudent to require two-thirds majority in treaty making, 2071; power of Congress to regulate and to ratify treaties of commerce, 1019-20; in confederations power to enter into should reside in federal government, 213; making as sovereign power of government, 189; no accountability in making, 420; none between Spain and U.S., 1341; power to negotiate never possessed by states, 440; and ramification of ratification of Constitution by fewer than thirteen states, 236-37; require long terms for senators, 1846; requirement for twothirds majority one of cases calling for super majorities, 2071; satirical piece advocating with European countries, 794; should be enforceable by federal judiciary, 1686; should not be made that hurt many states, 2072; states can make clashing with each other, 1690; states limited to enter into under Articles of Confederation, 984; two-thirds majority requirement may stop treaties from being made, 2071; U.S. and Holland, 1660n; U.S. and Morocco, 1660n; U.S. and Prussia, 1660n; U.S. and Sweden,

1660n. *See also* Foreign affairs; Governments, ancient and modern; Great Britain; Indians; Law of nations; President, U.S.; Senate, U.S.; Supremacy clause

- TREATY OF PARIS (1783): advantageous, 928; and confiscation of Loyalist estates, xxxii; Congress needs power to enforce, 88; ended Revolutionary War, 2293, 2297n; Northwest posts ceded to U.S., 1402; violated by Americans, 1402; violated by British, xxxiv, 151, 1402, 1685; will be enforced under Constitution, 916. *See also* American Revolution; Great Britain
- TREDWELL, THOMAS (Suffolk, A-N): id.,
- 1540n; campaigning in Suffolk County, 1536, 1540; and distribution of Antifederalist literature, 896–97; as possible author of Brutus, 103; in Senate, xlvii, 512, 513, 524, 2549n; voices strong support for a second convention and amendments, 2512– 2513
- -in NY Convention, 1536, 1677; elected as delegate, 1541; adoption of motion of for reconsidering introductory paragraph of ratification, 2310; amendments proposed by, 2090, 2090-91, 2109, 2549n; as Antifederalist wants even stronger restrictions on Congress than proposed by, 2264; on committee to arrange amendments, 2128, 2129; makes and withdraws motion to strike preamble to Hobart's motion to adjourn, 2192-93; motion of on mode of introducing bill of rights and explanatory amendments, 2302; as possible author of a speech prepared for NY Convention but not delivered, 2549n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323; roll-call vote on motion of to amend introductory paragraph to Declaration of Rights, 2303; as a supporting speaker, 1671; speeches of, 1828, 2186, 2189, 2192, 2193, 2244, 2247, 2292, 2293, 2295, 2302, 2304; speech of, cited, 1743, 1744, 1833; speech of, response to, 1979; takes part in debate on amendments, 2252; voted for motion changing upon condition to in full confidence in form of ratification, 2282n
- TREMPER, LAWRENCE (Albany), 1436; endorses Federalist response to 35 Objections, 1400
- TREVETT V. WEEDEN (1786), 435, 849, 851n

- "THE TRIUMPHS OF REASON": printing in NY, 1179
- TROUP, HENRY (New York City): signs Scotsmen address endorsing Constitution, 1404
- TROUP, ROBERT (New York City): id., 878, 2106n; and New York City procession, 1652; nominated as Convention delegate, 1483, 1485, 1486, 1487, 1495, 1503; and printing of book edition of Publius, 878; signs Scotsmen address endorsing Constitution, 1404
- —letter to, 1702–4
- -letters to, quoted, 563-71, 880, 1700n
- -letters to, cited, 1210, 1210n
- "A TRUE FEDERALIST": printing in NY, 1189; text of, 588–92
- ТRUMBULL, JOHN (Conn.), 367n; id., 2466n-67n
- —letter from, 2466–-67
- TRUMBULL, JONATHAN, SR. (Conn.): reprinting of farewell address as Conn. governor, 919–22
- TRUMBULL, JONATHAN, JR. (Conn.): id., 2467n
- -letter from, cited, 2216n
- -letter to, 2466-67
- —letter to, quoted, 920
- -letter to, cited, 748
- TRUMPETERS: and New York City procession, 1599, 1633
- TUCKER, FRANCES BLAND (Va.): id., 479n
- -letter to, 478-79
- TUCKER, NATHANIEL (S.C.), 1335n
- TUCKER, ST. GEORGE (Va.): id., 1335n, 1521n; expected in Congress, 1335
- -letter from, cited, 1334
- -letters to, 1334-35, 1521, 1625-26
- -letters to, quoted, 1604n, 2413n
- —letters to, cited, 2219n, 2413n
- TUCKER, THOMAS TUDOR (S.C.): id., 1335n, 1521n
- -letters from, 1334-35, 1521
- -letters to, cited, 1334, 2219n
- TUNNICLIFF, JOHN (Albany): in Albany procession, 2385; endorses Federalist response to 35 Objections, 1400
- TURNBULL, GEORGE (New York City): signs Scotsmen address endorsing Constitution, 1404
- TURNERS: in Albany procession, 2386
- "Twenty-seven Subscribers": text of, 558– 59

- TYRANNY: accompanies aristocracy, 998; advocates of are at odds with friends of liberty, 871; aim of government is to avoid, 1851, 1852, 1891; American Revolution fought against, 26, 94; Americans can be tyrants, 278, 1304; Americans will stand up against arbitrary government, 1201-2; ancient Roman provinces were governed by tyrants, 1927; Antifederalists only fear in America not danger from abroad, 1854; Antifederalists want to institute, 1429; any ruler can become, 433; Articles of Confederation cannot deal with appropriately, 856; Articles of Confederation drafted when confidence was high tyranny could be stopped, 210; British would like to exercise over U.S., 23-24; Constitution will lead to, 53, 105, 163-64, 199, 320, 598, 611, 899, 957-58, 1010, 1383, 1387, 1442, 1448, 1450, 1719, 1720, 1746, 1747, 1748, 1954, 2029; Constitution will protect from, 52, 1152, 1736, 1863, 1943; demagoguery ends in, 146; Dutch stadtholder has become, 116; end of is happiness and aggrandizement of a few, 313; an enlightened people cannot be enslaved by ordinary powers of government, 604; Constitution has created a complete tyranny over federal capital, 2555; governments not based on the people degenerate into, 932; impeachment power of would not lead to, 1900; jury trials prevent, 170; more dangerous than the fickleness of the people, 1721; must be guarded against, 1278; objection to, 1994; one-year appropriation for military as safeguard against, 282; opposed by the election of the legislature, 486; overgrown ancient republics became, 110; popular governments border on, 190; preferable to anarchic situation in NY if it rejects Constitution, 1225; representatives not subject to will of constituents is the essence of, 2222; result of lack of freedom of speech, 18; in city of Rome, 2555; some men seize power during war, 1038; standing armies support, 134, 261; state governments will not be, 1965; tyrants always use necessity as excuse, 193, 209; will be opposed by the people's love of liberty, 1769; would occur if union dissolved, 41. See also Aristocracy; Democracy; Despotism
- TYRIE, JAMES (New York City): not a member of NY's St. Andrew's Society, 1403; signs

TRIAL BY JURY. See Jury trials

Scotsmen address endorsing Constitution, 1404

- ULSTER COUNTY: George Clinton as clerk, 2084n; Constitution burned in, 734, 783, 802–8n, 888n, 1188, 1451, 1451n, 1542, 1545; denial that Federalists have a significant minority in, 1570; election of Convention delegates from, 1542–72; election results for NY Convention not reported yet, 1121; enlarged voting for Convention as opposed to Assembly, 1354, 1543; Fourth of July celebration in Kingston, 1282–83; Hamilton burned in effigy in, 783; has more Federalists than was expected, 1570; population of, 550; vote totals in, 1543; weak, 1555; will elect George Clinton to NY Convention, 1566
- —Antifederalists in, 887–88; active in, 1580; and distribution of literature, 896–97, 898, 965; dominate, 1542; elect Convention delegates from, 1581; people in are and are blind to their own interests, 1230; said are not unified, 1568
- -letter to towns and precincts of: quoted, 1544
- See also Kingston; Montgomery, Ulster County "AN ULSTER COUNTY ELECTOR": response to,
- 1550–51; text of, 1549–50
- "AN ULSTER COUNTY FARMER" (Lucas Elmendorf, Jr.), 1543; controversy over authorship of, 1549–53; John Addison denies authorship of, 1551–53
- UNICAMERALISM: criticism of, 1686, 1703; not a problem under Articles of Confederation, 1008; Pa. and Ga. have unicameral legislatures, 985; powers must be divided to be safe, 1009. *See also* Bicameralism
- UNION, 1641, 2183; after nine states have ratified, others vote themselves out of, 2164: of America in consolidated government will not work, 268-69; Americans have chosen through ratification, 244; based on the consent of the states, 1685; can exist over a large territory with a diverse population, 1790-91; can exist under the Confederation or Constitution, 1695-96; civil war if dissolved, 13, 1225; Congress unable to address common concerns of, 176-77; consider this country as one people divided, 2132-33; danger for NY if dissolved, 1684-85, 1688, 1691-92, 1702; dissolution of presents no serious danger to NY, 1707; disunion dreadful, 2198; energetic federal

government is needed to preserve, 1854, 1855; friends of will be animated by ratification, 2320; energetic federal government needed for, 275, 439-40, 626, 856; expected to be complete, 1175; formed by people possessing their property and rights, 486; if NY is out of it cannot have a voice in amendments, 2161; interest of one state is involved in the interests of them all, 1859; lack of strength in during Revolution, 2039; must join and trust for amendments later, 2232; navigating states want to strengthen, 1945; needs more of state sovereignty to maintain itself, 150; NY cannot exist out of with an alliance with Great Britain, 2194, 2195; NY cannot withdraw from because of its perpetual compact with other states, 2291; NY Convention ratified out of desire not to separate from sister states, 2334, 2335-36, 2338, 2339, 2427, 2471, 2476, 2478-79, 2481, 2504, 2528-29; NY should stay out of even if 12 states ratify, 2232; NY endangered by disunion, 1688; NY ratification has preserved, 2406, 2466, 2512; NY is strong only in, 1692; NY will be out of if it does not ratify, 2134; not to be maintained at cost of liberty, 1688; objectives of, 1696; other states will not permit NY to remain out of, 2194, 2195; palladium of American liberty, 313; peace dependent upon, 1683; possible only under either Articles or new Constitution, 1703; primary to everything except civil liberties, 1709, 1712; separating from other states by failure to ratify will mean war, 2135; Smith calls for NY to withdraw from if Congress does not call a second constitutional convention, 2213-15, 2229, 2230; threatened by states not paying taxes, 2041; ties are fragile, 1745; we are one people, 2140; what type of government will preserve, 1198; will be debated in NY Convention, 1198; will dissolve if NY amendments do not pass, 1973; will be threatened by the power of states, 1864

benefits of: as a blessing, 980; happiness dependent upon, 436, 921, 1374–75, 1455, 1470, 1683, 1804; held people together during war, 929; importance of, xxix, 37–38, 41, 67, 124, 137, 142, 144, 146, 146–47, 147n, 151, 181, 185, 247, 271n, 313, 341–42, 355, 436, 437, 560, 616, 630, 817, 842, 859, 867, 892, 899–900, 921, 928, 941, 949–50, 1095–96, 1199, 1200, 1201–2, 1225,

