



# LIBRARIES

UNIVERSITY OF WISCONSIN - MADISON

## **Vol. 20. Ratification of the Constitution by the states: New York (2).**

Madison, Wisconsin: The State Historical Society of Wisconsin,  
2004

<https://digital.library.wisc.edu/1711.dl/TR2WPX6L3UFLH8I>

<http://rightsstatements.org/vocab/InC/1.0/>

The libraries provide public access to a wide range of material, including online exhibits, digitized collections, archival finding aids, our catalog, online articles, and a growing range of materials in many media.

When possible, we provide rights information in catalog records, finding aids, and other metadata that accompanies collections or items. However, it is always the user's obligation to evaluate copyright and rights issues in light of their own use.

# THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

---

Volume XX

---

Ratification of the Constitution  
by the States

NEW YORK

[2]

---

Editors

JOHN P. KAMINSKI      GASPARE J. SALADINO  
RICHARD LEFFLER      CHARLES H. SCHOENLEBER

Assistant Editor

MARGARET A. HOGAN

**W**E, the People of the United States, in a more perfect Union, establish Justice, Tranquility, provide for the common and secure the General Welfare, and secure Liberty to Ourselves and our Posterity, do ordain a Constitution for the United States of America.

## A R T I C L E I

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

*Sec. 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 requisite for electors of the most numerous branch of the state legislature.

No person 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 chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. 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 representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be en-



## RATIFICATION OF THE CONSTITUTION BY THE STATES

This second of five volumes on New York ratification contains the public and private debate over the proposed Constitution from January 1788 through mid-June 1788, when the New York ratifying Convention met in Poughkeepsie. During these months the New York press became dominant in the country, supplying many of the partisan pieces that were reprinted throughout America. The volume also has a section on the New York legislature's call of the state Convention. A speech by Governor George Clinton, numerous entries from the journals of the state Assembly and Senate, and wonderfully descriptive newspaper reports of the debates in both legislative houses provide a telling glimpse into the political divisiveness generated by the Constitution.

The volume includes over 125 newspaper items taken from eleven New York newspapers (five located in New York City, three in Albany, and one each in Poughkeepsie, Hudson, and Lansingburgh) and taken from twelve newspapers located in seven other states. Several articles are printed from the New York City *American Magazine* edited by noted grammarian Noah Webster. Important Federalist newspaper series are continued with essays by "Americanus" (John Stevens, Jr.), "Examiner" (Dr. Charles McKnight), and "Fabius." Antifederalist essayists continued "Cato" (George Clinton?), "Brutus," "Expositor" (Hugh Hughes), "Sydney" (Abraham Yates, Jr.), and the two "Countryman" series (Hugh Hughes and DeWitt Clinton). The volume presents three important pamphlets by "A Citizen of New-York" (John Jay), "A Plebeian" (Melancton Smith?), and "Federal Farmer's" second volume of *Letters to a Republican*. The first was Federalist; the other two Antifederalist. The classic series *The Federalist* (Alexander Hamilton, James Madison, and John Jay) is represented in this volume with calendared entries for the last 55 essays, which are summarized and cross-referenced to their actual printing in the project's *Commentaries on the Constitution*. Two editorial notes and accompanying documents describe the publication of *The Federalist* series in two separate books in March and May 1788.

Volume 2 also contains over 100 letters written by such prominent New York Federalists as John Jay, Alexander Hamilton, Philip Schuyler, Robert R. Livingston, and Egbert Benson, and such lesser known New York Federalists as Samuel Blachley Webb, William North, Collin McGregor, Leonard Gansevoort, Abraham B. Bancker, and Peter Ten Broeck. Prominent out-of state Federalist letter writers include James Madison, Henry Knox, Rufus King, Samuel A. Otis, and William Bingham.

(continued on back endflap)



THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

VOLUME XX

*Ratification of the Constitution by the States*

**NEW YORK**

[2]





THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

---

Volume XX

Ratification of the Constitution  
by the States

**NEW YORK**

[2]

---

Editors

JOHN P. KAMINSKI      GASPARE J. SALADINO

RICHARD LEFFLER      CHARLES H. SCHOENLEBER

Assistant Editor

MARGARET A. HOGAN

Editorial Assistant

SARAH K. DANFORTH

---

MADISON

WISCONSIN HISTORICAL SOCIETY PRESS

2 0 0 4

*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; and the E. Gordon Fox Fund. Publication was made possible in part by a grant from the National Historical Publications and Records Commission.

Copyright © 2004 by  
THE STATE HISTORICAL SOCIETY OF WISCONSIN  
All rights reserved

Manufactured in the United States of America

⊗ 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. 20: 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).

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 0-87020-359-2 347.30229 AACR2



*To*

**ROGER A. BRUNS**

**&**

**MARY A. GIUNTA**

EDITORIAL ADVISORY COMMITTEE

Whitfield J. Bell, Jr.  
Charlene N. Bickford  
Jackson Turner Main  
Andrew Jackson O'Shaughnessy  
Jack N. Rakove  
Leonard Rapport  
James Morton Smith  
Robert J. Taylor  
Dorothy Twohig

## Contents

Acknowledgments	xvii
Organization	xix
Editorial Procedures	xxi
General Ratification Chronology, 1786–1791	xxii
Calendar for the Years 1787–1788	xxv
Symbols	xxvi
New York Chronology, 1777–1790	xxix
Officers of the State of New York, 1787–1788	xxxiii

### I. THE DEBATE OVER THE CONSTITUTION IN NEW YORK 21 July 1787–31 January 1788 (continued)

Giles Hickory, <i>New York American Magazine</i> , 1 January 1788	553
Jemima Loveleap, <i>New York American Magazine</i> , 1 January	556
Twenty-seven Subscribers, <i>New York Journal</i> , 1 January	558
Observer, <i>New York Journal</i> , 1 January	559
Publius: The Federalist 31, <i>New York Packet</i> , 1 January	
<i>See</i> CC:403	560
<i>New York Packet</i> , 1 January	560
Lansingburgh Northern Centinel, 1 January	561
Advertisement for the Book Edition of <i>The Federalist</i>	
<i>New York Independent Journal</i> , 2 January	563
Publius: The Federalist 32–33, <i>New York Independent Journal</i> , 2 January	
<i>See</i> CC:405	565
<i>Philadelphia Freeman's Journal</i> , 2 January	565
Brutus VII, <i>New York Journal</i> , 3 January	566
Cato VII, <i>New York Journal</i> , 3 January	572
Examiner V, <i>New York Journal</i> , 4 January	575
Publius: The Federalist 34, <i>New York Packet</i> , 4 January	
<i>See</i> CC:416	576
§Editors' Note: <i>New York Reprinting of New England's Response to the Federal Farmer's Letters to the Republican</i> , 4 January	576
Publius: The Federalist 35, <i>New York Independent Journal</i> , 5 January	
<i>See</i> CC:418	577
<i>New York Journal</i> , 7 January	577
<i>New York Journal</i> , 7 January	577
Walter Rutherford to John Rutherford, <i>New York</i> , 8, 15 January	578
Publius: The Federalist 36, <i>New York Packet</i> , 8 January	
<i>See</i> CC:426	579
§Editors' Note: <i>New York Reprinting of Virginia Governor Edmund Randolph's 10 October 1787 Letter to the Speaker of the Virginia House of Delegates 8 January–April 1788</i>	579
<i>Country Federalist</i> , <i>Poughkeepsie Country Journal</i> , 9 January	581



Publius: The Federalist 29, New York Independent Journal, 9 January	582
<i>See</i> CC:429	
Albany Gazette, 10, 17 January	582
New York Journal and the Post Office, 10 January–25 March	582
New York Journal, 10 January	585
New York Journal, 23 January	585
Albany Gazette, 7 February	586
New York Journal, 25 February	586
New York Journal, 10 March	587
New York Journal, 20 March	587
New York Journal, 21 March	587
A True Federalist, New York Journal, 25 March	588
Brutus VIII, New York Journal, 10 January	593
A Countryman IV (De Witt Clinton), New York Journal, 10 January	597
Abraham Van Vechten to Henry Oothoudt and Jeremiah Van Rensselaer, Johnstown, 11 January	600
Publius: The Federalist 37, New York Daily Advertiser, 11 January	
<i>See</i> CC:440	601
From William Constable, New York, 12 January	602
Richard Sill to Jeremiah Wadsworth, Albany, 12 January	602
Americanus VI, New York Daily Advertiser, 12 January	603
Publius: The Federalist 38, New York Independent Journal, 12 January	
<i>See</i> CC:442	608
Samuel Blachley Webb to Joseph Barrell, New York, 13 January	608
Lewis Morris, Sr., to Lewis Morris, Jr., Morrisania, 13 January	609
Hugh Ledlie to John Lamb, Hartford, 15 January	610
§Editors' Note: New York Reprinting of Luther Martin's Genuine Information 15 January–7 April 1788	613
Poughkeepsie Country Journal, 16 January	615
Publius: The Federalist 39, New York Independent Journal, 16 January	
<i>See</i> CC:452	616
Albany Gazette, 17 January (supplement)	616
Brutus IX, New York Journal, 17 January	617
A Countryman V (De Witt Clinton), New York Journal, 17 January	623
New York Morning Post, 17 January	625
Curtiopolis, New York Daily Advertiser, 18 January	625
Publius: The Federalist 40, New York Packet, 18 January	
<i>See</i> CC:458	629
Publius: The Federalist 41, New York Independent Journal, 19 January	
<i>See</i> CC:463	629
Americanus VII, New York Daily Advertiser, 21 January	629
A Countryman V (Hugh Hughes), New York Journal, 22 January	634
Publius: The Federalist 42, New York Packet, 22 January	
<i>See</i> CC:466	637
Abraham G. Lansing to Abraham Yates, Jr., Albany, 23 January	637
Melancton Smith to Abraham Yates, Jr., New York, 23 January	638
Publius: The Federalist 43, New York Independent Journal, 23 January	
<i>See</i> CC:469	639
New York Journal, 23 January	639
Sidney, Albany Gazette, 24 January	644

A Citizen, Hudson Weekly Gazette, 24 January	652
Brutus X, New York Journal, 24 January	653
Expositor I, New York Journal, 24, 31 January, and 7 February	658
Publius: The Federalist 44, New York Packet, 25 January	
<i>See</i> CC:476	666
Publius: The Federalist 45, New York Independent Journal, 26 January	
<i>See</i> CC:478	667
Charles Tillinghast to Hugh Hughes, New York, 27–28 January	667
Melancton Smith to Abraham Yates, Jr., New York, 28 January	671
Staats Morris to Lewis Morris, Jr., New York, 29 January	672
From John Williams, Poughkeepsie, 29 January	673
A Citizen, Lansingburgh Northern Centinel, 29 January	674
Publius: The Federalist 46, New York Packet, 29 January	
<i>See</i> CC:483	677
Publius: The Federalist 47, New York Independent Journal, 30 January	
<i>See</i> CC:486	677
Philadelphia Freeman's Journal, 30 January	678
Abraham G. Lansing to Abraham Yates, Jr., Albany, 31 January	678
A Citizen, Hudson Weekly Gazette, 31 January	679
Brutus XI, New York Journal, 31 January	680

## II. THE NEW YORK LEGISLATURE CALLS A CONVENTION 11 January–1 February 1788

Introduction	687
New York Journal, 3 January 1788	691
New York Journal, 8 January	691
Assembly Proceedings, Friday, 11 January	691
Senate Proceedings, Friday, 11 January	692
Governor George Clinton: Speech to the New York Legislature Poughkeepsie, 11 January	692
Assembly Proceedings, Friday, 11 January	694
Senate Proceedings, Friday, 11 January	695
Assembly Proceedings, Tuesday, 15 January	695
Lansingburgh Northern Centinel, 15 January	696
Senate Proceedings, Wednesday, 16 January	696
James Madison to George Washington, New York, 20 January	696
Assembly Proceedings, Saturday, 26 January	697
Senate Proceedings, Saturday, 26 January	698
Philip Schuyler to Stephen Van Rensselaer, Poughkeepsie, 27 January	699
Assembly Proceedings, Monday, 28 January	701
Senate Proceedings, Monday, 28 January	701
Assembly Proceedings, Tuesday, 29 January	701
Newspaper Report of Assembly Proceedings, Tuesday, 29 January	702
Newspaper Report of Assembly Proceedings Tuesday, 29 January, and Thursday, 31 January	702

Assembly Proceedings, Thursday, 31 January	703
Newspaper Report of Assembly Debates, Thursday, 31 January	707
Senate Proceedings, Friday, 1 February	714
Newspaper Report of Senate Debates, Friday, 1 February	716
Assembly Proceedings, Friday, 1 February	728
From Egbert Benson, Poughkeepsie, 1 February	728
Assembly Proceedings, Saturday, 2 February	729
Samuel Jones, Jr., to Samuel Jones, New York, 6 February	729
James Madison to George Washington, New York, 8 February	730
Pennsylvania Herald, 9 February	730
Pennsylvania Gazette, 13 February	730
Joseph Barrell to Samuel Blachley Webb, Boston, 20 February	731
Providence United States Chronicle, 21 February	731

### III. THE DEBATE OVER THE CONSTITUTION IN NEW YORK 1 February–26 July 1788

Introduction	732
Giles Hickory, <i>New York American Magazine</i> , 1 February 1788	738
Publius: <i>The Federalist</i> 48, <i>New York Packet</i> , 1 February	
<i>See</i> CC:492	745
Publius: <i>The Federalist</i> 49, <i>New York Independent Journal</i> , 2 February	
<i>See</i> CC:495	745
John Jay to George Washington, New York, 3 February	746
Publius: <i>The Federalist</i> 50, <i>New York Packet</i> , 5 February	
<i>See</i> CC:500	746
Publius: <i>The Federalist</i> 51, <i>New York Independent Journal</i> , 6 February	
<i>See</i> CC:503	747
§Editors' Note: The Importance of Massachusetts Ratification to New York 6 February	747
§Editors' Note: New York and the Massachusetts Convention's Amendments to the Constitution, 6 February	751
Fabius, <i>Albany Gazette</i> , 7 February	754
<i>New York Journal</i> , 7 February	756
Brutus XII, <i>New York Journal</i> , 7 February	756
Publius: <i>The Federalist</i> 52, <i>New York Packet</i> , 8 February	
<i>See</i> CC:514	760
Abraham Bancker to Evert Bancker, Staten Island, 9 February	760
Fabius, <i>Albany Journal</i> , 9 February	761
Publius: <i>The Federalist</i> 53, <i>New York Independent Journal</i> , 9 February	
<i>See</i> CC:519	762
From William Constable, New York, 10 February	762
Francis Silvester to De Witt Clinton, Kinderhook, 12 February	763
Publius: <i>The Federalist</i> 54, <i>New York Packet</i> , 12 February	
<i>See</i> CC:524	763
Poor S—m, <i>New York Packet</i> , 12 February	763