1246, 1279, 1350, 1374-75, 1455, 1470, 1497, 1561, 1639, 1644, 1649, 1684-85, 1685, 1790-91, 1859, 2029, 2053, 2152; importance of but not at cost of liberty, 1671, 1707, 1720; national existence depends upon, 67, 1201-2; necessity of, 1683, 1691, 1695, 1699-1700n, 1701, 1703, 1712, 1722, 1733, 1773, 1802, 1804, 1805, 1942, 1984; peace abroad and order at home, 2487; protects against foreign invasion, 13, 40, 185; protects smaller states from larger ones, 41, 437; will check domestic insurrections and factions, 271; will ensure creation of a national revenue, 309; will lead to a navy, 302, 313; will produce less expensive government, 312; will promote Congress, 302

- —and Confederation, 1199, 1515; Articles inadequate to preserve without amendments, 146, 950, 1690, 1904, 1905; Articles as perpetual, 1086n; Articles said to be equal to purposes of, 11; Articles would suffice if states really had desire to be united, 309; can no longer exist in present form under Confederation, 2545n; is defective under Articles, 13, 72, 92, 105, 176, 177, 361, 491, 581, 761, 854–55, 920, 921, 939; lack of strength has made America vulnerable commercially, 2544; to be perpetual under Articles of Confederation, 2559n; solidified with adoption of Articles, xxviii
- —and Constitutional Convention: attempted to dissolve, 350–51; called to preserve, 147n, 457, 816; opposition to Convention might endanger, 16; preserved by a spirit of compromise in, 1728
- -effect of Constitution on: debate over whether conditional amendments will be acceptable to, 2370, 2372, 2374; depends on ratification, 10, 144, 147, 438, 760, 817, 842, 886, 901, 904, 939, 941, 1113-14, 1115, 1143, 1204, 1254, 1277, 1312, 1363, 1396, 1399, 1457, 1497, 1514, 1515, 1608, 1661, 1691; destroyed if fewer than thirteen states ratify, 1382; disunion is better than adopting, 351, 1442; NY can rejoin at a future date if it rejects, 1408-9; NY will be attacked by its neighbors if it does not ratify, 1470; NY will leave even if all the other states ratify, 1104; need to admit Ky. and Vt. into in their infancy, 1094; not necessary to give too much power to central government to preserve, 315; Preamble says it is to be perfected, 294; question whether

NY should stay in, 1170, 1171, 1302–3; requires congressional regulation of elections, 1144, 1145; requires states to pay their requisitions, 693; some arrangement will be made for NY to ratify and stay in, 1339; suspended in America awaiting decision on Constitution, 625; will not endanger, 177–78; will preserve, 75, 100, 134, 301, 391, 616, 817, 860, 900, 1088, 1207, 1226, 1440, 1455, 1693, 1946; will reign under Constitution, 1229, 1609; would be promoted if state conventions cooperate on amendments to, 1100

- endangered, xxxviii, 9, 13, 16, 26, 365, 397, 491, 1136, 1304, 1345; by conditional amendments, 1257, 2132, 2148, 2179, 2180, 2212, 2283, 2338; by George Clinton, 9, 1103, 1104; disunion to be dreaded as much as tyranny, 2558; fear that disunion and division of U.S. will be to advantage of European despots, 2545n; by NY not ratifying Constitution, 1303, 1374-75, 1702, 2135; because sovereign states and central government are in conflict, 2532; under the Confederation, 1199, 1515, 1682, 1685; under the Constitution, 1974; undesirable to have NY out of, 1172; undesirable to have R.I. out of, 1172; under Constitution is certain to destroy liberty, 2558
- —opposition to, 1003, 1005, 1786; from Antifederalists, 104, 114n, 177, 178, 300–301, 396, 933, 1119, 1135, 1171, 1207, 1209, 1258, 1388, 1399; British secret emissaries work against, 23–24; European powers want to keep U.S. disunited, 185; lack of plays into the hands of the British, 24; Patrick Henry wants to create a Southern confederacy, 1227–28n; prediction that Western lands will separate from Atlantic states, 1341; threatened by NY rejecting Impost of 1783, xxxvii
- —support for, 1705; Americans have same hard core values, 1682–83, 2134; American Revolution was a fight for, 66–67, 98; among Antifederalists, 933, 1119, 1171, 1209, 1258, 1877, 1903, 2212; George Clinton does not want to disband, 1793; everyone favors, 678, 1949; firmer support needed for, 72; hand of God will not allow division, 886; hope fear of disunion will not last long, 1293; maintained by fear during war, 485; majority of New Yorkers favor NY staying in, 1171; New York City and surrounding area will secede from NY if the

Convention does not ratify, 1224, 1293, 1312–13, 1314, 1316, 1320, 1323, 1338, 1341, 1342, 1348, 1349, 1398; New Yorkers in the southern counties want to preserve, 1329; no state will break up, 1348; opposition to NY separating from, 764; is Publius' main theme, 599, 678; Society of the Cincinnati sworn to support, 1450

—toasted, 2396; in Albany procession, 2384, 2390; friends to toasted in Kingston, 1283; in Lansingburgh, 1284; in New York City celebration of Mass. ratification, 771; at New York City procession dinner, 1658; as perpetual, 1280–81; at Plymouth, Mass., celebration of NY ratification, 1658, 2423; in Saratoga celebration of NY ratification, 2417; in Schenectady celebration of NY ratification, 2418

See also Civil war; Separate confederacies

UNITED STATES: Americans are but men, 365: Americans are easy and happy despite weakness of government and distress, 2469; Americans are entitled to honest and faithful government, 242; Americans are high spirited, intelligent, discerning, well informed, 982; Americans are in a new setting in which the old political writers do not apply, 171; Americans can be tyrants, 278; Americans detest being servile subjects of ambitious rulers, 39; majority of Americans are virtuous and friendly to good government, 240-41; aspires to be a nation of statesmen, 263; brings progress and prosperity to Western Hemisphere, 1305; character of as a people has fallen, 877; consolidation is only security for existence as a nation, 2531: Constitution upset America's fundamental principles, 50; Constitution will allow America to be established on basis of liberty, honor and virtue, 51, 179; Constitution will make America a great, happy and powerful people, 391, 391–92, 392, 1304, 1307, 1316; Constitution will mark beginning of new epoch for, 395, 1397-98; if Constitution is adopted America will become like a wandering comet (metaphor), 50; with Constitution no limit on America. 95: debate over Constitution is momentous with the greatest consequences, 15, 79, 187, 275; denial that opinions and manners of Americans will resist and prevent prerogative and oppression, 277; dissolution of Union would cause tyranny which would shatter hopes of the world, 41; diverse vet very similar, 216, 322; diversity of, 112; as an example of freedom, 567, 941, 997; God designed Americans to show the nobility of human beings, 80, 1304, 1312; God has given abundant natural resources, 762, 1304; God's interposition with Constitution shows favor toward, 768; governments of are freer than European, 1688; great future predicted for, 2394; must have harmony, concord, and unanimity to be great, 973; large size presents danger not present in England, 998; looked at in the distant future, 905-6; many dishonest people in, 249; more pride in American citizenship than state citizenship, 150; must seize the occasion and change, 177; new government under Constitution will survive with a lucky break or two, 1208; people are enlightened in, 1201, 1768, 1774; praised for its natural resources, 762, 974, 975, 975-76; rising empire of on freedom's solid base, 2446; similarity of people in, 886, 1791; property is equally divided and people have manly habits, 238; the proposal and adoption of Constitution demonstrates a dignity and uniqueness, 66; reserved for people of to determine whether men can govern themselves, 144; should be viewed as they really are, a young underdeveloped country, 309; are subject to the common vices and frailties of human nature, 1851; size of territory is exaggerated, 2158; U.S. best country for understanding jurisprudence and civil liberty, 66

—toasted: Flushing celebration toasts citizens of, 2397, 2398; Confederation toasted at Newburgh celebration of NY ratification, 2414; as asylum for oppressed and dread of tyrants, 2365; at New York City procession dinner, 1657; at New York City Fourth of July celebration, 1288; by NY Society of the Cincinnati, 1287; to people of in Council and Field, 2416; at Poughkeepsie Fourth of July celebration, 1291; at Smithtown celebration of NY ratification, 2419; in Red Hook celebration of NY ratification, 2416; in Schenectady celebration of NY ratification, 2418

See also American Revolution; Happiness

- "UNPREJUDICED PERSON," 1460
- UPHOLSTERERS: and New York City procession, 1586, 1599, 1642-43, 1663
- UPPER CLASS: will win elections under Constitution, 1750–51. See also Aristocracy; Landed men; Rich vs. poor

## CUMULATIVE INDEX

- USURPATION OF POWER: how to prevent, 1038–39. *See also* Despotism; Tyranny USURY, 1114
- VACANCIES: nothing to fear concerning exercise of this power to fill, 2534
- VAN AERNAM, ISAAC (Albany): endorses Federalist response to 35 Objections, 1400
- VAN ALGEN, BARENT (Albany): endorses Federalist response to 35 Objections, 1400
- VAN ALLEN, MR. (Albany): in Albany procession, 2386
- VAN BERGEN, PETER (Albany): endorses Federalist response to 35 Objections, 1400
- VAN BERCKEL, PIETER JOHANN (The Netherlands, New York City): id., 2435n
- —letter from, 2434–35
- -letter from, cited, 2434
- VAN BUREN, MR. (Ulster), 1548n, 2444; delivers letter, 1553
- VAN CORTLANDT, AUGUSTUS (Albany): and Federalist campaigning in Duanesburgh, 1367
- VAN CORTLANDT, P., JR. (New York City): signs Scotsmen address endorsing Constitution, 1404
- VAN CORTLANDT, PHILIP (New York City): signs Scotsmen address endorsing Constitution, 1404
- VAN CORTLANDT, PHILLIP (Westchester, F-Y): elected to Assembly, 1578, 1579
- —in NY Convention, 1575, 1677; as a candidate, 1575, 1576; elected delegate, 1578, 1579; ratifies Constitution, 2441; in roll-call votes, 2199, 2210, 2243, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323
- VAN CORTLANDT, PIERRE (Westchester): id., 499; elected lt. governor, xxvi; as lt. governor and appointment of NY delegates to Constitutional Convention, 690; as lt. governor on calling a Constitutional Convention, 509, 513; as president of NY Senate, 692, 695, 699; votes in NY Senate against Yates's proposal limiting Constitutional Convention, xlvii
- VAN DEN BERG, CORNELIUS K. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- VAN DER KEMP, FRANCIS A., 1102
- VAN DYCK, CORNELIUS (Albany): elected to Assembly, 1415; nominated for Assembly, 1370, 1384
- VAN DYCK, HENRY: as NY Convention chaplain, 1676, 2325