William North to Henry Knox, Albany, 13 February	765
Publius: The Federalist 55, New York Independent Journal, 13 February	
<i>See</i> CC:525	766
New York City Celebrates Massachusetts Ratification of the Constitution	
13, 14, and 16 February	766
New York Packet, 15 February	769
New York Independent Journal, 16 February	769
New York Daily Advertiser, 18 February	770
Massachusetts Centinel, 27 February	771
Ebenezer Hazard to Jedidiah Morse, New York, 14 February	772
Brutus XII, New York Journal, 14 February	773
A Countryman VI (Hugh Hughes), New York Journal, 14 February	776
Abraham B. Bancker to Evert Bancker, Poughkeepsie, 15 February	782
Brockholst Livingston to William Livingston, 15 February	782
Nathaniel Hazard to Mathew Carey, New York, 16 February	783
“L. S.,” New York Daily Advertiser, 16 February	783
Conciliator, 16 February	784
Publius: The Federalist 56, New York Independent Journal, 16 February	
<i>See</i> CC:533	785
Collin McGregor to Neil Jamieson, New York, 18 February	785
A Citizen of America, New York Daily Advertiser, 19 February	787
New York Morning Post, 19 February	790
Publius: The Federalist 57, New York Packet, 19 February	
<i>See</i> CC:542	792
Publius: The Federalist 58, New York Independent Journal, 20 February	
<i>See</i> CC:546	792
A Freeholder of the City of Albany, Albany Gazette, 21 February	792
Suillbup, Albany Gazette, 21 February	794
Brutus XIII, New York Journal, 21 February	795
Publius: The Federalist 59, New York Packet, 22 February	
<i>See</i> CC:555	798
§Editors’ Note: New York and the Adjournment of the	
New Hampshire Convention, 22 February	798
Fabius, Albany Journal, 23 February	800
Publius: The Federalist 60, New York Independent Journal, 23 February	
<i>See</i> CC:558	802
Reports of the Burning of the Constitution in Ulster County	
23 February–12 April	802
Letter Box, New York Journal, 23 February	802
New York Journal, 28 February	802
A Friend to Truth, New York Daily Advertiser, 4 March	803
A Countryman, New York Daily Advertiser, 12 March	895
A Citizen, New York Journal, 12 April	806
Ebenezer Hazard to Mathew Carey, New York, 25 February	809
Senex, Albany Journal, 25 February	809
A Citizen, Albany Federal Herald, 25 February	811
Albany Federal Herald, 25 February	812
§Editors’ Note: Hugh Williamson: Speech at Edenton, N.C.	
New York Daily Advertiser, 25–27 February	814
A Dutchess County Farmer, Poughkeepsie Country Journal, 26 February	815

Publius: The Federalist 61, New York Packet, 26 February	818
<i>See</i> CC:564	
John Howard to George Thatcher, Smithtown, 27 February	818
Publius: The Federalist 62, New York Independent Journal, 27 February	820
<i>See</i> CC:569	
New Jersey Journal, 27 February	820
Brutus XIV, New York Journal, 28 February	820
Expositor II, New York Journal, 28 February	823
John Lansing, Jr., George Metcalf, and the Writing of “A Citizen”	830
28 February and 1 March	
John Lansing, Jr.: Criticism of George Metcalf for Writing “A Citizen,”	
Albany Gazette, 28 February	831
George Metcalf Defends Himself, Albany Journal, 1 March	832
Jacob Cuyler to Philip Schuyler, Albany, 29 February	833
New York Packet, 29 February	833
The Albany Anti-Federal Committee Attempts to	
Establish an Antifederalist Printer in Albany, 1–23 March	834
The Albany Anti-Federal Committee to Melancton Smith, Albany, 1 March	834
Abraham G. Lansing to Abraham Yates, Jr., 2 March	835
John Lansing, Jr., and Abraham G. Lansing to John Lamb, Albany, 23 March	836
Publius: The Federalist 63, New York Independent Journal, 1 March	837
<i>See</i> CC:582	
Hannah Thomson to John Mifflin, New York, 2 March	837
Albany Journal, 3 March	837
A Citizen, Albany Federal Herald, 3 March	838
Collin McGregor to Neil Jamieson, New York, 4 March	843
A Countryman, New York Daily Advertiser, 5 March	844
Publius: The Federalist 64, New York Independent Journal, 5 March	845
<i>See</i> CC:592–A	
Timon, New York Daily Advertiser, 6 March	845
New York Daily Advertiser, 6 March	845
Brutus XIV, New York Journal, 6 March	847
Lewis Morris, Sr., to Lewis Morris, Jr., Poughkeepsie, 7 March	851
Publius: The Federalist 65, New York Packet, 7 March	852
<i>See</i> CC:601	
Publius: The Federalist 66, New York Independent Journal, 8 March	852
<i>See</i> CC:607	
Henry Knox to George Washington, New York, 10 March	852
Poughkeepsie Country Journal, 11 March	853
Poughkeepsie Country Journal, 11 March	853
Publius: The Federalist 67, New York Packet, 11 March	861
<i>See</i> CC:612	
Publius: The Federalist 68, New York Independent Journal, 12 March	861
<i>See</i> CC:615	
Abraham Yates, Jr., to Abraham G. Lansing, Senate Room, Poughkeepsie,	861
14 March	
Publius: The Federalist 69, New York Packet, 14 March	861
<i>See</i> CC:617	
Publius: The Federalist 70, New York Independent Journal, 15 March	862
<i>See</i> CC:619	

Albany Federal Herald, 17 March	862
Fabius, Albany Federal Herald, 17 March	862
Leonard Gansevoort to Peter Gansevoort, New York, 18 March	864
Abraham Yates, Jr., to Abraham G. Lansing, Poughkeepsie, 18 March	864
Poughkeepsie Country Journal, 18 March	865
Poughkeepsie Country Journal, 18 March	868
A Lover of Truth and Decency, New York Journal, 18 March	869
Publius: The Federalist 71, New York Packet, 18 March	
<i>See</i> CC:625	871
Publius: The Federalist 72, New York Independent Journal, 19 March	
<i>See</i> CC:628	871
Brutus XV, New York Journal, 20 March	871
Publius: The Federalist 73, New York Packet, 21 March	
<i>See</i> CC:635	876
Timon, New York Daily Advertiser, 22 March	877
Publication, Sale, and Distribution in New York of Volume I of the Book Edition of The Federalist, 22 March	878
New York Independent Journal, 22 March	880
Preface	881
Publius: The Federalist 74, New York Packet, 25 March	
<i>See</i> CC:644	881
Publius: The Federalist 75, New York Independent Journal, 26 March	
<i>See</i> CC:646	881
George Clinton to Peter Tappan, New York, 28 March	882
New York Journal, 29 March	882
Plain Truth, Albany Federal Herald, 31 March	882
Albany Federal Herald, 31 March	884
Publius: The Federalist 76, New York Packet, 1 April	
<i>See</i> CC:656	884
Agricola's Opinion, Poughkeepsie Country Journal, 1 April	884
Abraham B. Bancker to Evert Bancker, Kingston, 2 April	887
Hugh Ledlie to John Lamb, Hartford, 2 April	888
Publius: The Federalist 77, New York Independent Journal, 2 April	
<i>See</i> CC:657	889
Winchester Virginia Gazette, 2 April	889
Alexander Hamilton to James Madison, New York, 3 April	889
Hugh Hughes to Ephraim Kirby, Dutchess County, 3 April	890
A Citizen, Hudson Weekly Gazette, 3 April	891
New York Journal, 3 April	893
John Myers to James Duane, Duanesburgh, 5 April	893
New York Federal Republican Committee Distributes Antifederalist Literature, New York, 6–22 April	894
New York Federal Republican Committee Circular Letter, New York, 6 April	895
List for the Distribution of Two Antifederalist Pamphlets New York, c. 6–8 April	896
Albany Anti-Federal Committee to the New York Federal Republican Committee, Albany, 12 April	898
A Federalist, Poughkeepsie Country Journal, 22 April	899
Peter Ten Broeck to Peter Van Gaasbeek, Manor Livingston, 7 April	901
Albany Federal Herald, 7 April	901

A Friend to Good Government, Poughkeepsie Country Journal, 8 April	902
Poughkeepsie Country Journal, 8 April	905
Archibald M'Lean to Stephen Van Rensselaer, New York, 10 April	906
Brutus XVI, New York Journal, 10 April	907
Watchman, New York Journal, 10 April	912
New York Journal, 10 April	913
Leonard Gansevoort to Stephen Van Rensselaer, New York, 11 April	913
New York Morning Post, 11 April	914
§Editors' Note: The Doctors' Riot, New York, 13–15 April	914
Charleston City Gazette, 14 April	916
A Friend to Good Government, Poughkeepsie Country Journal, 15 April	917
Connecticut Governor Jonathan Trumbull's 1783 Farewell Address Poughkeepsie Country Journal, 15 April	919
A Citizen of New-York: An Address to the People of the State of New York 15 April	922
A Plebeian: An Address to the People of the State of New York, 17 April	942
John Jay to George Washington, New York, 20 April	963
Samuel Blachley Webb to Joseph Barrell, New York, 20 April	964
De Witt Clinton to James Clinton, New York, 25 April	964
A Tenant, New York Journal, 29 April	966
§Editors' Note: Address of a Maryland Antifederalist to the Members of the New York and Virginia Conventions, Post-30 April	968
The New York Journal and Maryland's Ratification of the Constitution, 1–5 May	968
Detector, New York Journal, 1 May	969
Charity, New York Journal, 3 May	970
New York Journal, 5 May	970
New York American Magazine, 2 May	971
A Spectator, New York Journal, 2 May	972
New York Journal, 2 May	973
Federal Farmer: An Additional Number of Letters to the Republican New York, 2 May	976
Joseph Barrell to Samuel Blachley Webb, Boston, 4 May	1086
New Hampshire Spy, 6 May	1086
Robert R. Livingston to Marquis de la Luzerne, Clermont, 7 May	1087
An Attempt at Cooperation Between Virginia and New York Antifederalists, 8 May–15 October	1089
Gov. George Clinton to Gov. Edmund Randolph, New York, 8 May	1090
Samuel A. Otis to Benjamin Lincoln, New York, 8 May	1092
State Gazette of South Carolina, 8 May	1092
Nathan Dane to Samuel Adams, New York, 10 May	1093
Pennsylvania Gazette, 14 May	1095
Henry Knox to the Marquis de Lafayette, New York, 15 May	1096
Philadelphia Independent Gazetteer, 15 May	1096
The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution, 18 May–6 August	1097
The New York Federal Republican Committee to Richard Henry Lee New York, 18 May	1099
Samuel A. Otis to George Thatcher, New York, 18 May	1102
Alexander Hamilton to James Madison, New York, 19 May	1102
Alexander Hamilton to Gouverneur Morris, New York, 19 May	1104

New York Journal, 19 May	1105
§Editors' Note: The New York Reporting of the Election Riot in Dobbs County, N.C., 20 May	1106
"Y. W.," New York Journal, 21 May	1107
Virginia Independent Chronicle, 21 May	1108
Rusticus, New York Journal, 23 May	1108
William Bingham to Tench Coxe, New York, 25 May	1109
Henry Knox to George Washington, New York, 25 May	1110
New York Daily Advertiser, 26 May	1110
New York Journal, 26 May	1111
Samuel A. Otis to Caleb Davis, New York, 27 May	1111
§Editors' Note: The Canvassing of Ballots for the Election of Convention Delegates, 27 May	1112
An American, New York Packet, 27 May	1113
Abraham Yates, Jr., to Abraham G. Lansing, New York, 28 May	1115
§Editors' Note: Publication, Sale, and Distribution in New York of Volume II of the Book Edition of The Federalist, 28 May	1116
Publius: The Federalist 78, Volume II, 28 May <i>See CC:759</i>	1118
Publius: The Federalist 79, Volume II, 28 May <i>See CC:760</i>	1118
Publius: The Federalist 80, Volume II, 28 May <i>See CC:761</i>	1118
Publius: The Federalist 81, Volume II, 28 May <i>See CC:762</i>	1118
Publius: The Federalist 82, Volume II, 28 May <i>See CC:763</i>	1118
Publius: The Federalist 83, Volume II, 28 May <i>See CC:764</i>	1118
Publius: The Federalist 84, Volume II, 28 May <i>See CC:765</i>	1119
Publius: The Federalist 85, Volume II, 28 May <i>See CC:766</i>	1119
John Jay to George Washington, New York, 29 May	1119
Comte de Moustier to Comte de Montmorin, New York, 29 May	1120
Abraham G. Lansing to Abraham Yates, Jr., Albany, 1 June	1120
John Lansing, Jr., to Abraham Yates, Jr., Albany, 1 June	1122
Abraham Yates, Jr., to Abraham G. Lansing, New York, 1 June	1123
New York American Magazine, 3 June	1124
The Establishment of a Federalist Express System Between the New Hampshire and New York Conventions, 4–16 June	1124
Rufus King to John Langdon, Boston, 4 June	1125
Alexander Hamilton to John Sullivan, New York, 6 June	1126
Rufus King to John Langdon, Boston, 10 June	1126
Rufus King to Alexander Hamilton, Boston, 12 June	1126
Rufus King to Henry Knox, Boston, 16 June	1127
Collin McGregor to Neil Jamieson, New York, 4 June	1128
Abraham Baldwin to Seaborn Jones, New York, 5 June	1129
Benjamin Chew to Samuel Chew, Philadelphia, 5 June	1130
Ebenezer Hazard to Jeremy Belknap, New York, 5 June	1130

Comte de Moustier to Comte de Montmorin, New York, 5 June	1131
Henry Van Shaack to Stephen Van Rensselaer, Pittsfield, Mass., 5 June	1131
§Editors' Note: New York City Newspapers Report South Carolina's Ratification of the Constitution, 5–7 June	1132
From the New York Federal Republican Committee, New York, 6 June	1133
New York Packet, 6 June	1134
Alexander Hamilton to James Madison, New York, 8 June	1135
Abigail Adams Smith to John Quincy Adams, New York, 8 June	1136
John Jay to Thomas Jefferson, Office for Foreign Affairs, 9 June	1137
New York Packet, 10 June	1138
Tench Coxe to James Madison, Philadelphia, 11 June	1138
Henry Knox to Otho Holland Williams, New York, 11 June	1139
A Pennsylvanian to the New York Convention, Pennsylvania Gazette, 11 June	1139
William Bingham to Tench Coxe, New York, 12 June	1150
William Smith to Abraham Yates, Jr., Manor St. George, 12 June	1150
New York Journal, 12 June	1151
Stephen Elliott to Jedidiah Morse, New Haven, 13 June	1151
Henry Knox to Benjamin Lincoln, New York, 13 June	1152
Sydney, New York Journal, 13, 14 June	1153
Nathan Dane to Samuel Holten, New York, 14 June	1168
Richard Platt to Winthrop Sargent, New York, 14 June	1169
New York Daily Advertiser, 14 June	1170
Massachusetts Centinel, 14 June	1171
Nathan Dane to Rufus King, New York, 15 June	1171
Abraham G. Lansing to Abraham Yates, Jr., Albany, 15 June	1172
Abigail Adams Smith to Abigail Adams, New York, 15 June	1173
Abraham Yates, Jr., to Abraham G. Lansing, New York, 15 June	1173
Cyrus Griffin to Thomas FitzSimons, New York, 16 June	1174
APPENDICES	
I. Original and Reprinted Federalist Articles	
Appearing in New York Newspapers, 1 February–26 July 1788	1177
II. Original and Reprinted Antifederalist Articles	
Appearing in New York Newspapers, 1 February–26 July 1788	1183
III. News Reports in New York Newspapers	
1 February–26 July 1788	1187

## 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. Substantial aid also was provided by the Lynde and Harry Bradley Foundation.