- VAN DYCK, PETER D. (Albany): endorses Federalist response to 35 Objections, 1400
- VAN DYKE, JAMES (New York City): and New York City procession, 1635
- VAN GAASBEEK, ABRAHAM, 2348
- VAN GAASBEEK, PETER (Ulster): id., 499; campaigning for Antifederalists, 1435; as candidate for Assembly, 1556; and controversy over John Addison, 1543, 1559–60, 1566; coordinates Ulster County election campaign, 1542; signs Kingston Antifederalist Circular, 1565
- --letters from, 1545-46, 1546-47n, 1548, 1564-65, 1568-70n
- —letters from, cited, 1436, 1544, 1545, 1547, 1553, 1557–59, 1560n, 1565n, 1566, 1568, 2285, 2286
- —letters to, 53, 901, 1436, 1436–37, 1498–99, 1547, 1553–56, 1557–59, 1563, 1563–64, 1568, 2083–84, 2228–29, 2285–86, 2286, 2298–99, 2351, 2373
- —letters to, quoted, 750, 1422, 1481, 1545, 1674, 2085, 2113n
- -letters to, cited, 1437, 1544, 1557–59, 1565n, 1921n, 2218n, 2219n, 2031n
- VAN HORN, AUGUSTUS (Albany): and Federalist campaigning in Duanesburgh, 1367
- VAN HORNE, ABRAHAM (Montgomery): votes for as NY Convention delegate, 1480
- VAN INGEN, DIRK (Albany): nominated for NY Convention, 1356, 1362, 1363
- VAN INGEN, MR., 2444
- VAN INGEN, WILLIAM (Albany): directed arrangement of food in Federal Bower (Albany procession), 2389; praised for his role in Albany procession, 2390–91
- VAN INGREN, DIRCK (Orange): votes in Assembly, 704, 713, 714
- VAN NESS, PETER (Columbia, A–N), 865; id., 1122n, 1200n; and distribution of Antifederalist literature, 896–97, 898; elected senator, 1200n; loses at being elected a senator, 1436; nominated for NY Senate, 1370, 1384, 1424, 1425, 1426; votes in NY Senate, 524, 720, 727
- —in NY Convention, 1421, 1676; elected to, 1200n, 1438; nominated for, 1424, 1425, 1426; first attends, 1679; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323
  —letter from, cited, 1121
- VAN ORDEN, HEZEKIAH (Albany): nominated
- for Assembly, 1368; votes in Assembly, 704,

713, 714; nominated for NY Convention, 1363

- VAN RENSSELAER, HENRY K. (Albany): id., 1417n; elected to Assembly, 1415; nominated for Assembly, 1370, 1384; arrives in Poughkeepsie with news of Albany fracas, 1296, 1296n; praised for role in Albany fracas, 1265, 1272
- -letter from, 1417
- -letter to, cited, 1417
- VAN RENSSELAER, JAMES (Albany): endorses Federalist response to 35 Objections, 1400
- VAN RENSSELAER, JEREMIAH (Albany), 864, 865; id., 499–500; and Antifederalist procession that burns U.S. Constitution, 1269n; arrested over Albany fracas, 1264, 1265, 1265n, 2466, 2467n; as chairman of Anti-Federal Committee, 1384, 1385, 1407, 1408, 1412, 2445n; and distribution of Antifederalist literature, 879, 896–97, 1477; elected to Assembly, 1415; as a member of the Albany Anti-Federal Committee, 835, 1363; nominated for Assembly, 1370, 1384; nominated for NY Convention, 1366
- -letter to, 600-601
- —letter to, quoted, 206, 1477
- VAN RENSSELAER, KILLIAN (Columbia), 865; id., 865n
- VAN RENSSELAER, PHILIP (Albany): as a member of the Albany Federal Committee, 1375, 1399
- VAN RENSSELAER, ROBERT (Albany), 700; id., 700n
- VAN RENSSELAER, STEPHEN (Albany): id., 500, 700n; in Albany procession, 2383, 2445, 2445n; nominated for Assembly, 1368; and Columbia County politics, 1132, 1430; and express system forwarding Mass. news of ratification to NY, 767; as a member of the Albany Federal Committee, 1399; nominated for NY Convention, 1356, 1363; and special ballots at the polls, 1408; supervisor, 1414, 1415, 1416
- -letter from, 1579
- -letter from, cited, 1377
- -letters to, 699-700, 906-7, 913, 1131-32, 1214-15, 1377-79, 1444, 2176-77
- -letters to, quoted, 688, 749, 751, 1219n, 2084-85, 2087, 2354n
- —letters to, cited, 907n, 1169n, 1249n, 1357, 1403, 2353, 2354n
- VAN SANTE, JACOBUS (Albany): endorses Federalist response to 35 Objections, 1400

- VAN SCHAACK, DAVID (Columbia): id., 1132n; and distribution of Mass. Convention *De*bates, 1131
- VAN SCHAACK, HENRY (Mass.), 1249n, 2377; id., 524n-25n; and express system forwarding Mass. news of ratification to NY, 767
- —letter from, 1131–32
- —letter from, quoted, 767
- -letters from, cited, 1169n, 2348n
- -letters to, 519-21, 1208-9, 2348n, 2353-54 -letters to, quoted, xl, xlv-xlvi, xlvi, 507,
- 508, 509, 1131, 1132n, 1875-76
- -letters to, cited, 2031n, 2352, 2353
- VAN SCHAACK, HENRY CRUGER (New York City): id., 1239n
- —letter to, 1237–39
- VAN SCHAACK, NICHOLAS, 1359
- VAN SCHAACK, PETER (Columbia), 1249n; id., 1426n; might withdraw his candidacy for NY Convention, 1431; nominated for NY Convention, 1423, 1428n, 1433; not elected to NY Convention, 1438
- --letters from, 1208-9, 1237-39, 1425-27n, 1431-32, 1437-38
- -letters from, quoted, 1421, 1421-22, 2353
- -letters to, 1432-33, 2376-77
- -letters to, quoted, 767, 1674, 2318n
- —letters to, cited, 1431, 1432
- VAN SCHOONHOVEN, DIRK B. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- VAN VECHTEN, ABRAHAM (Montgomery): id., 601n, 1477, 1478; John Addison tells him that he supports ratification, 1546; distributes Federal Farmer, 1477; drops out of race to be a Federalist delegate, 1478, 1479; votes for as a NY Convention delegate, 1478, 1480
- -letters from, 600-601, 1478
- -letters from, quoted, 206, 1477, 1478
- -letter from, cited, 1479
- VAN VECHTEN, JACOB (Ulster): and controversy over John Addison, 1566; John Addison tells him that he supports ratification, 1546
- VAN VEGHTEN, COLONEL, 1374; in Saratoga celebration (procession) of NY ratification, 2416
- VAN VEGHTEN, LUCAS (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- VAN VLECK, ABRAHAM I. (Columbia): signs Claverack grand jury address, 617
- VAN VLEEKS, MRS. (Dutchess), 2343, 2344

#### CUMULATIVE INDEX

- VAN VRANKEN, MAUS R. (Albany): endorses Federalist response to 35 Objections, 1400
- VAN WIE, WILLIAM (Albany): endorses Federalist response to 35 Objections, 1400
- VAN WOERT, HENRY (Albany): endorses Federalist response to 35 Objections, 1400
- VAN WYCK, ISAAC (Dutchess): nominated for Assembly, 1455
- VANDER HAYDEN, JACOB (Albany): supports Federal Committee slate, 1375
- VANDERBILT, JOHN (Kings)
- in NY Senate, 865; votes, 512, 513, 517, 519, 524, 715, 720, 727
- VANDERVOORT, PETER (Kings, F-Y)
- —in NY Convention, 1468, 1677; election to, 1476; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323
- VANDEWATER, WILLIAM (New York City): meeting of mechanics and tradesmen held at tavern of, 1505, 1511
- VANZANDT, PETER P. (New York City): nominated for Assembly, 1500; nominated for NY Convention, 1500
- VARDILL, JOHN (New York City/England): id., 2077n; lampoons cap of liberty (1775), 2061, 2062
- VARICK, RICHARD (New York City), 103; id., 53n, 1577n; votes in Assembly, 704, 713, 714; leaves New York City for legislative session in Poughkeepsie, 691; nominated as Convention delegate, 1481, 1489; as recorder of New York City gives speech at Fourth of July celebration, 1289n
- —letters to, 1576–77n, 1596, 2359, 2364, 2375–76
- VARNUM, JAMES M. (R.I.): and *Trevett* v. Weeden, 851n
- VAUGHAN, JOHN (Pa.): id., 307; identifies Jay as author of pamphlet, 923
- -letters from, 308, 1345-47n
- -letters from, quoted, 923, 1346n
- —letter from, cited, 307
- —letter to, 308
- -letter to, quoted, 923
- -letter to, cited, 1346n
- VEEDER, NICHOLAS (Albany): supervisor, 1414, 1415, 1416
- VEEDER, VOLKERT (Montgomery, A–N): as an Antifederalist, 601n; and distribution of Antifederalist literature, 896–97, 1477

- —in NY Convention, 1477, 1677; votes for, 1480; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2319, 2323
- VEILE, BARNET [BARENT VIELE; BALTUS VIE-LEY] (Dutchess): Oswego meeting in home of, 1440, 1441n, 1452, 1458
- VERMONT: adopts a constitution, xxxii; attentive to NY Convention, 1301; commerce of dominated by NY, xxxvii, 482, 1295; criticism of Confederation Congress in allowing independence of, 1685-86; as a danger if NY does not ratify the Constitution, 940, 1148, 1204, 1685, 1688, 2141; denial of danger to NY from, 1712; domestic tranquility, 1693, 1696; as example that Confederation cannot maintain domestic tranquility, 1693, 1696; as natural enemy of NY, 2551; if NY had standing army it would have kept, 128; NY cannot secure, 1688; NY determination to settle peacefully, 1738n; NY ready to settle conflict with, 1709; NY's territorial claims anger others, 1337; and opposition to NY's rejection of Impost of 1783, xxxvii; only territorial conflict facing NY, 1709; population of, 2469; praise of people in, 1685; problems with NY, 1695; secedes from NY, xxviii, xxxii, 1150n, 1692, 1697n; has applied to Congress for statehood, 1094, 1095n; will be added as a new state, 1729; will be independent and add to representation in Congress, 1736
- VERNON, JOHN (Albany): in Saratoga celebration (procession) of NY ratification, 2416
- VERNOR, JAMES (Albany): endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- VERPLANCK, GULIAN (New York City): votes in Assembly, 704, 713, 714; nominated for Assembly, 1495, 1496, 1502; elected to Assembly, 1527; nominated for NY Convention, 1512
- VETO POWER, 2070; as check on Congress, 2158; amendment giving it to a council of revision, 183; compared to NY Council of Revision, 1394; criticism of, 198, 285, 1159– 60, 1381; defective without the judiciary being part of the council of revision, 381; defense of, 2073; drafted by R.R. Livingston and incorporated into U.S., NY, and Mass. constitutions, 380–81; in Hamilton's plan, xlix; in Mass. and NY, 986, 1042; only Mass.