We extend our thanks and appreciation to Max J. Evans, Roger A. Bruns, Timothy D. W. Connelly, Mary A. Giunta, and J. Dane Hartgrove of the NHPRC; Bruce Cole, James Herbert, Elizabeth Arndt, and Michael Hall of the NEH; and Dianne J. Sehler and Yvonne Engel of the Bradley Foundation.

A continuing debt of gratitude is owed to the administration, faculty, and staff of the University of Wisconsin-Madison, especially Chancellor John D. Wiley; Dean Phillip R. Certain, Assistant Dean Margaret M. Sullivan, Mehdi Rezai, and Linda J. Johnson of the College of Letters and Science; E. Diane Barrett, Charles L. Hoffman, Thomas G. Handland, Steven D. Hanson, and Jane E. Braun of Research and Sponsored Programs; and Chair Steve J. Stern, Michael R. Burmeister, Johannah M. Catino, Jessica S. Hansey, Nicole S. Hauge, Sandra J. Heitzkey, Jessica D. Herold, Mary L. Lybeck, Debra D. McCusky, John J. Persike, Nicholas A. Schultz, and Theresa K. Tobias of the Department of History.

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

The Wisconsin Historical Society has been our primary research library and our publisher. The Society's staff continues its invaluable and splendid support. We thank Lori B. Bessler, James P. Danky, Susan J. Dorst, Michael I. Edmonds, Peter Gottlieb, James L. Hansen, Laura K. Hemming, Harold L. Miller, Charlotte M. Mullen, Keith W. Rabiola, Geraldine E. Strey, Lloyd F. Velicer, and Judith A. Vezzetti. The staffs of the reference, circulation, catalog, interlibrary loan, rare books, and acquisitions departments of the Memorial and Law libraries of the University of Wisconsin-Madison continue to be most important to our work.

Others have provided essential information or permission to publish: Carol Beales, The James S. Copley Library; Kenneth R. Bowling, Documentary History of the First Federal Congress; Douglas E. Clanin, Indiana Historical Society; Frank M. Clover, Marc Kleijwegt, and Johann



Sommerville, Department of History, University of Wisconsin-Madison; Celeste Walker and Margaret A. Hogan, Massachusetts Historical Society (The Adams Papers); James G. McKeown, Department of Classics, University of Wisconsin-Madison; Leonard Rapport, Washington, D.C.; Roberta L. Stewart, Department of Classics, Dartmouth College; and Sandra M. Trenholm, The Gilder Lehrman Collection at The Gilder Lehrman Institute of American History in New York.

We thank Mariëka Brouwer, who, under the direction of Onno Brouwer of the University of Wisconsin-Madison Cartographic Laboratory, prepared the New York map found on the end papers.

This volume is dedicated to Roger A. Bruns and Mary A. Giunta, two dedicated staff members of the National Historical Publications and Records Commission recently retired from active government service. For more than thirty years, Roger and Mary steadily, energetically, and effectively supported the work of documentary editors. Both are well-recognized scholars and fine documentary editors themselves.

## 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* ([www.wisconsinhistory.org/ratification](http://www.wisconsinhistory.org/ratification)).

In 2003, the Wisconsin Historical Society (the publisher of the DHROC) committed itself to placing all of the ratification documents on its web site ([www.wisconsinhistory.org/ratification](http://www.wisconsinhistory.org/ratification)). Massachusetts was the first state to have its documents placed on the Society's web site (four published volumes, IV–VII, and all supplemental documents). The supplemental documents (cross-referenced as Mfm:Mass.), as well as all future state “microfiche supplements” (Mfm's), are no longer placed on microfiche, but will be made available on the Society's web site. All previously published DHROC volumes and microfiche supplements will also be available on the Society's web site.

*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 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.*

With the publication of the New York and Massachusetts volumes separate microfiche supplements will no longer be produced. Instead, all supplemental documents have been placed on the publisher's web site: [www.wisconsinhistory.org/ratification](http://www.wisconsinhistory.org/ratification).

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, photographic copies 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) photographic copies of petitions with the names of signers,
- (5) photographic copies 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”). Crossed-out 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

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 <i>sine die</i> .
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	Massachusetts calls state convention.
26 October	Georgia calls state convention.
31 October	Virginia calls state convention.
1 November	New Jersey calls state convention.
6 November	Pennsylvania elects delegates to state convention.
10 November	Delaware calls state convention.
12 November	Connecticut elects delegates to state convention.
19 November– 7 January 1788	Massachusetts elects delegates to state convention.
20 November– 15 December	Pennsylvania Convention.
26 November	Delaware elects delegates to state convention.
27 November– 1 December	Maryland calls state convention.
27 November– 1 December	New Jersey elects delegates to state convention.
3–7 December	Delaware Convention.
4–5 December	Georgia elects delegates to state convention.
6 December	North Carolina calls state convention.
7 December	Delaware Convention ratifies Constitution, 30 to 0.
11–20 December	New Jersey Convention.
12 December	Pennsylvania Convention ratifies Constitution, 46 to 23.
14 December	New Hampshire calls state convention.
18 December	New Jersey Convention ratifies Constitution, 38 to 0.
25 December– 5 January 1788	Georgia Convention.
31 December	Georgia Convention ratifies Constitution, 26 to 0.
31 December– 12 February 1788	New Hampshire elects delegates to state convention.
<b>1788</b>	
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.

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.
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

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.

#### 1791

15 December	Bill of Rights adopted.
-------------	-------------------------

# Calendar for the Years 1787–1788

1787

<p><b>S M T W T F S</b>  <b>JANUARY</b>  1 2 3 4 5 6  7 8 9 10 11 12 13  14 15 16 17 18 19 20  21 22 23 24 25 26 27  28 29 30 31</p>	<p><b>S M T W T F S</b>  <b>FEBRUARY</b>    1 2 3  4 5 6 7 8 9 10  11 12 13 14 15 16 17  18 19 20 21 22 23 24  25 26 27 28</p>	<p><b>S M T W T F S</b>  <b>MARCH</b>    1 2 3  4 5 6 7 8 9 10  11 12 13 14 15 16 17  18 19 20 21 22 23 24  25 26 27 28 29 30 31</p>	<p><b>S M T W T F S</b>  <b>APRIL</b>  1 2 3 4 5 6 7  8 9 10 11 12 13 14  15 16 17 18 19 20 21  22 23 24 25 26 27 28  29 30</p>
<p><b>MAY</b>    1 2 3 4 5  6 7 8 9 10 11 12  13 14 15 16 17 18 19  20 21 22 23 24 25 26  27 28 29 30 31</p>	<p><b>JUNE</b>    1 2  3 4 5 6 7 8 9  10 11 12 13 14 15 16  17 18 19 20 21 22 23  24 25 26 27 28 29 30</p>	<p><b>JULY</b>  1 2 3 4 5 6 7  8 9 10 11 12 13 14  15 16 17 18 19 20 21  22 23 24 25 26 27 28  29 30 31</p>	<p><b>AUGUST</b>    1 2 3 4  5 6 7 8 9 10 11  12 13 14 15 16 17 18  19 20 21 22 23 24 25  26 27 28 29 30 31</p>
<p><b>SEPTEMBER</b> 1  2 3 4 5 6 7 8  9 10 11 12 13 14 15  16 17 18 19 20 21 22  23 24 25 26 27 28 29  30</p>	<p><b>OCTOBER</b>  1 2 3 4 5 6  7 8 9 10 11 12 13  14 15 16 17 18 19 20  21 22 23 24 25 26 27  28 29 30 31</p>	<p><b>NOVEMBER</b>    1 2 3  4 5 6 7 8 9 10  11 12 13 14 15 16 17  18 19 20 21 22 23 24  25 26 27 28 29 30</p>	<p><b>DECEMBER</b> 1  2 3 4 5 6 7 8  9 10 11 12 13 14 15  16 17 18 19 20 21 22  23 24 25 26 27 28 29  30 31</p>

1788

<p><b>S M T W T F S</b>  <b>JANUARY</b>  1 2 3 4 5  6 7 8 9 10 11 12  13 14 15 16 17 18 19  20 21 22 23 24 25 26  27 28 29 30 31</p>	<p><b>S M T W T F S</b>  <b>FEBRUARY</b>    1 2  3 4 5 6 7 8 9  10 11 12 13 14 15 16  17 18 19 20 21 22 23  24 25 26 27 28 29</p>	<p><b>S M T W T F S</b>  <b>MARCH</b> 1  2 3 4 5 6 7 8  9 10 11 12 13 14 15  16 17 18 19 20 21 22  23 24 25 26 27 28 29  30 31</p>	<p><b>S M T W T F S</b>  <b>APRIL</b>    1 2 3 4 5  6 7 8 9 10 11 12  13 14 15 16 17 18 19  20 21 22 23 24 25 26  27 28 29 30</p>
<p><b>MAY</b>    1 2 3  4 5 6 7 8 9 10  11 12 13 14 15 16 17  18 19 20 21 22 23 24  25 26 27 28 29 30 31</p>	<p><b>JUNE</b>  1 2 3 4 5 6 7  8 9 10 11 12 13 14  15 16 17 18 19 20 21  22 23 24 25 26 27 28  29 30</p>	<p><b>JULY</b>  1 2 3 4 5  6 7 8 9 10 11 12  13 14 15 16 17 18 19  20 21 22 23 24 25 26  27 28 29 30 31</p>	<p><b>AUGUST</b> 1 2  3 4 5 6 7 8 9  10 11 12 13 14 15 16  17 18 19 20 21 22 23  24 25 26 27 28 29 30  31</p>
<p><b>SEPTEMBER</b>  1 2 3 4 5 6  7 8 9 10 11 12 13  14 15 16 17 18 19 20  21 22 23 24 25 26 27  28 29 30</p>	<p><b>OCTOBER</b>    1 2 3 4  5 6 7 8 9 10 11  12 13 14 15 16 17 18  19 20 21 22 23 24 25  26 27 28 29 30 31</p>	<p><b>NOVEMBER</b> 1  2 3 4 5 6 7 8  9 10 11 12 13 14 15  16 17 18 19 20 21 22  23 24 25 26 27 28 29  30</p>	<p><b>DECEMBER</b>  1 2 3 4 5 6  7 8 9 10 11 12 13  14 15 16 17 18 19 20  21 22 23 24 25 26 27  28 29 30 31</p>



## Symbols

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

#### Manuscripts

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
N	New York State Library
NHi	New-York Historical Society
NKiSH	Senate House State Historical Site Library, King- ston
NN	New York Public Library
NNC-RB	Columbia University, Rare Book and Manuscript Library
PHi	Historical Society of Pennsylvania

#### Short Titles

Abbot, <i>Washington</i>	W. W. Abbot, ed., <i>The Papers of George Washington: Confederation Series</i> (6 vols., Charlottesville, Va., 1992–1997).
<i>Assembly Journal</i> Blackstone, <i>Commentaries</i>	<i>Journal of the Assembly of the State of New-York . . .</i> Sir William Blackstone, <i>Commentaries on the Laws of England. In Four Books.</i> (Re-printed from the British Copy, Page for Page with the Last Edition, 5 vols., Philadelphia, 1771–1772). Originally published in London from 1765 to 1769.
Boyd	Julian P. Boyd et al., eds., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950–).

- DHFFE Merrill Jensen, Robert A. Becker, and Gordon DenBoer, eds., *The Documentary History of the First Federal Elections, 1788–1790* (4 vols., Madison, Wis., 1976–1989).
- Evans Charles Evans, *American Bibliography* (12 vols., Chicago, 1903–1934).
- Farrand Max Farrand, ed., *The Records of the Federal Convention of 1787* (3rd ed., 3 vols., New Haven, 1927).
- Ford, *Pamphlets* Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States, Published during Its Discussion by the People 1787–1788* (Brooklyn, N.Y., 1888).
- JCC Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789 . . .* (34 vols., Washington, D.C., 1904–1937).
- Kaminski, *Clinton* John P. Kaminski, *George Clinton: Yeoman Politician of the New Republic* (Madison, Wis., 1993).
- Montesquieu, *Spirit of Laws* Charles, Baron de Montesquieu, *The Spirit of Laws* (Translated from the French by Thomas Nugent, 5th ed., 2 vols., London, 1773). Originally published in Geneva in 1748.
- Rutland, *Madison* Robert A. Rutland et al., eds., *The Papers of James Madison, Volumes VIII–XVII* (Chicago and Charlottesville, 1973–1991).
- Senate Journal* *Journal of the Senate of the State of New-York . . .*
- Smith, *Letters* Paul H. Smith, ed., *Letters of Delegates to Congress, 1774–1789* (26 vols., Washington, D.C., 1976–2000).
- Syrett Harold C. Syrett, ed., *The Papers of Alexander Hamilton* (27 vols., New York, 1961–1987).
- Thorpe Francis N. Thorpe, ed., *The Federal and State Constitutions . . .* (7 vols., Washington, D.C., 1909).

**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 *Constitutional 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, *Ratification 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 number of the document. For example: “Mfm:N.Y. 25.” No microfiche supplement will be published for RCS:N.Y. All Mfm:N.Y. documents will be placed on the publisher’s web site: [www.wisconsinhistory.org/ratification](http://www.wisconsinhistory.org/ratification).

## New York Chronology, 1777–1790

### 1777

April 20 State constitution adopted  
June 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

**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, <i>The Federalist</i> , first printed
November 1	Cincinnatus series first printed
November 2	Americanus series first printed
November c. 8	Federal Farmer pamphlet first printed
November 19	<i>New York Journal</i> becomes a daily
November 21	A Countryman (Hugh Hughes) series first printed
December 6	A Countryman (DeWitt 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	Senates concurs with Assembly's resolution calling state convention
February 7	Constitution burned at Montgomery, Ulster County
March 22	Volume I of Publius, <i>The Federalist</i> , 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, <i>The Federalist</i> , 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 Outhoudt 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
- 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



# The New York Legislature 9 January–22 March 1788

## ASSEMBLY

Speaker: Richard Varick

Clerk: John McKesson

### *City and County of New York*

David Brooks  
Nicholas Bayard  
Richard Varick  
Gulian Verplanck  
Richard Harison  
Nicholas Low  
Comfort Sands  
Daniel Niven  
Evert Bancker

### *City and County of Albany*

John Younglove  
Leonard Gansevoort  
Hezekiah Van Orden  
John De Peyster Ten Eyck

### *Queens County*

Samuel Jones  
Whitehead Cornwell  
Francis Lewis, Jr.  
Stephen Carman

### *Kings County*

Cornelius Wyckoff  
Charles Doughty

### *Richmond County*

John C. Dongan  
Peter Winant

### *Westchester County*

Ebenezer Lockwood  
Jonathan G. Tompkins  
Thomas Thomas  
Abijah Gilbert  
Joseph Strang  
Samuel Drake

### *Orange County*

William Thompson  
Henry Wisner, Jr.  
Jeremiah Clark  
Peter Taulman

James Gordon  
Dirck Van Ingen  
Thomas Sickles

### *Suffolk County*

Jonathan N. Havens  
David Hedges  
Daniel Osborn  
John Smith

### *Ulster County*

John Cantine  
Cornelius C. Schoonmaker  
Charles DeWitt  
Nathan Smith  
James Bruyn  
James Clinton

### *Dutchess County*

Egbert Benson  
Peter Cantine, Jr.  
Thomas Tillotson  
Matthew Patterson  
John DeWitt, Jr.  
Morris Graham  
Isaac Bloom

### *Montgomery County*

James Livingston  
John Frey  
John Winn  
Isaac Paris  
Volkert Veeder  
Abraham Arndt

### *Washington County*

Alexander Webster  
Peter B. Tearse  
Albert Baker  
Edward Savage

### *Columbia County*

William Powers  
Peter Silvester  
John Livingston

## SENATE\*

President: Pierre Van Cortlandt

Clerk: Abraham B. Bancker

***Southern District***

John Vanderbilt  
 Lewis Morris  
 Samuel Townsend  
 Ezra L'Hommedieu  
 Thomas Tredwell  
 James Duane  
 William Floyd  
 John Lawrence

***Middle District***

John Hathorn  
 Jacobus Swartwout  
 Anthony Hoffman  
 John Haring

Cornelius Humphrey  
 Arthur Parks

***Western District***

Abraham Yates, Jr.  
 Peter Schuyler  
 Jellis Fonda  
 Peter Van Ness  
 Philip Schuyler  
 Volkert P. Douw

***Eastern District***

John Williams  
 Ebenezer Russell  
 David Hopkins

***\*Southern District:*** City and County of New York, and Kings, Queens, Richmond, Suffolk, and Westchester counties

***Middle District:*** Columbia, Dutchess, Orange, and Ulster counties

***Western District:*** City and County of Albany and Montgomery County

***Eastern District:*** Washington and Clinton counties



**The Ratification of the  
Constitution by  
the States**

**NEW YORK**  
**[2]**



I.  
THE DEBATE OVER THE  
CONSTITUTION IN NEW YORK  
21 July 1787–31 January 1788  
(Continued)

**Giles Hickory**

**New York American Magazine, 1 January 1788**

This essay by “Giles Hickory,” denying the need for a bill of rights, was published in the December 1787 issue of the *American Magazine*, the first issue of the magazine. Noah Webster, a native of Connecticut who had recently moved to New York City from Philadelphia, was the editor of the magazine, while Samuel Loudon, the publisher of the *New York Packet*, was its printer. Loudon announced in the *Packet* on 1 January 1788 that on that day the December issue of the *American Magazine* was published.

On 23 January 1788 an anonymous writer in the *New York Journal* (below), possibly Samuel Osgood, a member of the Confederation Board of Treasury, criticized the magazine in general and the article by “Giles Hickory” in particular. The anonymous writer correctly identified the magazine’s editor (i.e., Webster) as “Giles Hickory.” Webster himself verified this attribution when he reprinted “Giles Hickory” in a compilation of his essays entitled *A Collection of Essays and Fugitiv Writings. On Moral, Historical, Political and Literary Subjects* (Boston, 1790), 45–48 (Evans 23053). This essay was also reprinted in the *New York Morning Post* on 10 January. Webster published other essays as “Giles Hickory” in the *American Magazine*’s issues of January, February, and March 1788, focusing on legislatures.

One of the principal objections to the new Federal Constitution is, that it contains no *Bill of Rights*. This objection, I presume to assert, is founded on ideas of government that are totally false. Men seem determined to adhere to old prejudices, and reason *wrong*, because our ancestors reasoned *right*. A Bill of Rights against the encroachments of Kings and Barons, or against any power independent of the people, is perfectly intelligible; but a Bill of Rights against the encroachments of an elective Legislature, that is, against our *own* encroachments on *ourselves*, is a curiosity in government.

One half the people who read books, have so little ability to apply what they read to their own practice, that they had better not read at all. The English nation, from which we descended have been gaining their liberties, inch by inch, by forcing concessions from the crown and the Barons, during the course of six centuries. *Magna Charta*, which is called the palladium of English liberty, was dated in 1215, and the

people of England were not represented in Parliament till the year 1265.<sup>1</sup> Magna Charta established the rights of the Barons and the clergy against the encroachments of royal prerogative; but the commons or people were hardly noticed in that deed. There was but one clause in their favor, which stipulated that, "no villain or rustic should, by any fine, be bereaved of his carts, plows and instruments of husbandry."<sup>2</sup> As for the rest, they were considered as a part of the property belonging to an estate, and were transferred, as other moveables, at the will of their owners. In the succeeding reign, they were permitted to send Representatives to Parliament; and from that time have been gradually assuming their proper degree of consequence in the British Legislature. In such a nation, every law or statute that defines the powers of the crown, and circumscribes them within determinate limits, must be considered as a barrier to guard popular liberty. Every acquisition of freedom must be established as a *right*, and solemnly recognized by the supreme power of the nation; lest it should be again resumed by the crown under pretence of ancient prerogative; For this reason, the habeas corpus act passed in the reign of Charles 2d,<sup>3</sup> the statute of the 2d of William and Mary,<sup>4</sup> and many others which are declaratory of certain privileges, are justly considered as the pillars of English freedom.

These statutes are however not esteemed because they are unalterable; for the same power that enacted them, can at any moment repeal them; but they are esteemed, because they are barriers erected by the Representatives of the nation, against a power that exists independent of their own choice.

But the same reasons for such declaratory constitutions do not exist in America, where the supreme power is *the people in their Representatives*. The *Bills of Rights*, prefixed to several of the constitutions of the United States, if considered as assigning the reasons of our separation from a foreign government, or as solemn declarations of right against the encroachments of a foreign jurisdiction, are perfectly rational, and were doubtless necessary. But if they are considered as barriers against the encroachments of our own Legislatures, or as constitutions unalterable by posterity, I venture to pronounce them nugatory, and to the last degree, absurd.

In our governments, there is no power of legislation, independent of the people; no power that has an interest detached from that of the public; consequently there is no power existing against which it is necessary to guard. While our Legislatures therefore remain elective, and the rulers have the same interest in the laws, as the subjects have, the

rights of the people will be perfectly secure without any declaration in their favor.

But this is not the principal point. I undertake to prove that a standing *Bill of Rights* is *absurd*, because no constitutions, in a free government, can be unalterable. The present generation have indeed a right to declare what *they* deem a *privilege*, but they have no right to say what the *next* generation shall deem a privilege. A State is a supreme corporation that never dies. Its powers, when it acts for itself, are at all times, equally extensive; and it has the same right to *repeal* a law this year, as it had to *make* it the last. If therefore our posterity are bound by our constitutions, and can neither amend nor annul them, they are to all intents and purposes our slaves.

But it will be enquired, have we then no right to say, that trial by jury, the liberty of the press, the habeas corpus writ and other invaluable privileges, shall never be infringed nor destroyed? By no means. We have the same right to say that lands shall descend in a particular mode to the heirs of the deceased proprietor, and that such a mode shall never be altered by future generations, as we have to pass a law that the trial by jury shall never be abridged. The right of Jury-trial, which we deem invaluable, may in future cease to be a privilege; or other modes of trial more satisfactory to the people, may be devised. Such an event is neither impossible nor improbable. Have we then a right to say that our posterity shall not be judges of their own circumstances? The very attempt to make *perpetual* constitutions, is the assumption of a right to control the opinions of future generations; and to legislate for those over whom we have as little authority as we have over a nation in Asia. Nay we have as little right to say that trial by jury shall be perpetual, as the English, in the reign of Edward the Confessor, had, to bind their posterity forever to decide causes by fiery Ordeal, or single combat. There are perhaps many laws and regulations, which from their consonance to the eternal rules of justice, will always be good and conformable to the sense of a nation. But most institutions in society, by reason of an unceasing change of circumstances, either become altogether improper or require amendment; and every nation has at all times, the right of judging of its circumstances and determining on the propriety of changing its laws.

The English writers talk much of the omnipotence of Parliament; and yet they seem to entertain some scruples about their right to change particular parts of their constitution. I question much whether Parliament would not hesitate to change, on any occasion, an article of Magna Charta. Mr. Pitt, a few years ago, attempted to reform the



mode of representation in Parliament.<sup>5</sup> Immediately an uproar was raised against the measure, as *unconstitutional*. The representation of the kingdom, when first established, was doubtless equal and wise; but by the increase of some cities and boroughs and the depopulation of others, it has become extremely *unequal*. In some boroughs there is scarcely an elector left to enjoy its privileges. If the nation feels no great inconvenience from this change of circumstances, under the old mode of representation, a reform is unnecessary. But if such a change has produced any national evils of magnitude enough to be felt, the present form of electing the Representatives of the nation, however *constitutional*, and venerable for its antiquity, may at any time be amended, if it should be the sense of Parliament. The *expediency* of the alteration must always be a matter of opinion; but all scruples as to the *right* of making it are totally groundless.

Magna Charta may be considered as a contract between two parties, the King and the Barons, and no contract can be altered but by the consent of both parties. But whenever any article of that deed or contract shall become inconvenient or oppressive, the King, Lords and Commons may either amend or annul it at pleasure.

The same reasoning applies to each of the United States, and to the Federal Republic in general. But an important question will arise from the foregoing remarks, which must be the subject of another paper.

1. In this year, Simon de Montfort, acting in the name of Henry III, summoned two knights from each county and two burgesses from each borough. This was the first time that burgesses were called to sit in Parliament. (Henry III had succeeded his father John, who had agreed to accept the terms of the Magna Carta.)

2. The reference is probably to chapter 30 of the Magna Carta which states that "No sheriff or bailiff of ours, or other person, shall take the horses or carts of any freeman for transport duty, against the will of the said freeman."

3. The Habeas Corpus Act was adopted by Parliament in 1679.

4. The reference is probably to the Bill of Rights adopted by Parliament in 1689.

5. The reference is to William Pitt, the Younger, who, in 1783, sought to curtail bribery and heavy expenses at elections, to deprive corrupt voters of the franchise, and to add knights from the counties and representatives from the city of London.

### **Jemima Loveleap**

**New York American Magazine, 1 January 1788**

*To the* EDITOR *of the* AMERICAN MAGAZINE.

SIR, I was highly delighted when I first saw your proposals for printing a Magazine in this city. It gratified my pride to think New York would have a Magazine, as well as London and Philadelphia. You must know, Sir, that we females have many good ideas to communicate, as

well as the men; but *talking* will not answer the purpose; our opinions must be committed to paper, before they have their proper effect, and your Magazine is the place.

Now, Sir, it struck my mind as soon as I saw your proposals, that there is something ominous in your beginning the publication on the first of January one thousand seven hundred and *eighty eight*. I cannot but predict some good fortune for young Ladies; for the union of two 88 is a lucky omen. I remember to have heard or read somewhere, that Mr. POPE,<sup>1</sup> the celebrated poet, was born in the year one thousand six hundred and *eighty-eight*, the same year that the great comet<sup>2</sup> appeared, and frightened every body, without doing any harm.

Every body remembers that the union of three 777 took Burgoyne,<sup>3</sup> and prepared the way for the French Alliance.<sup>4</sup> My Grandmother has often told me that she was married in the year 1722, and that she has had good luck whenever 2 or 3 figures of the same shape met together.

But, Mr. Editor, my hopes of good luck the coming year, are not a little strengthened by the *shape* of the two figures. I submit it to your judgement, Sir, whether the figure 8 does not look like a *chain* and indicate a *tie* or *connection*. And then two 88 together! Why I am sure they look like Bride and Bridegroom, side by side, in the very ceremony of marriage. Either I am very whimsical, or all this must forbode something clever.

But, Mr. Editor, it is *leap-year* too. I have often been informed that leap-year is very favorable for batchelors; and if so, why not for Ladies too? I have observed in our Almanack that *leap-year* is called also *Bis-sextile*. I hardly know what to make of this word—I suspect it to be *Latin*, and I find in my brother's Latin Dictionary, a word something like it, but I am not satisfied as to the meaning, although I have reason to think it means a connection between the *sexes*. If so, it is a lucky year indeed.

Is it not probable, Mr. Editor, that the new constitution will be adopted in the year 1788? Our politicians all say, that, when this takes place, times will be better—trade will flourish; and then, I think, the young men can get good livings and support families. In short, Sir, the Ladies are generally *Federal*, and I cannot see a reason, why the Gentlemen should be otherwise. I am now in the twenty second year of my age, and I foresee a thousand happy events in the year one thousand seven hundred and *eighty-eight*. If you are a Batchelor, Mr. Editor, I am confident your wishes will correspond with those of your humble Servant

JEMIMA LOVELEAP.

*New-York, Dec. 15, 1787.*

## POSTSCRIPT.

*I forgot Sir to mention a report that a huge comet is to appear in 1788. A blazing star, if I mistake not, is sometimes the forerunner of happy events. If the union of the two 88's, and leap-year, and a blazing-star, do not bring us good fortune, I am sure there is nothing in signs and omens.*

*J. L.*

1. Alexander Pope (1688–1744).

2. Probably Halley's Comet, which appeared in 1682.

3. In October 1777 British General John Burgoyne surrendered after the second Battle of Saratoga.

4. In December 1777 the French learned of the American victory at Saratoga and informed the American envoys in France that they were ready to recognize American independence. In February 1778 France entered into two treaties with the United States, a treaty of amity and commerce and one of alliance. Congress ratified these treaties in May 1778.

**Twenty-seven Subscribers****New York Journal, 1 January 1788<sup>1</sup>**

MR. GREENLEAF, A number of squeamish ladies, around their breakfast table, last Monday, determined not to read your paper any more—To day a number of gentlemen [(]who subscribe for your paper merely for the variety and to have an opportunity of seeing the arguments as fully as possible on both sides) have expressed as much disgust at you for cramming us with the voluminous PUBLIUS,<sup>2</sup> as for disturbing our appetites with your EXAMINER.<sup>3</sup> We take M'Lean<sup>4</sup> to read Publius in the best edition, and he gives us two at a time; and Childs<sup>5</sup> for the daily news and advertisements, but they are curtailed, and we are disappointed for the purpose of serving up the same Publius at our expence; Loudon we take for his morality and evangelic sentiments,<sup>6</sup> but here again we are imposed on, by being made to pay for the very same Publius, who has become nauseous, by having been served up to us no less than in two other papers on the same day. And now, Sir, it seems, you have the assurance, notwithstanding your professions, to induce us to subscribe, to give us Publius a fourth time before breakfast, and no less than two at a time. Pray Mr. Greenleaf adhere to the principles and professions you set out on,<sup>7</sup> and let us have the wished for variety, or return the money, which you have taken on subscription—do not be so irresolute as to be frightened out of your duty by any *pert* adventurer, whose principles may be despotic, from habit in the wars and whose ideas of government cannot be satisfied with less than military execution: for a man whose sentiments have been viciated by one profession, will not easily recover virtuous dispositions by another. This new mode of abridging the liberty of the press, in *New-York also*, is not a

favourable symptom; but do not encourage the presumptive attempt of that author to occupy a greater proportion of the public *high-way* than decently comes to his share.

By desire of *TWENTY-SEVEN SUBSCRIBERS*.

Flat-Bush, Dec. 24, 1787.

1. On 31 December 1787 the *New York Journal* announced that “a FLAT-BUSH correspondent’s COMMUNICATION, omitted this day for want of room,” would appear in the issue of 1 January 1788.