- VICE PRESIDENT, U.S.: examination of (summary of Article II), 195; method of election of, 196, 222, 1037, 1141; praise of duties and powers of, 123–24; unclear whether he will have any qualifications, 231; will be chosen by the people, 87–88
- —criticism of: amendment concerning, 2206, 2236, 2251n, 2307, 2312, 2314, 2328, 2331; charge that term of office of can be changed by Congress by law, 295–96; for presiding over Senate, 197, 222, 283, 826, 1262; term of office is uncertain, 196, 288; unnecessary and dangerous, 197, 222, 277
- See also Privy council; Separation of powers VICES: of the people will be represented under new Constitution, 1821
- VICINAGE. See Judiciary, U.S.; Jury trials
- VIOLENCE: Albany Fourth of July fracas, 734, 1193, 1260, 1264-75, 1296, 1298, 1307, 1315, 1315n, 1350, 2098-99, 2115, 2117, 2151, 2391n, 2445n, 2466; burning Hamilton in effigy, 139, 1545; Carlisle riot reported, 585, 1428n; George Clinton and Melancton Smith will be tarred and feathered in New York City, 1241, 1326, 1345; Constitution will help suppress, 736; Constitution burned in Ulster County, 734, 783, 802-8n, 888n, 1188, 1451n, 1545; in Delaware during ratification debates, 2507; denounced for use of in calling Pa. Convention, 76, 77, 162, 165n, 193, 241, 323, 362n, 477, 903, 905n; destruction of Thomas Greenleaf's house, shop and type, lxi, 942, 1334, 1335n; dispute in Convention over fear of if Convention adjourns to consult their constituents, 2186-90; riot in Dobbs County, N.C., 1106-7, 1191; doctors' riot in New York City, 914-16, 964-65, 971, 1326, 1326n, 1510, 1522; does not threaten U.S., 946; effigies burned in Ulster County, 1545; examples of during ratification debate, 2507; fear of in periods of crisis, 262, 1315; fear of will be only way to temporarily check federal government, 468; Federalists threaten use of tar and feathers, 275; freedom of the press stands as a counter expression to rebellion, 811; in Hudson, 1281; in New York City celebration of NY ratification, 2403, 2404, 2406, 2407-10, 2411, 2428, 2438, 2439-40, 2442n; in Pa.'s

Wyoming Valley, 657; life of governor and his party would not be safe in New York City if NY does not ratify, 1314; likely in ratifying Constitution if historical precedent is valid, 602; mobs, 250, 311, 2412; not a good way to form a government, 1256; of political parties in Pa., 478; results when the people govern, 290; riots and rebellion endanger private property, 972; said to be looked for from Antifederalists, 1104; some bloody frays over Constitution in NY, 1202; Stamp Act riots, 1326, 1326n; tarring, 1242; war of words with a few bloody noses, 1437, 1438n. See also Albany, City of, Fourth of July fracas in; Civil war; Insurrections, domestic; Shays's Rebellion

VIRGINIA: will probably call for amendments under provisions of Constitution, 2133-34; called "the ancient Dominion," 1228; Antifederalists in, 36, 360, 1216, 1227-28n; Antifederalists in receive letter from NY Federal Republican Committee, 1198; appointment of delegates to Constitutional Convention, xlv, 211, 507; backcountry of opposes Constitution, 1798; Berkeley County meeting supports Constitution, 180n; and call of second general convention, 1089, 2309, 2459, 2508, 2509, 2513-16; Constitution of excludes clergy from executive and military offices, 985; Declaration of Rights of, 159n, 160n; delegates to Congress from want to approve NY's acceptance of Impost of 1783, xxxviii; distribution of The Federalist to, 1136, 1136n; and equity courts, 1051; Federalist express system between NY and, 737; Patrick Henry wants to split from the Union, 1227-28n; importance of on NY, 746, 1103, 1104, 1119, 1120n, 1126, 1128-29, 1136, 1138, 1138n, 1139, 1139n, 1152, 1168, 1209n, 1210, 1222, 1226, 1235, 1240, 1245, 1263, 1308, 1314, 1334, 1346, 1528; an importing state that will lose from an excise tax, 1994; as a large state, 244n, 1736; leading citizens in divide over Constitution, 360; legislature of instructs delegates to Congress, 65-66; legislature of seeks interstate cooperation to obtain amendments, 1097; militia of during Revolution, 2262, 2264n; news of N.H. ratification sent to, 1234, 1235n, 1350, 2084; N.H. beats Va. as ninth state to ratify, 1260; N.C. will follow, 1153; parties are evenly split as well as abilities, 1094; party spirit in, 1227-28n; praise of Senate of,

1891; S.C.'s ratification might influence, 1128; staggered elections for state senators in, 986

- -Convention of: address to by Tench Coxe, 1109, 1110, 1110n, 1139, 1140; adopted Constitution after much opposition and address of minority rejected, 2195; amendments to Constitution in, 1193, 1216, 1252, 2127n, 2142n; call of, 360; convenes, 1669; evenly divided, 1797; Federalists in praised for their humility, 1216; Federalists in also support amendments to Constitution, 1193; first to consider conditional ratification, 2292, 2297n; Form of Ratification of, 1192, 1216, 1220n; Hamilton asks Madison to send news of decision of, 1103; how delegates in will vote, 1190; impact of on NY Antifederalists, 2348n, 2350-51, 2359, 2366, 2476, 2478-79; information from, 1203; letters from Va. Antifederalists in to NY Antifederalists, 1795, 1796n, 1796-1801n; meets, 1097, 1124, 1205, 1210, 1227-28n, 1584, 1669; minority in willing to give new government a chance to succeed, 2462; NY Convention wants to communicate with, 1091; NY Convention will not vote before, 1704; was first to recommend seceding from Union, 2292, 2297n; spectators in, 1216-17; use of word "expressly" in a draft amendment concerning powers reserved to states, 2248
- —prospects for ratification by: evenly divided, 1094; expected to be ninth state, 1228; hope for a slim margin in favor of, 1229; hope it will ratify, 1127, 1128, 1128–29; hope it will reject, 611; unfavorable, 1226n, 1228–29, 1557; will probably ratify with recommendatory amendments, 1126, 1152, 1234, 1235n; will ratify, 901n, 1095, 1102, 1119, 1120n, 1137, 1149, 1169, 1174, 1174n, 1190, 1192, 1197, 1204, 1228, 1229, 1230, 1235, 1241, 1244, 1246, 1528, 1704, 2349n; will reject, 895; uncertainty of, 35– 36, 67–68, 424, 746n, 786, 843, 1104, 1129, 1225–26, 1226, 1669
- —ratification by, 1125, 1150, 1247, 1248, 1249n, 1293, 1295, 1342, 1343, 2348n; celebrated in Albany, 1269n, 1272n, 1274; celebrated in Boston, 1323; celebrated in New York City, 1169, 1215, 1242, 1243, 1247, 1249–50, 1274, 1618; celebrated in Philadelphia, 1169; celebrated in Poughkeepsie,

1217, 1218, 2080; circulation and publication of Va. amendments in NY, 2252n; congratulated, 2116; has disappointed Antifederalists in, 2114; effect of decision on federal securities, 1128, 1129n; ends hope that ratification could be adopted with previous amendments, 2283; ensures tranquility, 1297; Form of Ratification prefaced by bill of rights, 1216; Form of Ratification with amendments printed in NY newspapers, 2175n; Hamilton's plan for ratification similar to Va.'s ratification, 2087, 2175, 2175n, 2176; has had no effect on the NY Convention, 1297, 1298, 1352; impact of on NY Convention, 1297, 1876, 2084, 2084-87, 2099n, 2106, 2252n, 2349, 2349n, 2363, 2364, 2371, 2433, 2434, 2504; importance of, 736-37, 1130, 1139, 1150, 1171-72, 1203, 1208, 1225-26, 1334, 1351; influence of amendments of on NY amendments, 2364, 2407, 2439; not influencing Antifederalists in NY Convention, 2083-84, 2093, 2371; printed in NY with promise of recommended amendments, 2086-7; toasted in NY, 1281, 1283, 1284, 1287; vote count on. 2083-84; with recommendatory amendments, 1214, 2087, 2216n, 2296n, 2507; will cause NY Convention to adjourn without ratifying, 1230, 2359

- news of ratification by arrives in: Albany, 1211, 1214, 1215, 1264, 1265, 1266n, 1268, 1272, 1272n, 1274, 1296; Alexandria, Va., 1350; N.H., 1351; Boston, 1323; New York City, 1192, 1232n, 1243, 1247, 1248, 1251, 1260, 1284, 2362; NY awaiting good news from, 1210; Poughkeepsie, 1210–17, 1217– 19, 1672, 2078n, 2080, 2082, 2083n, 2083– 84, 2084, 2098–99
- See also Southern States
- VIRGINIA, GOVERNOR OF
- -letter to, 2530
- VIRGINIA HOUSE OF DELEGATES: rejects a provision to provide for a second general convention, 2502
- VIRGINIA LEGISLATURE
- —letter to, cited, 2502
- VIRGINIA PLAN: in Constitutional Convention, 454, 1084n
- VIRTUE, 1256, 1361; ambition as a noble passion, 399–400; in American Revolution fighting for rights, 1428, 1836; Americans possess, 240–41; Antifederalists lack, 70, 561; aristocracy had no empathy for the poor, 1781; Articles of Confederation the

product of wise and virtuous men, 1720; call for freemen to be virtuous when considering Constitution, 337; no class is without, 1772, 1777, 1779; of Cincinnati in private life should equal their valor in the field, 1282; Constitution combines with energy and wisdom, 63; Constitution will promote, 51, 134, 397, 652, 867, 1307, 1514, 1608, 1614; corrupt people lead to a corrupt government, 248-49; danger of loss of in America, 483; debate over Constitution important to, 957; delegates to NY Convention must have, 1362-63, 1366, 1371, 1373, 1488; delegates to NY Convention have, 1683; denial that society is licentious, 945; desire for government administered by the better sort, 787; Dutchess County Antifederalists have, 1446; with good sense and reputation will ennoble Americans, 64; expected of leading figures, 15; Federalist candidates for NY Convention have, 1362; Federalists candidates with should be elected to NY Convention, 1366; Federalist cause, 1434; Federalists in NY described as virtuous, 769, 1429; framers of Articles of Confederation had, 1836; happiness will result from, 1429; hope that it will outweigh envy, malice, and uncharitableness, 932; justice is the queen of, 1650; lack of under popular liberty of democracy, 397; liberty and happiness diminishes as public virtue decreases, 452; lordly faction in NY opposes, 19; luxuries are foe of, 277; man should stand up for what is just, but stay within his sphere, 575–76; may it prevail, toasted (Albany procession), 2390; men of will be elected to Congress, 802; natural aristocracy possesses, 1811-12; needed, 15, 842; needed for good government, 567; needed to maintain Union under Constitution, 438; New England lacks, 248; noble and virtuous mind to examine Constitution, 106; not sown by seeds of vice, 937; of the ancients is not needed in an extended republic, 331; paper money policies of states lack, 1147; people have strong and manly habits, 238; people must elect good men, 993, 1312; praise of Constitutional Convention for, 151, 770; praise of freedom of a virtuous mind, 755-56; in preventing corruption in obtaining offices, 1028; public virtue restored, 1622; and classical republic, 355; the principle of republics, 172, 398, 399-400; radicalism of state legislatures violating rights had ill effect on national morals, 57–58; in ancient Rome, 328; rotation in office works against, 1845; satirical piece stating that the people are void of, 404; some state laws are incompatible with morality and destructive of good faith, 362; Sparta failed despite being founded on, 172; symbolized in the New York City procession, 1642; toasted by New York City prisoners, 1620n; toasted in Jamaica, NY, 1282; toasted in Lansingburgh, 1284; virtuous people make good laws which preserve virtuous people, 989; will be absent from federal capital, 197; Yates and Lansing lack, 676