2. Between 18 December 1787 and 30 January 1788, the *New York Journal* printed numbers 23 through 39 of *The Federalist* by “Publius.” The Antifederalist *Journal* even shared the first day of publication of numbers 23, 24, 25, and 27 with one or more of the three Federalist newspapers that regularly printed *The Federalist*—the *Daily Advertiser*, *Independent Journal*, and *New York Packet*. For more on the publication of *The Federalist*, see the headnote to *The Federalist* 1, *Independent Journal*, 27 October (above).

3. Since 11 December, the *New York Journal* had printed four Federalist essays signed “Examiner.”

4. The reference is to John M’Lean’s *Independent Journal*.

5. The reference is to Francis Childs’s *Daily Advertiser*.

6. The reference is to Samuel Loudon’s *New York Packet*. Loudon was an elder in the Scotch Presbyterian Church in Little Queen (Cedar) Street.

7. See the “Note on Sources” (RCS:N.Y., Vol. 1, lviii) for Greenleaf’s announcement on 15 November 1787 that the *New York Journal* would become a daily newspaper.

## Observer

**New York Journal, 1 January 1788<sup>1</sup>**

To DEMOCRITUS.

Thou art really the very mirror of sagacity and penetration; nay I cannot but think, that thou hast natural intercourse with old Square-Toes, who in consideration of your faithful services, and out of particular regard for one whose nature is so congenial with his own, has initiated you in the infernal science of witchcraft, for surely nothing less than diabolical discernment could have led you to discover the author of the Examiner, to be my friend Dr. M’ K——. I hope however, for the happiness of my country, and I am persuaded, from the good sense and patriotism, the majority of its inhabitants have always discovered, that the federal constitution will be accepted by the several states in the union, and transmitted down, unaltered, and unimpaired to the latest posterity. Although Democritus, the dog\* and cat,\* and all the other fiends of hell\* are combined against it.

I would advise Democritus and his colleagues, the dog\* and cat,\* to have no further connections with old Square Toes, for he always forsakes his best friends in the end, and will smile to see the owl,\* dog\* and cat\* (an hellish group\*) suspended on the fatal yew, in reward for

the mischief he himself excited them to machinate against their injured country.

(\* Our readers will please to excuse the editors inserting the very *significant* and *polite* words and sentences marked thus \* in the above piece, which it is presumed our *federal* correspondent judged indispensable.—

This kind of writers on either side in future, if they intend to occupy any part of this paper by their performances, must hoist them a few degrees from the sink of *scurrility*, and strew their *productions* with a little more *shining sand*.)

1. On 31 December 1787 the *New York Journal* announced that “Observer” was “omitted this day for want of room” and that it would appear on 1 January 1788. “Observer” replies to “Democritus” who had attacked “Examiner,” a pseudonym for Charles McKnight. (See “Democritus,” *New York Journal*, 14, 21, and 28 December, RCS:N.Y., 421–23, 459–62, 479–82.)

**Publius: The Federalist 31 (Alexander Hamilton)  
New York Packet, 1 January 1788**

National taxing power is needed. For text, see CC:403. For reprintings, see Appendix IV, RCS:N.Y., 545.

**New York Packet, 1 January 1788<sup>1</sup>**

NEW-YEAR.

We have now arrived at the commencement of a *New-Year*. At the beginning of the last, expectations were formed that, 'ere its close, our country would be found in a more eligible situation: But we have still to lament the languid state of national affairs.—In matters which generally concern United America, it is scarcely possible that even the friends of this extensive country, should judge alike of her true interests—How necessary then, that a *spirit of amity, and mutual deference and concession*,<sup>2</sup> should be diffused throughout the whole.—When Americans speak of *their* country, the idea should not be sordidly contracted to a town, district, or state; but, they should exult in the magnificent conception of being citizens of one vast Empire of Freemen.—Should a spirit like this, generous and enlarged, distinguish the citizens of America, the year 1788 would probably be the memorable æra, in which would be erected a government, unprecedented in the annals of mankind—capable of perpetuating the liberties of America—maintaining her glory as a nation—preserving her from the fell attacks of

anarchy—opening her lenient bosom as an assylum for the distressed of all nations, and the last resort of FREEDOM.

1. Reprinted: *Pennsylvania Packet* and *Pennsylvania Mercury*, 8 January; *Pennsylvania Herald*, 9 January; *Newport Herald*, 24 January.

2. See George Washington's 17 September letter transmitting the new Constitution from the Constitutional Convention to the Confederation Congress (RCS:N.Y., 526–27).

### Lansingburgh Northern Centinel, 1 January 1788

Messrs. Printers, *By inserting the following in your useful Centinel you will only disoblige the selfish, sly, underhanded antifederalists, while you oblige every honest and worthy character among your readers.* A SPECTATOR

Envy is said to be painted with all the malignity of a swelling toad: she ever affects to despise in others those qualifications she finds herself unable to attain; and the more effectually to depreciate their worth she does not hesitate to make use of the meanest artifices,—thereby discovering her malign, ugly, worthless disposition:—And as she is the genius of malevolence, 'tis no matter of surprize to find her second to nothing but avarice in the passions of the antifederal junto. A recent instance of her ascendancy over that class of wrongheads may be seen in the Albany Gazette, of Dec. 20,<sup>1</sup> where one of their anonymous, grub-street paragraphists, under the connecting epithet of correspondent, has, like an animal he so much resembles, brayed out his observations. This sophistical cyst sees no difference betwixt truth and falshood—is as much delighted with the fallacious reasonings of Cato as with the candid, cool demonstrations of Publius; and would be thought to feel no anxiety about any thing but present gain. His sophistry, however, is too thread-bare to deceive one federalist.

'Tis plain that he supposes all mankind as sightless as himself; hence his low cunning, in blending antifederal essay writers with honest men—He hopes to impose his own weak opinions upon the public, and has doubtless the vanity to expect that those he terms geniuses will be handed indiscriminately for such to posterity. But with all his seeming indifference, it is obvious he belongs to the junto, and is highly interested in the destruction of his country. He foresees that unless the political body is torn, there will be no picking for crows; and, as his only dependance for that purpose was on Cato and Bryan,<sup>2</sup> whoever attempts to throw light upon their fallacious sophistry, is sure to make this grub an enemy. But what makes him particularly malicious at the authors of the several ingenious poetical pieces that have appeared in the Lansingburgh Advertiser, is his inability to perform any thing of

the kind. He doubtless owes the author of the Syren's Songs<sup>3</sup> peculiar spite, because in him he sees a superior as he loses sight of his hopes: He sees that these Songs contain the real and implied sense of his beloved Cato without its hypocritical daubing; and with their continuation he foresees the punishment of knavery, consequently the defeat of all his projects.

Who this Cloacinean<sup>4</sup> is seems a matter of doubt, although it is probably one of those *honorable gentlemen* who feel themselves *dignified* while they endeavour to screen a monied knave from justice, or procrastinate a suit to the utter ruin of the honest, needy plaintiff. But whether he be one of those scourges of society or not, this much every one may observe, that he seems sufficiently immured in filth, and filthy researches, to be a *Yahoo*,<sup>5</sup> or a cub of a *Yahoo*, and would doubtless taint a large extent of country if once raised (where probably he may be) on the bleak hill west of Albany. The last word on his scrawling seems to confirm the conjecture and looks very much like a signature; if it be so, it is likely this intelligent Yahoo is surrounded by his filthy brethren.

I now leave this pretended associate to grovel in his native filth, and to enjoy with his friends his pristine nastiness, and shall in future shun him as the source of stench. I cannot, however, dismiss all his brethren until I expose their meanness: They are so ashamed of their own cause, that they seek to hide it, and would be thought enemies to what they secretly avow. In this town I lately overheard their dirty proceedings, and found characters concerned that I should not have suspected from any thing except their occupations. The junto in New-York have sent up to these their brethren antifederal essays, fraught with malice, sophistry and falshoods. These declamatory pieces, when they arrive in Albany, are, by their patrons, repacked, inclosed with anonymous letters, and sent in numbers to the counties of Washington, Montgomery, &c. This wonderful production of vice is called the *Centinel*, said to be written by a certain *superannuated* Bryan, of Pennsylvania, of whom the following is a genuine

#### ANECDOTE.

“This old man was called upon by a tradesman a few months ago for a debt under thirty pounds, which had been due above twelve years and which had not been demanded, from a tenderness to the old man's circumstances. As soon as our antifederal author saw the account, he said, ‘I will not pay this bill. The time for paying it has expired by the statute of limitations, and I will not set so *bad an example* as to pay a debt under such circumstances.’ *Quere*. Whose opinion or advice should

we now follow respecting the new federal government—this *dishonest old scribbler's*, or the great and good General WASHINGTON's?"

*Albany, Dec. 29.*

1. "A Spectator" refers to the third of three items contributed by correspondents to the *Albany Gazette*, 20 December (RCS:N.Y., 445).

2. The reference is to George Bryan of Philadelphia, the alleged author of the essays of "Centinel," first published in Philadelphia beginning on 5 October 1787. See "New York Reprinting of the Centinel Essays," 17 October 1787–12 April 1788 (RCS:N.Y., 96).

3. See "The Syren's Songs," *Northern Centinel*, 11, 18 December (RCS:N.Y., 392–94, 429–30).

4. Probably related to the word "cloaca," a sewer.

5. For the "Yahoos," see *Albany Gazette*, 20 December (RCS:N.Y., 445).

### **Advertisement for the Book Edition of *The Federalist* New York Independent Journal, 2 January 1788**

*The Federalist* was so popular that about five weeks after the appearance of the first number a New York committee decided to print the essays in a book edition (James Madison to Edmund Randolph, 2 December, CC:314). Three weeks later Rufus King also noted that *The Federalist* would "be published in a pamphlet or rather in a small volume; for the work will be voluminous" (to Jeremiah Wadsworth, 23 December, CC:368). New York printer John M'Lean of the *Independent Journal* and his brother Archibald were commissioned to produce 500 copies of the volume. The M'Leans were informed that between twenty and twenty-five essays would be included in the volume (Archibald M'Lean to Robert Troup, 14 October 1788, Mfm:N.Y.). However, by 2 January, when the M'Leans first advertised their plan to publish the volume, thirty-one essays had already appeared in the newspapers.

The printers, adopting a common practice, obtained advanced subscribers to the volume. They promised subscribers a price of five shillings for a 200-page volume or six shillings for anything of 250 pages or more. They authorized printers and booksellers throughout America to take subscriptions, with payment being due when the volumes were delivered. When the first volume appeared on 22 March, the printers asked those holding subscription lists to return them, although some individuals requested the volume directly from the printers.

The M'Leans' advertisement printed below was published in the *Independent Journal* on 2, 5, 9, 16, 19, and 23 January. It was reprinted in the *New York Packet* ten times between 8 January and 8 February. The advertisement, without the first four paragraphs, appeared in the *Daily Advertiser*, 3 January, and the *Country Journal*, 19 February. The *Norfolk and Portsmouth Journal*, also published by John M'Lean, printed an almost identical advertisement on 30 January. This version was reprinted, without the first four paragraphs, in the *Virginia Independent Chronicle* on 6 February and 12 March (extra). Soon after the appearance of the M'Lean advertisement, people from all over America began to subscribe to *The Federalist* or to request that their friends and acquaintances in New York obtain copies for them (CC:639, p. 467).



For the advertisement announcing the publication and sale of the first volume of *The Federalist* and for its circulation and the comments upon it, see under 22 March (RCS:N.Y., 878–81).

*To the People of America.*

Amongst the numerous publications that have issued from the press, on the subject of Federal Government, none have attracted the public attention more than that intitled the FEDERALIST, under the signature of PUBLIUS:—The justness of the reasoning, the force of the arguments, and the beauty of the language, which distinguish this performance, have justly recommended it to general applause.

To attain a competent knowledge of the advantages to be derived from adopting the proposed Federal Constitution, is no doubt the sincere wish of every true friend to his country:—This performance being entirely free from party spirit and personal invective, is therefore well calculated to accomplish so desirable an end.

The avidity with which this writer's pieces have been sought after by politicians and persons of every description, and the particular attention the different printers throughout the United States have shewn them by regular insertions in their papers, are conclusive proofs of the superior excellence of this elegant political production. The manner in which the author treats and discusses the controverted parts of the Constitution, displays much information, patriotism and candour, and can hardly fail of meeting with a favourable reception from the opposers, as well as the advocates of the new system of Government.

Under this persuasion the Publishers flatter themselves with the countenance and support of the Citizens of America, to a publication evidently written to promote their Welfare, Happiness and prosperity.

*In the Press and speedily will be published,*

**The FEDERALIST,**

A Collection of Essays, written in favour  
of the New Constitution,

*By a Citizen of New-York,*

Corrected by the Author, with Additions and Alterations.

CONDITIONS.

This Work will be printed on a fine Paper and good Type, in one handsome Volume *duodecimo*.

The number of Pages the Volume will contain, cannot rightly be ascertained, as the Author has not yet done publishing, but the Printers engage to deliver them to Subscribers at the very reasonable Rate of

*Five Shillings* for 200 Pages, *Six Shillings* if 250, and all above *gratis*.— (The Numbers already published will make more than 200 Pages, and the Author does not seem to be nigh a close.)

*To render this Work more complete, will be added,  
without any additional expence,*

PHILO-PUBLIUS,<sup>1</sup> and the ARTICLES of the CONVENTION, as agreed upon at Philadelphia, September 17th, 1787.

☞ A few Copies will be printed on superfine Royal Writing Paper, Price *Ten Shillings*.

∴ No Money required till Delivery.

SUBSCRIPTIONS are taken in by J. M'LEAN, and Co. No. 41, Hanover-Square, by the several Booksellers of the City, and by all others intrusted with Proposals.

*New-York, January 1, 1788.*

1. Beginning on 30 October, four brief essays by “Philo-Publius” (William Duer) were published. They were not reprinted in *The Federalist*. See “Philo-Publius” I, *Daily Advertiser*, 30 October (RCS:N.Y., 148–51).

**Publius: The Federalist 32–33 (Alexander Hamilton)  
New York Independent Journal, 2 January 1788**

Exclusive and concurrent taxing powers, necessary and proper clause, and supremacy clause. For text, see CC:405. For reprintings, see Appendix IV, RCS:N.Y., 545.

**Philadelphia Freeman’s Journal, 2 January 1788<sup>1</sup>**

By a gentleman of veracity and information, who arrived in this city yesterday from New York, we are assured, that there is not the smallest probability of the new constitution being adopted in that State. He says, that the Address and Dissent of the minority of the Convention of Pennsylvania has done great execution there,<sup>2</sup> but the last numbers of *Publius* have done still more; as that writer’s attempts to prove the expediency of supporting a *standing army* in time of peace have been so futile, that even the friends of the new plan are offended with them.<sup>3</sup> His barefaced assertions, that our existence as a nation depends upon our keeping up a large military, to defend us on the north from the British, on the west from the Indians, on the south from the Spaniards, and on the Atlantic side from the invasions of a maritime enemy, have alarmed the people exceedingly. The common talk is, *Well, what do you think of being surrounded with a standing army?*

1. Reprinted in the *Daily Advertiser* and *New York Morning Post*, 4 January; *New York Journal*, 5 January; *Albany Gazette*, 10 January; Newburyport *Essex Journal*, 16 January (excerpt); Boston *American Herald*, 28 January; and *Newport Mercury*, 4 February.

2. See “New York Reprinting of the Dissent of the Minority of the Pennsylvania Convention,” 27 December 1787–April 1788 (RCS:N.Y., 477–78).

3. See *The Federalist* 24–28 which were published between 19 and 26 December (CC:355, 364, 366, 378, 381).

## Brutus VII

### New York Journal, 3 January 1788

The result of our reasoning in the two preceding numbers<sup>1</sup> is this, that in a confederated government, where the powers are divided between the general and the state government, it is essential to its existence, that the revenues of the country, without which no government can exist, should be divided between them, and so apportioned to each, as to answer their respective exigencies, as far as human wisdom can effect such a division and apportionment.

It has been shewn, that no such allotment is made in this constitution, but that every source of revenue is under the controul of the Congress; it therefore follows, that if this system is intended to be a complex and not a simple, a confederate and not an entire consolidated government, it contains in it the sure seeds of its own dissolution.—One of two things must happen—Either the new constitution will become a mere *nudum pactum*,<sup>2</sup> and all the authority of the rulers under it be cried down, as has happened to the present confederation—Or the authority of the individual states will be totally supplanted, and they will retain the mere form without any of the powers of government.—To one or the other of these issues, I think, this new government, if it is adopted, will advance with great celerity.

It is said, I know, that such a separation of the sources of revenue, cannot be made without endangering the public safety—“unless (says a writer) it can be shewn that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed; it must be admitted as a necessary consequence, that there can be no limitation of that authority which is to provide for the defence and protection of the community, &c.”<sup>(a)</sup>

The pretended demonstration of this writer will instantly vanish, when it is considered, that the *protection and defence* of the community is not intended to be entrusted *solely* into the hands of the general government, and by his own confession it ought not to be. It is true this system commits to the general government the protection and defence of the community against foreign force and invasion, against piracies and felonies on the high seas, and against insurrection among

ourselves. They are also authorised to provide for the administration of justice in certain matters of a general concern, and in some that I think are not so. But it ought to be left to the state governments to provide for the protection and defence of the citizen against the hand of private violence, and the wrongs done or attempted by individuals to each other—Protection and defence against the murderer, the robber, the thief, the cheat, and the unjust person, is to be derived from the respective state governments.—The just way of reasoning therefore on this subject is this, the general government is to provide for the protection and defence of the community against foreign attacks, &c. they therefore ought to have authority sufficient to effect this, so far as is consistent with the providing for our internal protection and defence. The state governments are entrusted with the care of administering justice among its citizens, and the management of other internal concerns, they ought therefore to retain power adequate to the end. The preservation of internal peace and good order, and the due administration of law and justice, ought to be the first care of every government.—The happiness of a people depends infinitely more on this than it does upon all that glory and respect which nations acquire by the most brilliant martial achievements—and I believe history will furnish but few examples of nations who have duly attended to these, who have been subdued by foreign invaders. If a proper respect and submission to the laws prevailed over all orders of men in our country; and if a spirit of public and private justice, oeconomy and industry influenced the people, we need not be under any apprehensions but what they would be ready to repel any invasion that might be made on the country. And more than this, I would not wish from them—A defensive war is the only one I think justifiable—I do not make these observations to prove, that a government ought not to be authorised to provide for the protection and defence of a country against external enemies, but to shew that this is not the most important, much less the only object of their care.

The European governments are almost all of them framed, and administered with a view to arms, and war, as that in which their chief glory consists; they mistake the end of government—it was designed to save mens lives, not to destroy them. We ought to furnish the world with an example of a great people, who in their civil institutions hold chiefly in view, the attainment of virtue, and happiness among ourselves. Let the monarchs in Europe, share among them the glory of depopulating countries, and butchering thousands of their innocent citizens, to revenge private quarrels, or to punish an insult offered to a wife, a mistress, or a favorite: I envy them not the honor, and I pray heaven this country may never be ambitious of it. The czar Peter the

great, acquired great glory by his arms; but all this was nothing, compared with the true glory which he obtained, by civilizing his rude and barbarous subjects, diffusing among them knowledge, and establishing, and cultivating the arts of life: by the former he desolated countries, and drenched the earth with human blood: by the latter he softened the ferocious nature of his people, and pointed them to the means of human happiness. The most important end of government then, is the proper direction of its internal police, and œconomy; this is the province of the state governments, and it is evident, and is indeed admitted, that these ought to be under their controul. Is it not then preposterous, and in the highest degree absurd, when the state governments are vested with powers so essential to the peace and good order of society, to take from them the means of their own preservation?

The idea, that the powers of congress in respect to revenue ought to be unlimited, "because the circumstances which may affect the public safety are not reducible to certain determinate limits," is novel, as it relates to the government of the united states. The inconveniencies which resulted from the feebleness of the present confederation was discerned, and felt soon after its adoption. It was soon discovered, that a power to require money, without either the authority or means to enforce a collection of it, could not be relied upon either to provide for the common defence, the discharge of the national debt, or for support of government. Congress therefore, so early as February 1781, recommended to the states to invest them with a power to levy an impost of five per cent ad valorem, on all imported goods, as a fund to be appropriated to discharge the debts already contracted, or which should hereafter be contracted for the support of the war, to be continued until the debts should be fully and finally discharged.<sup>3</sup> There is not the most distant idea held out in this act, that an unlimited power to collect taxes, duties and excises was necessary to be vested in the united states, and yet this was a time of the most pressing danger and distress. The idea then was, that if certain definite funds were assigned to the union, which were certain in their natures, productive, and easy of collection, it would enable them to answer their engagements, and provide for their defence, and the impost of five per cent was fixed upon for the purpose.

This same subject was revived in the winter and spring of 1783, and after a long consideration of the subject, and many schemes were proposed; the result was, a recommendation of the revenue system of April 1783;<sup>4</sup> this system does not suggest an idea that it was necessary to grant the United States unlimited authority in matters of revenue. A variety of amendments were proposed to this system, some of which are upon

the journals of Congress, but it does not appear that any of them proposed to invest the general government with discretionary power to raise money. On the contrary, all of them limit them to certain definite objects, and fix the bounds over which they could not pass. This recommendation was passed at the conclusion of the war, and was founded on an estimate of the whole national debt. It was computed, that one million and an half of dollars, in addition to the impost, was a sufficient sum to pay the annual interest of the debt, and gradually to abolish the principal.—Events have proved that their estimate was sufficiently liberal, as the domestic debt appears upon its being adjusted to be less than it was computed, and since this period a considerable portion of the principal of the domestic debt has been discharged by the sale of the western lands. It has been constantly urged by Congress, and by individuals, ever since, until lately, that had this revenue been appropriated by the states, as it was recommended, it would have been adequate to every exigency of the union. Now indeed it is insisted, that all the treasures of the country are to be under the controul of that body, whom we are to appoint to provide for our protection and defence against foreign enemies. The debts of the several states, and the support of the governments of them are to trust to fortune and accident. If the union should not have occasion for all the money they can raise, they will leave a portion for the state, but this must be a matter of mere grace and favor. Doctrines like these would not have been listened to by any state in the union, at a time when we were pressed on every side by a powerful enemy, and were called upon to make greater exertions than we have any reason to expect we shall ever be again. The ability and character of the convention, who framed the proffered constitution, is sounded forth and reiterated by every declaimer and writer in its favor, as a powerful argument to induce its adoption. But are not the patriots who guided our councils in the perilous times of the war, entitled to equal respect. How has it happened, that none of these perceived a truth, which it is pretended is capable of such clear demonstration, that the power to raise a revenue should be deposited in the general government without limitation? Were the men so dull of apprehension, so incapable of reasoning as not to be able to draw the inference? The truth is, no such necessity exists. It is a thing practicable, and by no means so difficult as is pretended, to limit the powers of the general government in respect to revenue, while yet they may retain reasonable means to provide for the common defence.

It is admitted, that human wisdom cannot foresee all the variety of circumstances that may arise to endanger the safety of nations—and it may with equal truth be added, that the power of a nation, exerted

with its utmost vigour, may not be equal to repel a force with which it may be assailed, much less may it be able, with its ordinary resources and power, to oppose an extraordinary and unexpected attack;—but yet every nation may form a rational judgment, what force will be competent to protect and defend it, against any enemy with which it is probable it may have to contend. In extraordinary attacks, every country must rely upon the spirit and special exertions of its inhabitants—and these extraordinary efforts will always very much depend upon the happiness and good order the people experience from a wise and prudent administration of their internal government. The states are as capable of making a just estimate on this head, as perhaps any nation in the world.—We have no powerful nation in our neighbourhood; if we are to go to war, it must either be with the Aboriginal natives, or with European nations. The first are so unequal to a contest with this whole continent, that they are rather to be dreaded for the depredations they may make on our frontiers, than for any impression they will ever be able to make on the body of the country. Some of the European nations, it is true, have provinces bordering upon us, but from these, unsupported by their European forces, we have nothing to apprehend; if any of them should attack us, they will have to transport their armies across the atlantic, at immense expence, while we should defend ourselves in our own country, which abounds with every necessary of life. For defence against any assault, which there is any probability will be made upon us, we may easily form an estimate.

I may be asked to point out the sources, from which the general government could derive a sufficient revenue, to answer the demands of the union. Many might be suggested, and for my part, I am not disposed to be tenacious of my own opinion on the subject. If the object be defined with precision, and will operate to make the burden fall any thing nearly equal on the different parts of the union, I shall be satisfied.

There is one source of revenue, which it is agreed, the general government ought to have the sole controul of. This is an impost upon all goods imported from foreign countries. This would, of itself, be very productive, and would be collected with ease and certainty.—It will be a fund too, constantly encreasing—for our commerce will grow, with the productions of the country; and these, together with our consumption of foreign goods, will encrease with our population. It is said, that the impost will not produce a sufficient sum to satisfy the demands of the general government; perhaps it would not. Let some other then,

equally well defined, be assigned them:—that this is practicable is certain, because such particular objects were proposed by some members of Congress when the revenue system of April 1783, was agitated in that body. It was then moved, that a tax at the rate of \_\_\_\_ ninetieths of a dollar on surveyed land, and a house tax of half a dollar on a house, should be granted to the United States.<sup>5</sup> I do not mention this, because I approve of raising a revenue in this mode. I believe such a tax would be difficult in its collection, and inconvenient in its operation. But it shews, that it has heretofore been the sense of some of those, who now contend, that the general government should have unlimited authority in matters of revenue, that their authority should be definite and limited on that head.—My own opinion is, that the objects from which the general government should have authority to raise a revenue, should be of such a nature, that the tax should be raised by simple laws, with few officers, with certainty and expedition, and with the least interference with the internal police of the states.—Of this nature is the impost on imported goods—and it appears to me that a duty on exports, would also be of this nature—and therefore, for ought I can discover, this would be the best source of revenue to grant the general government. I know neither the Congress nor the state legislatures will have authority under the new constitution to raise a revenue in this way. But I cannot perceive the reason of the restriction. It appears to me evident, that a tax on articles exported, would be as nearly equal as any that we can expect to lay, and it certainly would be collected with more ease and less expence than any direct tax. I do not however, contend for this mode, it may be liable to well founded objections that have not occurred to me. But this I do contend for, that some mode is practicable, and that limits must be marked between the general government, and the states on this head, or if they be not, either the Congress in the exercise of this power, will deprive the state legislatures of the means of their existence, or the states by resisting the constitutional authority of the general government, will render it nugatory.

(a) *Federalist*, No. 23.<sup>6</sup>

1. See “Brutus” V–VI, *New York Journal*, 13, 27 December (RCS:N.Y., 410–16, 466–73).
2. “A voluntary promise without any other consideration than mere good will.”
3. For the Impost of 1781, see CDR, 140–41.
4. For the Impost of 1783 and the request for supplementary funds to discharge the interest and principal of the debt, see CDR, 146–48.
5. Such taxes were embodied in a plan proposed in Congress by Alexander Hamilton and James Wilson on 20 March 1783. The plan was rejected seven states to four with one state divided (JCC, XXIV, 198–202).
6. See *The Federalist* 23, *New York Packet*, 18 December (CC:352).



**Cato VII****New York Journal, 3 January 1788<sup>1</sup>**

To the CITIZENS of the State of NEW-YORK.

That the senate and president are further improperly connected, will appear, if it is considered, that their dependence on each other will prevent either from being a check upon the other; they must act in concert, and whether the power and influence of the one or the other is to prevail, will depend on the character and abilities of the men who hold those offices at the time. The senate is vested with such a proportion of the executive, that it would be found necessary that they should be constantly sitting. This circumstance did not escape the convention, and they have provided for the event, in the 2d article, which declares, that the executive may, on extraordinary occasions, *convene both houses or either of them*. No occasion can exist for calling the assembly without the senate; the words *or either of them*, must have been intended to apply only to the senate. Their wages are already provided for; and it will be therefore readily observed, that the partition between a perpetuation of their sessions and a perpetuation of their offices, in the progress of the government, will be found to be but thin and feeble. Besides, the senate, who have the sole power to try all impeachments, in case of the impeachment of the president, are to determine, as judges, the propriety of the advice they gave him, as senators. Can the senate in this, therefore, be an impartial judicature? And will they not rather serve as a screen to great public defaulters?

Among the many evils that are incorporated in this new system of government, is that of congress having the power of making or altering the regulations prescribed by the different legislatures, respecting the time, place, and manner of holding elections for representatives, and the time, and manner of choosing senators. If it is enquired, in what manner this regulation may be exercised to your injury—the answer is easy.

By the first article the house of representatives shall consist of members, chosen every second year by the people of the several states, who are qualified to vote for members of their several state assemblies; it can therefore readily be believed, that the different state legislatures, provided such can exist after the adoption of this government, will continue those easy and convenient modes for the election of representatives for the national legislature, that are in use, for the election of members of assembly for their own states; but the congress have, by the constitution, a power to make other regulations, or alter those in practice, prescribed by your own state legislatures; hence, instead of

having the places of elections in the precincts, and brought home almost to your own doors, Congress may establish a place, or places, at either the extremes, center, or outer parts of the states; at a time and season too, when it may be very inconvenient to attend; and by these means destroy the rights of election; but in opposition to this reasoning, it is asserted, that it is a necessary power because the states might omit making rules for the purpose, and thereby defeat the existence of that branch of the government; this is what logicians call *argumentum absurdum*,<sup>2</sup> for the different states, if they will have any security at all in this government, will find it in the house of representatives, and they, therefore, would not be very ready to eradicate a principle in which it dwells, or involve their country in an instantaneous revolution. Besides, if this was the apprehension of the framers, and the ground of that provision, why did not they extend this controuling power to the other duties of the several state legislatures. To exemplify this the states are to appoint senators, and electors for choosing of a president; but the time is to be under the direction of congress. Now, suppose they were to omit the appointment of senators and electors, though congress was to appoint the time, which might well be apprehended as the omission of regulations for the election of members of the house of representatives, provided they had that power; or suppose they were not to meet at all: of course, the government cannot proceed in its exercise. And from this motive, or apprehension, congress ought to have taken these duties entirely in their own hands, and, by a decisive declaration, annihilated them, which they in fact have done by leaving them without the means of support, or at least resting on their bounty. To this, the advocates for this system oppose the common, empty declamation, that there is no danger that congress will abuse this power; but such language, as relative to so important a subject, is mere vapour and sound without sense. Is it not in their power, however, to make such regulations as may be inconvenient to you? It must be admitted, because the words are unlimited in their sense. It is a good rule, in the construction of a contract, to suppose, that what may be done will be; therefore, in considering this subject, you are to suppose, that in the exercise of this government, a regulation of congress will be made, for holding an election for the whole state at Poughkeepsie, at New-York, or, perhaps, at Fort-Stanwix: who will then be the actual electors for the house of representatives? Very few more than those who may live in the vicinity of these places. Could any others afford the expence and time of attending? And would not the government by this means have it in their power to put whom they pleased in the house of representatives? You ought certainly to have as much or more distrust with respect to the

exercise of these powers by congress, than congress ought to have with respect to the exercise of those duties which ought to be entrusted to the several states, because over them congress can have a legislative controuling power.