- VISSCHER, BASTIAN (Albany): nominated for NY Convention, 1365
- VISSCHER, MATTHEW (Albany): id., 1363n; as a member of the Albany Anti-Federal Committee, 835; as clerk of Albany County, 1415; as clerk of the Albany Anti-Federal Committee, 1363, 1372, 1384
- —letter from, 1417–18
- -letter from, cited, 1358
- VISSCHER, TEUNUS (Albany): endorses Federalist response to 35 Objections, 1400
- VROOMAN, ISAAC (Albany): nominated for Assembly, 1368
- VROOMAN, PETER (Albany, A–A): id., 1122n; in Assembly votes, 515
- —in NY Convention, 1676; urged to draft amendments for, 1121; as Antifederalist did not vote on ratification and did not sign circular letter, 2337n; elected delegate, 1356, 1416; election certificate, 1416; nominated as delegate, 1370, 1380; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261; paid wages as delegate, 2500; should be urged to stay for entire session, 1207; traveling to, 1172
- —letter from, 1418n, 2500
- "W. M.": text of, 1366-67
- "W. W." (2 items): text of, 1246; text of An Ode, 2392–94
- WADSWORTH, JAMES (Conn.), 610; id., 612n; and distribution of Federal Farmer in Conn., 612n; receives Antifederalist literature from NY, 611; speech of in Conn. Convention, 612n; does not speak in favor of NY circular letter in Conn. House of Representatives, 2508
- WADSWORTH, JEREMIAH (Conn.): id., 603n, 1582n

- —letters from, quoted, 612n, 1575
- -letter from, cited, 609n
- -letters to, 602-3n, 1214, 1580
- —letters to, quoted, xxxix, 563–71, 688, 1209n, 1220n, 1235
- WALKER, BENJAMIN (New York City): nominated as Convention delegate, 1485
- WALKILL, ULSTER COUNTY: campaigning in, 1564
- WALLACE, BENJAMIN (Albany): endorses Federalist response to 35 Objections, 1400
- WALLS, JOHN (New York City): nominated for Assembly, 1496
- WALSH & STAATS (Albany): supports Federal Committee slate, 1375
- WALTON, GEORGE (Ga.), 55
- WALTON, GERARD (New York City): id., 1438n; to send NY Convention notes to his nephew, 1437, 1438n
- WALTON, HENRY (England): id., 1438n
- —letter to, 1437–38
- WAR: caused by structure of ancient confederacies, 1726; can lead to military state, 270n, 1038; central government needs broad tax powers to pay for, 1992, 1996; conducted by Great Britain before the Revolution, 930; Confederation Congress cannot stop, 1690; Constitution will discourage, 867, 1664; could occur if treaties are not enforced, 1690; danger from if Constitution is not ratified, 1207, 1685, 1701, 2135; danger of with Spain over Mississippi River, 2070, 2071; defensive is only justifiable, 567; energetic federal government needed to avoid, 362; governments need to borrow money during, 1942, 1947, 1945, 1951, 1957, 1993, 2044, 2071; Indians too weak to mount full-scale war against U.S., 570; inevitable among countries, 1682; many resources may be needed to fight, 1956; may be outcome of NY Convention, 1494; Northwest posts not worth a war with Britain, 1706; NY will be seat of when it happens, 1690, 1724; other states will not resort to if NY does not ratify, 948, 1713, 1720; possible between Great Britain and France, 250, 311, 378, 578, 602, 609, 1087; possible if Union fails, 38; possible if U.S. fails to repay loans, 1694; republics not interested in war of ambition, 2076; required to collect requisition from delinquent states, 1731; requisition system could be suspended during, 2027; some states would

be overrun before late taxes would be raised, 1951; states that will be seat of will favor Constitution, 1946; states will get U.S. involved in, 1686; states would decide which war to support with troops, 1693; treaties might get U.S. into in Europe, 420; U.S. should avoid being involved in for glory, 567; U.S. will be involved in wars in Europe under Constitution, 135; will be promoted by restraints on power to borrow money on credit of U.S., 2070. *See also* Army; Army, standing; Civil war; Foreign affairs; Insurrections, domestic; Invasion, foreign; Military; Militia; Navy

- WAR POWER: amendment proposed that Congress needs two-thirds majority to declare war, 2109, 2124, 2238, 2268, 2268-69, 2276, 2314, 2331, 2547; central government must have, 213, 223, 1822, 1825; Confederation Congress has, 363, 930, 948, 1812-13, 1817, 2054; Congress alone should be able to declare, 1686, 1853; Congress possesses such power, 1874n; Congress would support a defensive war, 2077; Constitution provides for declaration of war, 2159; corruption possible in declaring war, 2074, 2075, 2076; defense of, 2075-76, 2076; government entity charged with should not have all power, 1065; implied power from common defense, 1964; power to declare is dangerous in hands of Congress, 1783, 1872, 2075; power to declare possessed by Congress and not by Senate alone, 1849; power to declare never possessed by states, 440; power to declare rests with Senate, 1852; power to declare will be popular enough to get the war declared, 2073; President's authority over criticized, 198; sectionalism might make it hard to declare, 2070; Senate does not possess, 1874n; as sovereign power of government, 189; states do not have but central government does, 1781, 1827; states limited under Articles of Confederation, 984; takes nine states to declare under Articles, 1824, 2078n. See also Army, Army, standing; Military, Militia; Navy; President, U.S.; Taxation, purse and sword
- WARD, STEPHEN (Westchester): id., 1505n; as Antifederalist candidate for NY Convention, 1579n; as defeated Antifederalist candidate for NY Convention, 1579; nominated for Senate, 1494, 1495, 1502, 1504; votes in Senate, 512, 513, 524; said to be an

<sup>-</sup>letter from, 1320

Antifederalist and thus should not be nominated as a state senator, 1505

- WARD'S BRIDGE, ULSTER COUNTY: id., 1546n; Peter Van Gaasbeek campaigning in, 1545– 46
- WARFARHT, FREDERICK (Albany): in Albany procession, 2388
- WARNER, GEORGE (New York City): and New York City procession, 1645
- WARNER, JOSIAH (Columbia): signs Claverack grand jury address, 617
- WARRANTS: amendment proposed requires, 2120; proposed bill of rights requires, 2111; Americans traditionally protected from broad, hasty and unreasonable, 159n, 235; Constitution should require oaths or affirmation before being issued, 157; Constitution will encourage use of general warrants, 135; men entitled to be protected from unreasonable warrants, 1057–58. See also Search and seizure
- WARRANTS, GENERAL: amendment proposed prohibits, 2111–12, 2120, 2201, 2236, 2246, 2306, 2328
- WARREN, JAMES (Mass.): praise of hero of American Revolution, 2447, 2448n; thought to be author of A Columbian Patriot, 894
- —letter to, 1566
- —letter to, quoted, xxxvii, 1210n
- WARREN, MERCY OTIS (Mass.): as author of A Columbian Patriot, 894, 1388. See also "A Columbian Patriot"
- WASHINGTON, GEORGE (Va.), 654; id., 35n; Americans should ratify Constitution because he supports, 392, 563, 626, 680, 760; Americans should not ratify the Constitution merely because he favored it, 1109; Antifederalists say he will be a king, 439: celebrates Va. and N.H. ratification in Alexandria, 1214; critical of NY circular letter, 2505; criticism of as slaveowner, 273; criticism of Cato's attack on, 71; defense against charges he will be a despot, 99; example of ability of Americans to govern themselves, 975; and Fabius series by John Dickinson, 1345-46, 1346n; called a great and good man, 563, 1040, 1084n, 1306; and George Mason's objections, 339; is sent first number of Publius, 36; on Mass. ratification, 1180; and miniature ship Federalist from Baltimore's procession, 1192; should

occupy Northwest forts when British evacuate, xxxv; a possible reference to by Mirabeau, 2550, 2559n; praise of, 177, 247, 860, 1608, 1613, 2196, 2197, 2447, 2447n, 2488, 2559n; praise of Federalists for publicly defending, 301; publication of letter declaring a second convention to be fruitless, 2503; receives copies of Publius, 36, 2461, 2462n; receives copy of Gov. Jonathan Trumbull's farewell address, 920; reported to be willing to serve in Va. Convention, 780, 781n-82n; unsuccessful in getting states to comply with requisitions, 2041, 2043; sent copy of A Citizen of New-York by Jay, 963; somewhat aristocratical, 855; supports Constitution, 2196, 2197; trust in him is right, 15; will be the first president under Constitution, 54, 71, 83, 610, 771, 1040, 2456, 2487-88

- —as commander-in-chief, xxvi, xxvii, 920, 1980, 2006n, 2007n; charge that he dismissed Hamilton during Revolution, 11, 31, 34–35, 35; called the American Fabius, 71, 80, 82; described as a patriot as well as a general, 654; circular to the state executives (June 1783), 1301, 1302n, 1429, 2038, 2040, 2044, 2047, 2544; thwarts Newburgh Conspiracy, 646, 654, 658
- —in New York City procession: depicted, 1634; honored, 1586, 1592, 1613, 1616, 1634, 1638, 1640, 1643; Joseph Wright transparency of, 1288, 1619n
- —in Constitutional Convention: appointed to, 211; deceived into signing Constitution, 61, 308, 352; defense of, 855–56; discounts Antifederalist assertion he had been duped, 65; gains luster by the work of the Constitutional Convention, 63; on representation in the U.S. House of Representatives, 1001, 1083n, 1809, 1828n-29n; praise of past role and role in, 680; praise of as signer of Constitution, 151; as president of, 13, 120, 539; signer of Constitution, 2216n; used by, 855
- -diaries of, 2462n
- —letter from as president of Constitutional Convention: printed, 42–47; quoted, 51, 83, 526–27, 560, 561n, 936, 940, 2150, 2151
- -letters from, 35-36, 1233, 2446, 2456-57, 2461-62, 2462-63
- —letters from, quoted, xxvi-xxvii, xlvii, 177, 181n, 746n, 760, 853n, 901n, 920, 923, 926-27, 927, 1120n, 2007n, 2506-7

- —letters from, cited, 11, 307, 748, 1119n, 1120n, 1346n, 1350, 2349, 2349n, 2432, 2453–54, 2454n, 2459, 2463n, 2473n, 2505, 2506
- —letters to, 34–35, 36, 67–68, 85, 148, 696– 97, 730, 746, 852–53, 963, 1110, 1119–20n, 1221–22, 1226n, 1331–32, 1350–51, 2114– 15, 2227–28, 2286, 2349, 2431–32, 2453, 2453–54, 2459–61, 2472–73
- —letters to, quoted, xxix-xxx, xxx, xl, xlvii, 11, 139, 307, 688, 749, 798-99, 924, 1119n-20n, 1672, 1876, 2085, 2462n, 2506
- —letters to, cited, 57, 160, 768, 923, 2008n,
  2216n, 2218n, 2219n, 2227n, 2345n, 2349n,
  2374n, 2446, 2446n, 2456, 2461, 2471n,
  2505, 2506, 2507
- -toasted in, 771, 1621; Albany procession, 2390; Ballstown, 2395; Brooklyn, 1275; Dover, Dutchess County, celebration, 2396; Flushing celebration, 2397; Fredericksburgh, NY, 1278; Fredericksburgh and Southeast, NY, 1279; Half Moon District celebration, 2399; Hudson, 1280-81; Jamaica, NY, 1281; Lansingburgh, 1283; Newburgh celebration, 2415; New York City, 1287, 1288, 2470; New York City procession dinner, 1657; Plymouth, Mass., celebration, 2423; Poughkeepsie Fourth of July celebration, 1291; Red Hook celebration of NY ratification as president of Constitutional Convention, 2416; Saratoga celebration, 2417; Schenectady celebration, 2418; Smithtown celebration, 2419

See also Great men and the Constitution

WASHINGTON COUNTY: Albany County Antifederalists campaign in, 1388; Antifederalist elect assemblymen in, 1574; Antifederalists elect Convention delegates from, 1573–74, 1574, 1581; Antifederalist literature distributed in, 562, 896–97, 898; favorable prospects for Antifederalists in, 898, 1121; population of, 550

WATCH MAKERS: in Albany procession, 2385 "WATCHMAN": text of, 912

- WATERFORD, ALBANY COUNTY: women of Half Moon District and Lansingburgh celebrate NY ratification in, 2398, 2400–2401
- WATSON, MATTHEW (Albany): endorses Federalist response to 35 Objections, 1400
- WATTS, JOHN, JR. (New York City): and New York City procession, 1633, 1652; nominated for Assembly, 1496, 1505, 1512n; elected to Assembly with vote results, 1527;

and Federalist campaigning in Duanesburgh, 1367; signs Scotsmen address endorsing Constitution, 1404

- WEALTHY GENTLEMEN: and New York City procession, 1610
- WEATHER: intense heat, 1311; wet season in NY, 1128–29; winter not as severe as previous one, 428

WEAVERS: in Albany procession, 2386

- WEBB, SAMUEL BLACHLEY (New York City): id., 609n; ankle injury, 1222; as delegate to general convention of the Cincinnati, 1287; distributes One of Yourselves, 1516–17; distributes John Jay's pamphlet, 923, 924; and Doctors' Riot, 916, 1510, 1522; as master of ceremonies of Society of Cincinnati meeting, 1250; travels from Poughkeepsie to New York City, 1243n, 1249
- —letters from, 608–9, 626, 964, 1222–23, 1243–44n, 1249–50, 1293–94, 1314, 1331, 1509–10, 1510, 1522–23, 1525, 1619–20n, 1975–76, 2403–4
- —letters from, quoted, 139, 688, 748, 750, 751, 768, 799–800, 916, 924, 1481, 1587
- —letters from, cited, 926, 1223, 1285n, 1293, 1584
- -letters to, 731, 1086, 1296, 2175-76
- -letters to, quoted, 690, 926
- -letters to, cited, 1510, 1522
- WEBKING, ROBERT H.: on authorship of Federal Farmer, 205
- WEBSTER, ALEXANDER (Washington): votes in Assembly, 704, 705, 713; and distribution of Antifederalist literature, 896–97; elected to Assembly, 1574; chair of Assembly committee of the whole, 2516
- WEBSTER, CHARLES R. (Albany), 2444; id. as printer, 793n; admonished to be a good printer and avoid publishing slander, 792-93; in Albany procession (newspaper printer), 2386; endorses Federalist response to 35 Objections, 1400; Federalist partiality of, 2464; praise of, 755; as printer of Albany Gazette and Albany Journal, lxiii, 46, 679, 679n, 734, 754, 800, 834, 835, 1266n, 2391n; prints Constitution in Dutch and German, 46, 902n; as printer of Anti-Federal Committee broadsides, 1369n, 1372n, 1373n, 1385n, 1388, 1407n, 1408n, 1412n; probably printer of broadside Schenectady Farmer, 1402n. See also Newspapers, New York, Albany Gazette and Albany Journal

- WEBSTER, GEORGE (Albany): as printer of Albany Journal, lxiii, 46, 1266n, 2391n; in Albany procession, 2386. See also Newspapers, New York, Albany Journal
- WEBSTER, NOAH (New York City): id., 484–85, 553; as An American, 1113–15n, 1181; as A Citizen of America, 787–90; as editor of American Magazine, lxii, 142, 1632; as Giles Hickory, 4, 553–56, 639–44, 738–45n, 1177; criticism of essays by, 671n; objects to congressional regulation of elections, 493n; praise of his pamphlet An Examination into the Leading Principles, 380, 380n; author of America, 4, 478, 484–94n; writes response to Dissent of Minority of Pa. Convention, 478; writings of answered by Samuel Osgood, 669, 671n
- —diary of, 1604
- -diary of, quoted, 1587, 1615, 1630-31
- -letter to, 1626-27
- —letter to, quoted, 1631
- —reviews of: Federal Farmer, 206–7, 978, 1082n, 1083n; *The Federalist* Vol. 2, 1117; John Jay's pamphlet, quoted, 924; Pa. Convention Debates, 907n; A Plebeian, 943, 971–72
- See also Magazines, New York, American Magazine; Newspapers, New York, American Magazine
- WEBSTER, PELATIAH (Pa.): as author of Federalist pamphlets, 830n; as a creature of Robert Morris, 779, 781n; criticism of *Remarks on the Address of Sixteen Members of the Assembly*, 779, 781n; criticism of *The Weaknesses of Brutus Exposed*, 779, 781n; mention of pamphlet of opposing congressional regulation of federal elections, 828
- WEIGHTS AND MEASURES: Congress has power to regulate under Articles of Confederation, 984; federal government will legislate for regulating, 1070; praise of Constitution's powers over, 637; should be left to federal government, 213, 223
- WENDELL, ABRAHAM H. (Albany): endorses Federalist response to 35 Objections, 1400
- WENDELL, CORNELIUS (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; nominated for NY Convention, 1365
- WENDELL, HENRY (Albany): endorses Anti-Federal Committee's objections and nominations, 1385
- WENDELL, JACOB H. (Albany): nominated for NY Convention, 1365

- WENDELL, JOHN H. (Albany): in Albany procession, 2383; endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- WENDELL, JOHN W. (Albany): endorses Anti-Federal Committee's objections and nominations, 1385; nominated for NY Convention, 1365
- WEST INDIES: French, Spanish, and British islands closed to American commerce, 930– 31; commerce will open with under Constitution, 86, 1539. *See also* Commerce; Slave trade
- WEST POINT, NY: strategic importance of during American Revolution, 2196, 2216n-17n
- WESTCHESTER COUNTY: Antifederalists active in, 1575, 1580; Antifederalist literature distributed in, 896–97, 898; assemblymen vote across party lines, 1575; election of Convention delegates for, 1123, 1575–79; Federalists elect Convention delegates from, 1575, 1579, 1581; people said to have an Antifederalist tincture, 1575, 1576; population of, 550; prospects look good for Federalists in, 1378, 1437, 1581; will stay in Union if NY rejects Constitution, 1353
- WESTENHOOK PETITION, 1426, 1427, 1427n; unites Federalists in Columbia County, 1431
- WESTERLO, EILARDUS (Albany): id., 1274n, 1315n; and Albany Fourth of July fracas, 1273
- -letter from, cited, 1315, 1315n
- —letter to, 1315
- -memoirs of, 1350
- -memoirs of, quoted, 1274n, 1350n
- WESTERN LANDS: Americans move to from eastern settlements, 298, 763, 763n; and British-held forts in Northwest, xxxiv-xxxv, 88, 134, 151, 1199, 1201, 1208-9, 1396, 1402, 1685, 1695, 1696, 1698n, 1701, 1706, 1709, 1724, 2038, 2040; commerce will connect it with NY, 1691; conflict between Atlantic states and, 1341; Congress encourages states to cede, xxxiii; cultivation of under Constitution will give U.S. large agricultural surplus, 124; danger of Indians, 656, 1685, 1688; emigration to if Constitution is not adopted, 763; expansion into will benefit from ratification of Constitution, 2393; and Ga. 1997, 2008n; Great Lakes as U.S. boundary, 1306; in South will soon be heavily populated, 238; land speculation in, 367n; Mass. ownership of western

NY, xxxiii, li, 868n; may be given away by treaties, 420; more likely to be restored from British under a general firm government, 1199; NY cedes to Congress, xxxiii; NY has that will expand agriculture, 1994; and NY after the Revolution, xxxiii-xxxiv; NY denied authority to raise troops to capture Northwest forts from British, 622n-23n; NY's territorial claims anger others, 1337: and ramification of ratification by fewer than thirteen states, 236-37; sale of by Congress causes government certificates to rise, 77-78, 78n; sale of to pay public debt, 78n, 193, 209, 369, 569, 947, 1684, 1688, 1691; will be divided into independent states and add to representation in Congress, 1736; will be granted to federal officeholders under Constitution, 824

- WESTERN RESERVE: and Society of the Cincinnati claims to land, 367n
- WESTERN STATES: and location of federal capital, 2453–54, 2457, 2460, 2460–61, 2461; oppose New York City as federal capital, 2453–2454; would not ally with NY if Union collapsed, 1685; sectionalism of might make it hard to borrow money needed to wage war, 2070, 2071. *See also* Separate confederacies