Hitherto we have tied up our rulers in the exercise of their duties by positive restrictions—if the cord has been drawn too tight, loosen it to the necessary extent, but do not entirely unbind them.—I am no enemy to placing a reasonable confidence in them; but such an unbounded one as the advocates and framers of this new system advise you to, would be dangerous to your liberties; it has been the ruin of other governments, and will be yours, if you adopt with all its latitudinal powers—unlimited confidence in governors as well as individuals is frequently the parent of deception.—What facilitated the corrupt designs of Philip of Macedon, and caused the ruin of Athens, but the unbounded confidence in their statesmen and rulers? Such improper confidence Demosthenes was so well convinced had ruined his country, that in his second Phillipic oration he remarks—“that there is one common bulwark with which men of prudence are naturally provided, the guard and security of all people, particularly of free states, against the assaults of tyrants—What is this? Distrust. Of this be mindful; to this adhere; preserve this carefully, and no calamity can affect you.”<sup>3</sup>—Montesquieu observes, that “the course of government is attended with an insensible descent to evil, and there is no reascending to good without very great efforts.”<sup>4</sup> The plain inference from this doctrine is, that rulers in all governments will erect an interest separate from the ruled, which will have a tendency to enslave them. There is therefore no other way of interrupting this insensible descent and warding off the evil as long as possible, than by establishing principles of distrust in your constituents, and cultivating the sentiment among yourselves. But let me enquire of you, my countrymen, whether the freedom and independence of elections is a point of magnitude? If it is, what kind of a spirit of amity, deference and concession,<sup>5</sup> is that which has put it in the power of Congress at one stroke to prevent your interference in government, and do away your liberties for ever? Does either the situation or circumstances of things warrant it?

1. Reprinted: *Daily Advertiser*, 5 January.

2. Latin: an absurd argument.

3. J. H. Vince, trans., *Demosthenes . . .* (London and New York, 1930), Second Phillipic, Section 24, pp. 136–37.

4. “In the course of a long administration, the descent to vice is insensible; but there is no re-ascending to virtue, without making the most generous efforts” (*Spirit of Laws*, I, Book V, chapter VII, 69).

5. See *New York Packet*, 1 January, at note 2, and note 2 (RCS:N.Y., 560 and 561n).

**Examiner V****New York Journal, 4 January 1788**

“So thick the drop serene hath quench’d their orbs,  
Or dim suffusion veil’d.”

MILTON.<sup>1</sup>

MR. GREENLEAF, Having, in my preceding numbers, effectually crushed the little utician dabler,<sup>2</sup> and knocked the gigantic Brutus in the head, my intention was to have made some other antifederal hero the subject of my present animadversions: but finding so many dunces have clubbed their heads, with every degree of virulence, fermented by insanity, in order to check my career, I shall, as a necessary prelude, first endeavour to explain the propriety of some of the comparisons already drawn, and those which (with your permission) I intend to make in my future productions; by which, however eccentric I may appear, I hope I shall avoid the imputation of falling into absurdity.

When a man closes up the superior parts of his understanding against the admission of truth and reason, and opens the inferior parts to falsehood and folly, he certainly divests himself of the nature of a man, and acquires the nature of a beast, whose likeness he assumes, not in imagination only, but in reality; for he may become a fox in cunning, a wolf in fierceness, a leopard in treachery, a tiger in savageness, a crocodile, a serpent, an owl or a bat, as to the respective natures and properties of those animals. The consequence of such a transformation is, that he will see confusedly, act crazily, think oddly, reason strangely, and conclude falsely; for although even the smallest insects are endowed with organs of sense and motion, and consequently with fibres and vessels, and likewise with a heart and lungs, with their several arteries and veins, with bowels also and brains formed of the purest substances in nature, and with that vital principle whereby each part is distinctly acted upon and enlivened, yet their perceptions, thoughts and conclusions never rise above the sphere of nature; but in all things they behold confusion without form or order. Since this is the case, can I be justly blamed for holding up an animal in likeness to a man that perfectly answers its description?

I am not fond of raking up the ashes of the dead; but Cato’s lunatick squire Democritus<sup>3</sup> will not, it seems, easily part with me. We have tossed the ball so long from hand to hand that he seems miserable without me; I shall therefore, in addition to what I have heretofore observed, remark, that plagiarism can derive its existence from nothing but the most consummate ignorance, impudence and ambition. To stand up in defence of what is conceived to be just is certainly the duty of every man; but then every man should confine himself within his proper sphere. The strongest head is not the necessary concomitant of

the sincerest heart; so that even admitting Cato was as much concerned for the welfare of his country as he pretended to be, he was inexcusable in commencing [as a] political writer under his manifest deficiencies.

The intention of the piece signed an Observer, in your paper of yesterday,<sup>4</sup> is as obvious as the author's method is unfair and shabby. I can only assure you, upon my honour, that the scurrilous performance under that signature never came from the pen of the EXAMINER.

*January 2, 1788.*

1. John Milton, *Paradise Lost*, Book III, lines 25–26.

2. A reference to the Antifederalist essayist “Cato,” a pseudonym taken from Marcus Porcius Cato Uticensis (Cato the Younger), a longtime opponent of Julius Caesar and a supporter of republican principles. (Uticensis means of or belonging to Utica, the city in which Cato committed suicide rather than accept a pardon from Caesar.)

3. See “Democritus,” *New York Journal*, 14, 21, and 28 December (RCS:N.Y., 421–23, 459–62, 479–82).

4. See “Observer,” *New York Journal*, 1 January (RCS:N.Y., 559–60).

**Publius: The Federalist 34 (Alexander Hamilton)  
New York Packet, 4 January 1788**

National taxing power is needed. For text, see CC:416. For reprintings, see Appendix IV, RCS:N.Y., 545.

**Editors' Note**

**New York Reprinting of New England's Response to  
the Federal Farmer's Letters to the Republican, 4 January 1788**

On 8 November 1787 the *New York Journal* advertised the sale of a forty-page pamphlet *Letters from the Federal Farmer to the Republican* (RCS:N.Y., 203–45)—the best Antifederalist statement on the Constitution. This pamphlet, reprinted several times, circulated in New York for months. It also circulated in Pennsylvania, Connecticut, and Massachusetts, with its circulation in Connecticut being primarily promoted by New York Antifederalists who were criticized for their actions. (See “The Circulation of New York Antifederalist Material in Connecticut,” *Daily Advertiser*, 4 December, RCS:N.Y., 352–54.)

New York Federalists were disturbed by the wide circulation of “Federal Farmer,” but they published no original major response to him. The principal reply to “Federal Farmer” was published on 24 December in the *Connecticut Courant* by “New England” who accused Virginian Richard Henry Lee of being “Federal Farmer.” “New England” not only attacked Richard Henry Lee, but also New York Antifederalists who helped to distribute the pamphlet. John Lamb, “a man too violent

to be prudent,” was accused of being primarily responsible for distributing the pamphlet in Connecticut “to a set of men who are wrong-headed from instinct.” Lamb was charged with using his large salary to have Lee’s pamphlet printed. Much of the money to pay his salary came from neighboring states, who indirectly paid \$50,000 annually to New York in the form of higher prices for imported goods subject to New York’s state impost. Lastly, “New England” thought it “very remarkable” that Lee’s “associates in New-York, should all happen to be persons whom we consider as our enemies and unworthy our confidence” (CC:372).

In New York, “New England” was reprinted in the *Daily Advertiser* on 4 January; outside the state, it appeared in the *New Hampshire Mercury*, 2 January; *Massachusetts Centinel*, 5 January; *Gazette of the State of Georgia*, 21 February; and Charleston *Columbian Herald*, 14 April.

**Publius: The Federalist 35 (Alexander Hamilton)  
New York Independent Journal, 5 January 1788**

More reasons for national tax power. For text, see CC:418. For reprintings, see Appendix IV, RCS:N.Y., 545.

**New York Journal, 7 January 1788<sup>1</sup>**

A correspondent, having observed the attempt of the present *voluminous* writer upon the new constitution, to explain the meaning of its several abstruce parts, by MATHEMATICAL demonstration, and his endeavours to prove its *right angular* construction, begs leave to propose, since he has failed in this mode, that he next have recourse to CONIC SECTIONS, by which he will be enabled, with greater facility, to discover the *mazy windings* of his favorite system.

1. Reprinted: Philadelphia *Independent Gazetteer*, 12 January; *State Gazette of South Carolina*, 11 February. This item responds to *The Federalist* 31, *New York Packet*, 1 January (CC:403), which was reprinted in the *New York Journal*, 5 January. The *Independent Gazetteer* reprint identified the “voluminous writer” as “Publius.”

**New York Journal, 7 January 1788<sup>1</sup>**

By private accounts from Boston, we learn, that almost all the stanch republicans of Massachusetts, those begetters and supporters of the late revolution, who are lovers of the community at large, and defenders of their freedom and independence, consequently detesters of every tyrannical junto, and their abettors, are decidedly opposed to the proposed constitution in its present form; among these are, that father of patriots SAMUEL ADAMS,<sup>2</sup> and a number of the other members of the

ever memorable COMMITTEE of CORRESPONDENTS, of 1774, '5, and 6.

1. Reprinted: Philadelphia *Independent Gazetteer*, 12 January; Baltimore *Maryland Gazette*, 18 January; *State Gazette of South Carolina*, 11 February.

2. For Samuel Adams's opposition to the Constitution at this time, see, most especially, the efforts made by the Boston tradesmen to pressure him into supporting the Constitution (RCS:Mass., 629–35).

**Walter Rutherford to John Rutherford**  
**New York, 8, 15 January 1788 (excerpts)<sup>1</sup>**

Not having any particular News, I send you some Papers to see what you can pick out.—Our Assembly now sit, where we expect warm work, tho' I meet none but Fœderal people here—yet great will be the contest I am told by the midling and lower Classes. . . .

Our great Fund of Conversation, besides the new Constitution is Peace or War. . . .

15th. Jan. . . . We have only five States present, this State and Connecticut immediately expected.—the Constitution was carried in the last by 137 agt. 39.<sup>2</sup>—I enclose Randolph's remarks, they will do much more good than harm.<sup>3</sup> Also Yates and Lansing's Letter,<sup>4</sup>—suspected Cl.<sup>5</sup> had a hand in it, he has certainly taken much pains—Somebody here has been very free with honest John,—I quit the paper. Genl. Morris<sup>6</sup> told me he was to write to you—I hope you'll see Mr. Lawrence. . . .

1. FC, Rutherford Collection, NHi. The place of writing is not given in the letter but it was written from New York City. Walter Rutherford (1723–1804), a native of Scotland, came to America as a British Army officer at the time of the French and Indian War, retiring from active service in 1760. He lived in New York City and had a large estate in Hunterdon County, N.J. During the Revolution, Rutherford refused to take the New Jersey oath of allegiance and remained on his estate. After the Revolution, he returned to New York City, where he prospered as a merchant moving in the highest social circles. His son John (1760–1840), a 1776 graduate of the College of New Jersey (Princeton), practiced law in New York City from 1784 to 1787, when he moved to an estate in New Jersey. He was a presidential elector in 1789 and represented Sussex County in the New Jersey General Assembly, 1789–90. From 1791 to 1798, he was a U.S. Senator.

2. The Connecticut Convention ratified the Constitution on 9 January by a vote of 128 to 40.

3. See "New York Reprinting of Virginia Governor Edmund Randolph's 10 October 1787 Letter to the Speaker of the Virginia House of Delegates," 8 January–April 1788 (RCS:N.Y., 579–81).

4. See "Constitutional Convention Delegates Robert Yates and John Lansing, Jr., to Governor George Clinton," 21 December (RCS:N.Y., 454–59).

5. Governor George Clinton.

6. John Rutherford was married to Helena, daughter of General Lewis Morris, the third and last lord of the Manor of Morrisania and a member of the New York Senate.

**Publius: The Federalist 36 (Alexander Hamilton)  
New York Packet, 8 January 1788**

Taxation and representation. For text, see CC:426. For reprintings, see Appendix IV, RCS:N.Y., 545–46.

**Editors' Note  
New York Reprinting of Virginia Governor Edmund Randolph's  
10 October 1787 Letter to the Speaker of the  
Virginia House of Delegates  
8 January–April 1788**

Virginia Governor Edmund Randolph, a delegate to the Constitutional Convention, supported a strong central government when the Convention first met. In time, however, he opposed such a government because the draft Constitution did not adequately protect Virginia's interests or provide sufficient safeguards for the rights and liberties of the people. On 10 September Randolph gave detailed objections to the Constitution and moved for amendments and a second convention. The motion was postponed. On 15 September Randolph reintroduced his motion, stating that he would not sign the Constitution if his motion were not adopted. The motion was defeated, and Randolph refused to sign the Constitution on 17 September. George Mason, another Virginia delegate, also refused to sign.

The next day Randolph sent a copy of the Constitution to Virginia's lieutenant governor and explained that, although both he and George Mason did not sign the Constitution, "it is not, therefore, to be concluded that we are opposed to its adoption. Our reasons for not subscribing will be better explained at large, and on a personal interview, than by letter." According to Randolph, soon after he returned to Virginia on 29 September, he began to draft a letter to the Virginia legislature explaining why he had not signed the Constitution. On 15 October, however, Randolph transmitted a copy of the Constitution to the legislature without expressing his opinion so that there was much conjecture in Virginia about his position on the Constitution. On 2 December four members of the Virginia House of Delegates wrote to Randolph because they had heard he no longer opposed the Constitution. They requested that he favor them with his earlier objections so that they could get them published. On 10 December Randolph sent them a copy of a letter addressed to the House of Delegates that was dated 10 October.



On 27 December Randolph sent George Washington and James Madison each a sixteen-page pamphlet containing (1) a preface written by the four legislators who had sought permission to publish Randolph's objections; (2) their request of 2 December; (3) Randolph's response of 10 December; and (4) Randolph's letter of 10 October containing his objections to the Constitution. Since the title page of the pamphlet is not extant, the identity of the printer is unknown. The most likely printers are John Dixon of the Richmond *Virginia Gazette and Independent Chronicle* and Augustine Davis of the Richmond *Virginia Independent Chronicle*.