WHEEL WRIGHTS: in Albany procession, 2386 WHIG SOCIETY, 32, 33n

- WHIPPLE, COLONEL (R.I.): and Providence celebration of NY ratification, 2425
- WHITE, MRS. (New York City), 1293
- WHITE, ANTHONY WALTON (New York City): id., 1569n; and New York City procession, 1599, 1633
- WHITE, CHARLES (New York City): and New York City procession, 1649
- WHITE SMITHS: and New York City procession, 1586, 1599, 1639-40, 1663
- WHITING, WILLIAM B. (Columbia): and distribution of Antifederalist literature, 896–97
- WHITEHILL, ROBERT (Pa.), 477
- WICKES, THOMAS (Suffolk), 1537, 1538; and distribution of Antifederalist literature, 896–97
- WICKHAM, THOMAS. See Wickes, Thomas
- WIGRAM, JOHN (Columbia): campaigning for Federalists, 1435
- WILCOCKS, WILLIAM (New York City): appointed election inspector, 1494
- WILEY, WILLIAM (New York City), 610, 612n

- WILKINSON, EDWARD (New York City): commands pilot boat in the New York City procession, 1646
- WILL, HENRY (New York City): id., 1506n; as chair of New York City German meeting, 1506
- WILLETT, ELBERT (Albany): supervisor, 1414, 1415, 1416; endorses Federalist response to 35 Objections, 1400; supports Federal Committee slate, 1375
- WILLETT, MARINUS (New York City): id., 50n; as Antifederalist candidate for NY Convention, 1481; as Antifederalist leader, 68, 611; attends NY Antifederalist Society meeting as chairman, 2475; and distribution of Antifederalist literature, 896–97; as hero during Revolution, 612n; and New York City procession, 1245; nominated as NY Convention delegate, 1483, 1495, 1502, 1503, 1506n; nominated for Assembly, 1494, 1495, 1496, 1500, 1502; said to have become a Federalist, 1581; salary of paid by state impost, 610; voting results for in New York City, 1525–26, 1529n
- -letter from, 50
- WILLIAM V (The Netherlands), 2539, 2545n
- WILLIAMS, CHARLES (New York City), 610, 612n
- WILLIAMS, JOHN (Washington, A–N), 397n; id., 500; and distribution of Antifederalist literature, 896–97; said to start advocacy against the Constitution, 1573, 1573n
- -in NY Convention, 280n, 281n, 1573, 1677; on way to, 1172; argument with R.R. Livingston in NY Convention, 1297-98; capitation tax in Hamilton's amendments directed to, 2183n; defends Articles of Confederation, 1795n; elected, 1574; Federalists believe someone wrote his speech, 1794n, 1796; motion of to make President eligible for every eight years in twelve, 2265, 2566; proposes amendment to Constitution in NY Convention, 1975n, 2014n, 2029, 2031; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2269, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; as a supporting speaker, 1671, 2012, 2360; speeches, 1745-48, 1917-20, 1935-39, 2017-18, 2063-64, 2065, 2152, 2174, 2183, 2190, 2232, 2265; speeches of, cited, 1743, 1744, 1795n, 1920, 2016, 2150; speeches of, described, 2079-81, 2081, 2082, 2083-84; speeches of, response to,

1769, 1770, 1940–41, 1984, 1992, 1994, 2049, 2050, 2052, 2054; voted for motion changing "upon condition" to "in full confidence" in Form of Ratification, 2282n

- —in NY Senate, xlvii, 512, 720; speeches of, 513, 514, 716, 717, 718, 720, 722, 723, 724, 726, 726–27; votes, 512, 513, 524, 715, 720, 727
- —letter from, 673–74n
- -letters from, quoted, 727n, xxxvii
- —letters from on Constitution, 858, 860n, 1184; response to, 862–64
- —letter to, 2455
- WILLIAMS, OTHO HOLLAND (Md.): id., 1139n —letter to, 1139
- —letter to, cited, 1153n
- WILLIAMS, WILLIAM (Conn.), 366, 367n
- WILLIAMSON, HUGH (N.C.): id., 814, 1102n; description of, 1102; and Dobbs County, N.C., riot, 1191; predicts N.C. will ratify, 1102; in Constitutional Convention on representation, 1828n
- -letters from, 1295-96n, 1347, 2430
- -letters from, quoted, 1106, 1659n
- WILMINGTON, DEL.: as potential U.S. capital, 1251, 2452
- WILMINGTON, N.C.: celebration of NY ratification in, 2426
- WILSON, JAMES (Pa.): accused of being a federal office seeker, 368, 370, 599; accused of sophistry, 161; charged with being bought by others because of his desperate financial condition, 370, 372n; Cincinnatus criticizes address by, 625, 678, 788, 790n; criticism of as author of Constitution who defends his offspring, 599; criticized as a member of Pa. aristocratic party, 320-21; criticized for advocating standing army, 321-22; differs with Robert Morris over Confederation financial program, 368-69; hopes to rebuild his shattered fortune with a federal office, 370; in Pa. ratifying Convention, 480, 482n, 780, 782n, 1298n; reference to his statement that Constitution was a matter of accommodation, 292; reference to speech of responding to Centinel essay, 352; rejection of his theory of reserved powers, 156, 158, 162, 168, 200, 265; on republican government in large territory, 2020, 2537; reserved power theory of, 131; response of A Republican to, 130-33; satirical praise for, 405, 405n-6n; speech of said to be mistaken but Antifederalists condemned for

their attacks on, 264–65; speeches in Pa. Convention, 1764, 1794n, 2028n; spurious letter to James de Caledonia, 1184, 1185; tax proposals of in Confederation Congress, 571n

- -letter from, quoted, 1139n
- —speech of 6 October 1787, 101n, 102, 600n, 1052, 1085n; NY reprintings, 5, 84–85; purpose of, 130; quoted, 131, 405n–6n, 475; responses to, 154–60n, 160–65, 168, 192, 199–203n, 233, 257–62n, 281–87, 319– 27n, 367–72n, 479–80, 482n, 1059
- -Fourth of July oration in Philadelphia, 1193
- See also Bill of rights; Delegated powers; Press, freedom of the
- WILSON, WILLIAM (Columbia): id., 1423n; appointed a county judge, 1427, 1429
- -letter from, 1423-24n
- WILSON, WILLIAM (New York City): signs Scotsmen address endorsing Constitution, 1404
- WILTSE, MARTIN (Dutchess): nominated as Convention delegate, 1440, 1455, 1456; defeated as Convention delegate, 1466
- WIMPLE, DR. (Conn.), 1293
- WINANT, PETER (Richmond): votes in Assembly, 704, 713, 714; as Federalist assemblyman, 1533
- WINDSOR AND RUSH CHAIR MAKERS: and New York City procession, 1599, 1641
- WINGATE, HANNAH (N.H.)
- -letter to, quoted, 1324n
- WINGATE, PAINE (N.H.), 1297; id., 1582n, 2372n
- -letters from, 1580-81, 2372
- —letter from, quoted, 1324n
- -letter to, cited, 1297n
- WINN, JOHN (Montgomery, A–N): as an Antifederalist, 601n; votes in Assembly, 704, 713, 714
- —in NY Convention, 1477, 1677; assertion that he will move for an adjournment, 2233, 2233n; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2313, 2319, 2323
- WINNE, BENJAMIN (Albany): in Albany procession, 2387
- WINNE, JACOB (Albany): endorses Federalist response to 35 Objections, 1400
- WINNE, JELLES (Albany): endorses Federalist response to 35 Objections, 1400

WINTHROP, JAMES (Mass.): as Agrippa, 1183

- WISNER, HENRY, SR. (Orange, A–N): id., 2325n; elected to Assembly with vote totals, 1530; votes in Assembly, 704, 705, 713, 714
- —in NY Convention, 15<sup>3</sup>0, 1677; elected delegate, 1530; receives more ballots for Convention than Assembly seat, 1354–55; explains why he did not vote to ratify Constitution, 2323; in roll-call votes, 2199, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2312, 2319, 2323; speech of, 2323; voucher for paying as delegate, 2501
- WITBECK, GERRIT (Albany): in Albany procession, 2383; endorses Federalist response to 35 Objections, 1400; among those most hurt in Albany Fourth of July fracas, 1268
- WITBECK, THOMAS L. (Albany), 2444; as a member of the Albany Federal Committee, 1375, 1399; and Albany Fourth of July fracas, 1268, 1269n, 1270, 1272; praised as an assistant marshal of Albany federal procession, 2390
- WITNESSES, RIGHT TO CONFRONT: amendment proposed provides for, 2119, 2200, 2235, 2306, 2327–28; Constitution should have guaranteed, 157; examining of is traditional American right, 235; protected in America, 985; right to, 1057; state bills of rights guarantee, 156; proposed bill of rights provides for, 2111
- WOLCOTT, ERASTUS (Conn.), 366, 367n
- WOLCOTT, OLIVER, JR. (Conn.): id., 1320n, 1337n
- —letters to, 1320, 1337–38n
- -letter to, quoted, 194n-95n
- WOLCOTT, OLIVER, SR. (Conn.): id., 1337n
- —letter from, 1337–38n
- —letter from, quoted, 194n–95n
- WOMEN: as audience for NY Convention debates, 2067; of Half Moon District and Lansingburgh celebrate NY ratification, 2400– 2401; oppressive federal taxes will reach their domestic concerns, 469; and reading the American Magazine, 641; said to be having hard times because of few marriages, 765; and New York City procession, 1586, 1626–27, 1655, 1660n, 1665; of New York City saluted President of Congress and his wife, 1288, 1290n; should disesteem Antifederalists, 1276; should favor Constitution, 1276; should participate in politics, 1293; should not be represented, 417, 418–19; support the Constitution, 557

- —toasted: female friends of America toasted in Saratoga celebration of NY ratification, 2417; at Flushing, 2398; at Poughkeepsie Fourth of July celebration, 1291; by New York City prisoners, 1620n; in New York City, 1287, 2470
- WOOD, GORDON S.: on authorship of Federal Farmer, 205
- Wood, John (Orange, A–N): id., 808n; as committeeman who burned Constitution, 804, 805, 808n
- —in NY Convention, 1530; elected as delegate, 1530, 1677; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2312, 2319, 2323
- WOODHULL, JESSE (Orange, A-Y)
- —in NY Convention, 1530, 1677; elected as Convention delegate, 1530; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2279, 2281, 2284, 2287, 2288, 2301 2303, 2308, 2311, 2313, 2319, 2323
- WORKERS: and New York City procession, 1609
- WORKMAN, BENJAMIN (Pa.): as Philadelphiensis, 1183
- WORSHIPFUL COMPANY OF MERCHANT TAY-LORS (London): motto of, 2391n
- WRIGHT, JOSEPH (New York City): id., 1290n; and portrait of George Washington, 1290n; and transparency of George Washington, 1288, 1616, 1619n
- WRIGHT, WILLIAM (New York City): and New York City procession, 1637
- WRITS, ETC.: amendment providing they be issued in name of people, 2099, 2124, 2268, 2275n
- WYCKOFF, CORNELIUS (Kings): id., 1471n; as Antifederalist assemblyman should not be elected to Convention, 1468; votes in Assembly, 515, 521, 704, 705, 713; and selection of candidates for Kings County, 1555
- WYCOFF, HENDRICK (Kings): and distribution of Antifederalist literature, 896–97
- WYCOFF, HENDRICK (Dutchess): nominated to Assembly, 1454
- WYNKOOP, ADRIAN (Ulster), 1286n; id., 1244n; and suspicions about John Addison, 1560n, 1568
- -letter from, 1244
- -letter to, 1435-36

- WYNKOOP, DIRCK (Ulster, A–N), 2285; campaigning, 1563; as candidate for NY Senate, 1556; delegate to Ulster County meeting, 1542; and distribution of Antifederalist literature, 896–97; serves on a Kingston committee to attend Ulster County meeting, 1543, 1544
- —in NY Convention, 1542, 1677; election of, 1571; leaves during mid-session, 2348; nominated as, 1543, 1566; as potential delegate, 1542; and Ulster County ticket, 1554; believes that direct taxes were more equitable than excises and imposts, 2264; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2309, 2311, 2312, 2319, 2323; speech of, 2293
- WYNKOOP, JOHN C. (Columbia): and suspicions about John Addison, 1560n
- -letters from, 1435-36, 1559-60, 1568
- —letters from, cited, 1436n, 1437, 1565n —letter to, 1564–65
- -letters to, cited, 1436, 1559, 1560n, 1568
- WYNKOOP, PETER, JR. (Columbia), 1565
- —letter from, 1436–37
- -letter from, quoted, 1422
- —letter to, cited, 1436
- WYOMING VALLEY, PA.: separatist movement in, 1693, 1698n, 1699, 1699n
- "Y. W.": text of, 1107-8n
- Yale College, 2536
- YATES, ABRAHAM, JR. (Albany), 748; id., 103, 500; as an Antifederalist, 1150-51; asked by Smith for advice on Constitution, 638, 639; as author of Sidney (Sydney), 5, 6, 59, 72, 100, 102, 102n, 115-18n, 390, 1153-68n, 2486n, 2510; considered for U.S. Senator, 2444; called Rough Hewer, xxxvi, xli, 10, 59, 100, 100-101, 115, 310, 397n, 696, 812-14; chair of committee to draft state constitution, xxii, 103; as delegate to Confederation Congress, 56-57, 153, 153n, 670n, 688, 1377, 1379n, 2448n, 2449n; description of, xxx; endorses Anti-Federal Committee's objections and nominations, 1385; Federalists attack, 4, 869; followers of are opposing Constitution in Albany, 602; Hamiltonians attack, xl; as leader of political faction, xxx; as leading Antifederalist called Sidney, 100, 102n; as member of Congress and debate over Constitution, 56-57; newspaper writings of described,

153, 153n; nominated for Convention, 1366; opposes Impost of 1783, xxxvi, xl, 153, 153n; as possible author of Brutus, 103, 191, 312; praise of, 869, 870; proposes restrictions on powers of Constitutional Convention, xlvii; said to be party leader, 861; said to be dead literary-wise, 638, 639n, 794, 795n; satirized, 384, 386, 638, 639n; should not return to Albany if NY Convention adjourns without ratifying, 1331; supports a second convention and amendments, 2512; thought to be Cato, 59; voted against Northwest Ordinance, 388n; will not stand for election to NY Convention, 813

- —in NY Senate: on appointment of NY delegates to Constitutional Convention, 507, 508, 509, 512, 513, 520, 524, 689–90; motions in, 716, 720, 724; wants resolution calling state convention to mention that Constitutional Convention violated instructions, 789, 790n; attempts to prevent calling state convention, 812–14; on committee to respond to governor's speech, 695, 2512; favors going into committee of the whole on calling convention, 715; speeches of, 717, 719, 720–21, 721–22, 722, 724, 725, 726, 790n; votes, 715, 720, 727; receives NY Convention amendments, 2028
  —cautionary certificate: text of, 2448–50
- --letters from, 861, 864-65, 1115, 1123, 1228, 1239-40, 1244-45, 1438n, 1580, 2474
- —letters from, quoted, 115, 1115n, 1153, 1530, 1575, 1592, 2505
- -letters from, cited, 1174, 1208n, 1239, 1245n, 1876-77, 2343n, 2355n, 2443
- —letters to, 637, 638–39, 671–72, 678–79, 835–36, 1120–22n, 1122–23, 1150–51, 1172–73n, 1173–74, 1207–8, 1235–36, 1306–7, 1330–31, 1417–18, 1418, 1702, 2010–11, 2011, 2346–47, 2354–55, 2355, 2357, 2443–45, 2490
- —letters to, quoted, xlviii, lxiii, 103, 454–55, 834, 1121n–22n, 1153, 1357–58, 1416n– 17n, 1418n, 1671, 1672, 1876, 2489n
- —letters to, cited, 747, 767, 818n, 1122, 1174, 1239, 1306, 1358, 1418, 1419, 1698n, 1921n, 2031n, 2233n, 2343n, 2355, 2357, 2465n
- YATES, CHRISTOPHER P. (Montgomery, A–A): id., 1479n; and distribution of Antifederalist literature, 896–97, 1477

- —in NY Convention, 1477, 1677; as Antifederalist did not vote on ratification or sign circular letter, 2337n; should be urged to stay for entire Convention, 1207; in roll-call votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2272, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2319; votes received when elected to, 1478, 1480
- -letters from, 1479, 2011, 2355
- -letters from, quoted, 1672, 1876
- -letter from, cited, 2355
- YATES, PETER W. (Albany): id., 1363n; as a member of the Albany Antifederal Committee, 835, 1363; and distribution of Antifederalist literature, 896–97; arrested over Albany fracas, 1264, 1265, 1265n, 2466, 2467n; endorses Anti-Federal Committee's objections and nominations, 1385
- YATES, ROBERT (Albany, A–N), 397n; id., 500; as Antifederalist leader, 611–12, 1243; appointed agent to settle western lands dispute between NY and Mass., li; appointed to NY Supreme Court, xxiv; as possible author of Brutus, 103; charge to Grand Jury supports Constitution, 2468; has not yet drafted amendments to Constitution, 1122; more trustworthy than Cato, 99–100, 102n; NY legislature allegedly critical of, 688; salary of paid by state impost, 610; sent draft of amendments to Constitution, 1174; suggests obtaining Antifederalist newspaper printer for Albany, 835; supports paper money bill, xliii
- —and Constitutional Convention, 671n; appointed to, xlvii, 454, 509, 515–16, 517, 518, 519, 520, 524n; attendance in, xlviii, 1, 244n, 454, 454–55, 637n, 844, 2468n; on committee on representation, 1828n; notes of debates in, xlviii, 2017, 2028n; perceived censure of for service in, 669–70, 671n; position taken in, xlvii, xlviii, 454
- —in NY Convention, 1670, 1676; amendments proposed by, 2096–97, 2097; as chair of committee of correspondence, 1098–99, 1671, 1797, 1798; elected to, 1356, 1416, 1417, 1419; election certificate for, 1416; as Antifederalist leader, 1352; nominated as

delegate, 1356, 1366, 1370, 1380; as a supporting speaker, 1671; and Hamilton-Lansing conflict, 2009, 2011, 2013, 2490, 2495n; member of informal committee of four to arrange amendments, 2250, 2252, 2254, 2281n; motion of calling for yeas and nays on Samuel Jones motion to change "upon condition," 2280-81; notes of debates in NY Convention, 1935, 1949-50, 1966-67; appointed to committee to arrange amendments, 2128, 2129; revises his speeches in for publication, 2490; in rollcall votes, 2199, 2210, 2243, 2256, 2257, 2258, 2259, 2260, 2261, 2267, 2268, 2270, 2271, 2279, 2281, 2284, 2287, 2288, 2301, 2303, 2308, 2311, 2313, 2319, 2323; speeches of, 2017, 2117-18, 2245, 2248, 2277, 2279; votes against motion changing "upon condition" to "in full confidence" in Form of Ratification, 2282n; voted against ratification, 2438, 2441, 2442

- —letter from, 1799–1800
- -letters from, quoted, xlviii, 1098-99, 1797
- -letters from, cited, 2531n, 2534
- letter from with Lansing to Gov. Clinton, l, liii, 8, 816, 1738n; text of, 454–59; turned over to NY legislature, 688; circulation of, 578; responses to, 674–77, 815–18, 830–33
  letter to, 2341–42
- YEOMANS, CAPTAIN, 2083n
- YOUNG, JOHN (New York City): and New York City procession, 1652
- YOUNG, JOSEPH (New York City): and doctors' riot, 964
- "A Young Dutchman": text of, 1567-68
- YOUNGLOVE, JOHN (Albany): supervisor, 1414, 1415, 1416; referred to as two-faced, 1121, 1122n; and distribution of *The Federalist*, 913; nominated for NY Convention, 1363; said to be an Antifederalist nominated by Federalists by mistake, 1364; elected to Assembly, 1415; nominated for Assembly, 1364n, 1368, 1370, 1384; votes in Assembly, 704, 713, 714
- "Z. Y.": printing in NY, 1181
- ZENGER, JOHN PETER (New York City), 163– 64, 165n



and whether Congress would accept a conditional ratification from New York.

The brief commentaries on the New York Convention are followed by descriptions of ratification celebrations that occurred in a dozen New York towns and nine more outside the state. The celebrations were characterized by, among other things, militia parades; musket, cannon, and rocket firings; bell ringing; dinners and toasts; orations and addresses; and processions. On the day after the Half Moon District's celebration, the district's women, joined by Lansingburgh's women, held a celebratory procession in Waterford. Albany's procession mimicked the federal procession in New York City on 23 July. In New York City, violence broke out when a mob ransacked the office of Antifederalist printer Thomas Greenleaf and destroyed his type.

The post-Convention commentaries, consisting mostly of private letters written by New Yorkers, include (1) commentaries on the Constitution, especially on the need for amendments, (2) commentaries on the New York Convention's circular letter and the efforts to call a second constitutional convention, (3) the Confederation Congress' preparation for the first federal elections under the Constitution, (4) the related debate in Congress over the location of the federal capital, a matter of the utmost importance to New York City, and (5) the publication of the Convention's journal and debates.

A brief section covering the payment of Convention delegates includes the text of an act for paying the delegates, passed on 28 February 1789, James Duane's listing of his Convention expenses, and payment information for Peter Vrooman and Henry Wisner. This busy legislative session, begun in December 1788, had grown increasingly bitter as legislators debated how to elect U.S. representatives and senators to the new Congress, how to appoint presidential electors, and whether to request Congress to call a second constitutional convention to consider amendments. The legislative debates on New York's call for a second convention are preceded by a lengthy editorial note that traces the idea of convening such a convention and private and public out-of-state commentaries on the New York Circular Letter and the responses to it by state legislatures.

Four appendices consist of (1) notes on the Constitution by Convention delegate Richard Morris, (2) a draft of a possible newspaper article by another Convention delegate Robert R. Livingston and his annotation of a copy of the Constitution, (3) a published draft of a Convention speech (never delivered) supporting amendments, and (4) two illustrations from the *New York Packet*.

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