Davis reprinted the pamphlet without the preface in the *Virginia Independent Chronicle* on 2 January 1788, while the entire pamphlet was reprinted in two installments on 3 and 10 January in the Richmond *Virginia Gazette and Weekly Advertiser*—the only newspaper to reprint each of the four items. Randolph's 10 October letter was reprinted in the January issue of the Philadelphia *American Museum* and in sixteen newspapers outside Virginia by 31 March: Mass. (3), R.I. (2), Conn. (2), N.Y. (5), Pa. (3), Md. (1). The five New York newspapers were the *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. Of these New York newspapers, only the *Daily Advertiser* (on 17 January) reprinted the letter of the legislators and Randolph's response. The *Daily Advertiser* prefaced its reprinting of Randolph's 10 October letter with this statement: "A Gentleman having favored us with the following, we take the earliest opportunity of presenting it to our readers." (The "Gentleman" was possibly James Madison, who on 10 January acknowledged having received the letter two days earlier.) Randolph's letter was also reprinted in a New York Antifederalist anthology distributed throughout the state in April (III below). This edition, however, omitted the second from the last paragraph of the letter, in which Randolph declared his devotion to the Union and his willingness, "as an individual citizen," to accept the Constitution even without amendments. "A Federalist" noted this omission of what he described as "the most interesting paragraph in the whole letter" and lamented that it was "wantonly suppressed to the great injustice of that liberal patriot, and with the most daring affront to the public" (*Country Journal*, 22 April, Mfm:N.Y.).

Throughout America, Federalists praised Randolph in many private letters and newspaper articles, although in New York few commented upon his letter. Walter Rutherford thought that Randolph's comments "will do much more good than harm" (to John Rutherford, 8, 15 January, above). "Americanus" VII praised Randolph for his candor and

integrity, but wondered why someone who was “so fully convinced of the necessity of Union” could have objections that were “so trivial and insignificant” (*Daily Advertiser*, 21 January, below).

For the text of Randolph’s letter and a full discussion of its background, circulation, and impact, see CC:385.

### Country Federalist

#### Poughkeepsie Country Journal, 9 January 1788

In this brief essay, “Country Federalist” alerts readers of the *Country Journal* of its proposal to “republish by a weekly supplement, annexed to this paper,” the “remaining numbers” of *The Federalist*. On the 9th, the *Journal* printed, following a brief introduction, only the last paragraph of *The Federalist* 14. Essays 15–21 appeared in their entirety in consecutive weekly supplements from 16 January to 5 February.

“Country Federalist” was James Kent of Poughkeepsie, who in his memoirs noted that he submitted several numbers of *The Federalist* to the *Journal*. Kent probably wrote the introduction to the reprinting of the last paragraph from *The Federalist* 14. For a fuller discussion of his opinion about *The Federalist* and his role in encouraging its circulation, see *The Federalist* 1, *Independent Journal*, 27 October (RCS:N.Y., 142).

It is proposed to republish by a weekly supplement, annexed to this paper, the remaining numbers of Publius—they treat on the following heads: “*The insufficiency of the present confederation to preserve the union; the necessity of a government at least equally energetic with the one proposed to the attainment of this object; the conformity of the proposed constitution to the true principles of Republican government; Its analogy to our own state constitution; and lastly, the additional security, which its adoption will afford to the preservation of that species of government, to liberty and property.*”<sup>1</sup> It is to be presumed that every candid and patriotic citizen within the circulation of this Paper, will give them a faithful perusal. They certainly merit it from every person whose wishes are for the welfare of his country, and whose intelligent and liberal mind is not enslaved by preconceived opinions, but is willing to embrace those conclusions which result from the evidence of truth. I am still with my hopes, that the principles and experimental authorities on which their reasoning is supported, will bear conviction to the public mind; for in my humble opinion, the words of a very popular writer were never more applicable than on this occasion, that however our eyes may be dazzled by show, or our ears deceived by sound, however prejudice may warp our will, or interest darken our understanding, the simple voice of reason and of nature, will say *they are right.*<sup>2</sup>

1. The text within quotation marks is taken from *The Federalist* 1, *Independent Journal*, 27 October, where, except for the words “and lastly,” it was also in italic type.

2. Thomas Paine, *Common Sense* (1776), Part I, “Of the Origin and Design of Government in General. With Concise Remarks on the English Constitution.”

**Publius: The Federalist 29 (Alexander Hamilton)  
New York Independent Journal, 9 January 1788**

U.S. Congress under new Constitution will regulate militia. For text, see CC:429. For reprintings, see Appendix IV, RCS:N.Y., 545.

**Albany Gazette, 10, 17 January 1788**

A citizen presents his compliments to *modest Mr. Aristecrissy*, begs he will favor the public with a *Treatise on the “Constituent Parts” of Government*; as the specimen which he gave at the City-Tavern, on Friday evening last, *fully* convinced every person present, of his great knowledge in the science of government, *particularly* the “constituent parts.” The public will most assuredly, reap much advantage from *his Treatise*; and those of the smallest capacity will fully comprehend the meaning of his “CHECKS.”—His comparison of Mr. Jay’s letter to St. Paul’s epistle respecting matrimony, was masterly indeed!!!<sup>1</sup>

[17 January] The Person supposed to be alluded to in the last Gazette, presents his compliments to Mr. A Citizen—and instead of a treatise on the constituent parts of government, will, for the present, *level* his observations to the *capacity* of the *citizen*, by informing him, that the constituent parts of every good government, are the permanent security of the *rights* of the governed, against the encroachments of the governors; and that *checks* in government are those restraining clauses by which fools and knaves are prevented from doing mischief.

1. “A citizen” probably refers to John Jay’s letter of 1 December 1787 to John Vaughan that was first printed in the Philadelphia *Independent Gazetteer* and the *Pennsylvania Packet* on 7 December. In this letter, Jay denied a published report that he opposed the Constitution and he advised the American people to adopt the Constitution. The *Albany Gazette* of 20 December was one of several newspapers that reprinted this letter. (See “John Jay and the Constitution,” 24 November–7 December, RCS:N.Y., 306–8.) For St. Paul’s letter on matrimony, see 1 Corinthians 7. See also Ephesians 5:21–33.

**New York Journal and the Post Office  
10 January–25 March 1788**

In the first part of 1788, newspaper printers from Virginia to New England complained that they were not receiving the usual newspapers from Philadelphia, New York City, and other places. The harsh winter of 1787–88 was one reason for this situation, but more important were the new policies adopted by the Confederation post office in the fall of 1787 and implemented on 1

January 1788. The post office awarded contracts to postriders (the lowest bidders) over the more costly but more reliable stagecoaches. Moreover, Postmaster General Ebenezer Hazard had abandoned the tradition of permitting the postage-free exchange of newspapers among printers. Consequently, each printer had to negotiate with the postrider who would carry his newspaper for a fee. Some postriders refused “to take papers for printers,” while others, who agreed to carry them, occasionally discarded or sold them. For the most part, the principal complaints came from Antifederalist printers, among them Thomas Greenleaf of the *New York Journal*.

On 10 January 1788 the *New York Journal* stated that the previous day’s mail brought “only two southern [i.e., Philadelphia] newspapers.” Thomas Greenleaf, the *Journal’s* editor, noted that “this failure of intelligence” was presumably the fault of postriders. (For the *Journal’s* earlier complaints about the southern mails, see *New York Journal*, 15 November, and 17 December, RCS:N.Y., 251–52, 428.) On 14 January the *Journal* reprinted “Centinel” IX, Philadelphia *Independent Gazetteer*, 8 January, in which “Centinel” complained that during the meeting of the Pennsylvania Convention (20 November–15 December) Antifederalist articles from the *Journal*, such as those written by “Cato” and “Brutus,” “miscarried in their conveyance” and therefore were not reprinted in Pennsylvania newspapers. Moreover, stated “Centinel,” “the printers in New-York complain that the free and independent newspapers of this city [Philadelphia] do not come to hand.” He then questioned the post office’s “new arrangement . . . which abridges the circulation of newspapers at this momentous crisis” (CC:Vol. 4, p. 542). A week later the *New York Journal* reprinted “Centinel” XI, Philadelphia *Independent Gazetteer*, 16 January, in which “Centinel” asserted that the officers of the post office “have prostituted their offices to forward the nefarious design of enslaving their countrymen, by thus cutting off all communication by the usual vehicle between the patriots of America.” Worse yet, the officers were persevering “in this villainous and daring practice.” “Centinel” also pointed to similar complaints against the post office by Thomas Greenleaf of the *New York Journal* (CC:Vol. 4, p. 543).

On 23 January Greenleaf, commenting upon “Centinel’s” charges, verified that he had not received since the 1st of January, through the post office, the Philadelphia *Independent Gazetteer*, Philadelphia *Freeman’s Journal*, Pennsylvania *Packet*, Boston *American Herald*, and Boston *Gazette*. (All but the Pennsylvania *Packet* were Antifederalist newspapers.) This time, Greenleaf placed the blame squarely, not on the post office, but on postriders who refused to take the newspapers from the printers. As a remedy, Greenleaf noted that he had written to printers requesting that they send their material to him by private conveyance. Two days later, Greenleaf reprinted a harsh attack on the stoppage of the free circulation of newspapers that had appeared in the Philadelphia *Freeman’s Journal* on 16 January. The Antifederalist printer of the *Freeman’s Journal* found it “very alarming” that this had occurred “at this critical juncture” (CC:Vol. 4, p. 543). On 13 and 15 February the *New York Journal* reprinted “Centinel” XIV, Philadelphia *Independent Gazetteer*, 5 February, in which “Centinel” renewed and expanded his attack upon the post office, again referring to the fact that articles from the *Journal* had not reached Philadelphia (CC:Vol. 4, pp. 549–50. See also “Centinel” XV, Philadelphia *Independent Gazetteer*, 22

February, which was reprinted in the *New York Journal* on 26 February, CC:Vol. 4, p. 552.).

Having followed his own advice to remedy the situation, Greenleaf was happy to inform his readers on 16 February that he had obtained, “at some expense” a continuation of Luther Martin’s *Genuine Information*, a series of Antifederalist articles written by a former Maryland delegate to the Constitutional Convention that first appeared in the Baltimore *Maryland Gazette*. Greenleaf began reprinting the twelve-installment series on 15 January, stopping temporarily after 18 January, renewing publication on 18 February, and completing it on 7 April. (See CC:Vol. 4, pp. 544–45; and “New York Reprinting of Luther Martin’s *Genuine Information*,” 15 January–7 April 1788, below.)

On 25 February the *New York Journal* reprinted under the heading “(FACTS!!)” a brief (but widely circulated) item that had originally appeared in the Federalist *Massachusetts Centinel* of 16 February, in which the printer of the *Centinel* charged that since 1 January the printers of the Northern States had scarcely received a single newspaper from south of the Hudson River. The *Centinel*’s printer hoped some remedy could be found, “that the channels of information should be kept as free as possible.” On 10 March, Thomas Greenleaf, when answering a regular reader who had requested the publication of the *Massachusetts Centinel* item, told him that he had already published the item and that, since printing the item, he had received nine letters and notes from printers complaining that they had not received the *New York Journal*. Greenleaf, however, was pleased to tell his readers that the stagecoach operators had promised to carry newspapers “GRATIS.”

On 20 March Greenleaf reported that he had received a packet of newspapers from Philadelphia “by a private conveyance.” Greenleaf also got a statement written by Antifederalist Eleazer Oswald attacking Postmaster General Ebenezer Hazard that Oswald had published in his Philadelphia *Independent Gazetteer* on 12 March. Greenleaf reprinted Oswald’s article on 21 March, immediately above Hazard’s defense of his policies against Oswald’s attack. Hazard had seen Oswald’s attack and had assumed that Greenleaf would print it so that he requested that Greenleaf print his answer to Oswald. In turn, Hazard was answered by “A True Federalist” in the *New York Journal* on 25 March. Hazard believed that “A True Federalist” was Oswald who was in New York City when it appeared. The attacks upon him and the post office embittered Hazard who had written privately on 5 March that “The two antifederal Printers in Phila. (Oswald & Bailey) & their Coadjutor, the brainless *Greenleaf* of New York, are the only ones who have published against the [Post] Office; & neither of them was a Printer before the War:—in short, the whole Noise appears to me to be an antifederal Manoeuvre, like the ‘Bribery & Corruption’ at Boston” (to Jeremy Belknap, CC:Vol. 4, pp. 554–55. See also Hazard to Belknap, 10 May, *ibid.*, 591–93. For the charges of bribery and corruption in Boston, an alleged attempt to bribe Antifederalist members of the Massachusetts Convention to support the Constitution, see RCS:Mass., 759–67.). Although the *New York Journal* stopped printing original pieces on the stoppage of the free circulation of newspapers after it published “A True Federalist,” it continued to reprint items on this subject from other newspapers outside New York in the next two to three weeks. For example, see the *New Hampshire Spy*,

18 and 28 March; *Massachusetts Gazette*, 21 March; “Watchman,” *Philadelphia Independent Gazetteer*, 26 March; *Winchester Virginia Gazette*, 26 March; and “Centinel” XVIII, *Philadelphia Independent Gazetteer*, 9 April (CC:Vol. 4, pp. 560–61, 566–67, 572–73, 574, 577, 580–81).

For a full discussion on the post office and the circulation of newspapers and the impact that this had on the struggle to ratify the Constitution nationwide, see “The Controversy over the Post Office and the Circulation of Newspapers” (CC:Vol. 4, pp. 540–96).

*New York Journal*, 10 January 1788<sup>1</sup>

Only two southern papers were received by yesterday’s mail, which deprives us of the satisfaction we should otherwise have had of communicating what, peradventure, might have been handed. Notwithstanding this failure of intelligence through the channel of newspapers, by post (which failure, it is presumed, originates with the rider) we are assured, from good authority, “As the federalists of the town of Carlisle, in Pennsylvania, were about joyfully to festivate, on account of the adoption of the new constitution in that state, and to proclaim it to the inhabitants, they having procured field-pieces on the occasion, that those who were disaffected to the constitution *riotously* assembled, seized the field-pieces, and in many other respects, beat, and evil entreated the zealous federalists, insomuch that they retired each to his wigwam, not willing to engage so *superior* a number. How, continues our informant, does one novelty engender another; new constitutions beget new causes of discontent, new discontents beget breaking of heads, and so forth, ad infinitum. What will be the final issue God only knows.” (*Private letter*).<sup>2</sup>

*New York Journal*, 23 January 1788

MR. GREENLEAF, Respect for the public opinion induces the “Offi—c—rs of the P—st O—ce” to declare, that the allegations of the “Centinel” (republished in your paper of this day)<sup>3</sup> respecting them, are *false*. They think this declaration due to the public and their own characters; but they will take no notice of the Centinel himself, as an anonymous political incendiary is below even contempt.

New-York, Jan. 21, 1788.

---

☞ As there has been a pointed reference to the editor of this paper, by the writer of the CENTINEL, and the above *Note*, upon the alarming subject of the *detention* of newspapers, he conceives himself under a peculiar obligation to make the following public avowal—that he has received none of the several papers, published at Philadelphia, by Col. Oswald, Mr. Bailey, or Messieurs Dunlap and Claypoole, or at Boston,

by Messieurs Edes and Son, or Mr. Powers,<sup>4</sup> &c. &c. through the medium of the Post-Office, since the 1st inst. while others came to hand which contained none of those interesting essays upon the momentous topic, now in discussion, which the public have an indubitable right to the perusal of. (For which reason he has, by letters, requested them to forward regular files of their papers, by every private conveyance, as he has done, and shall do, of his to them; which request he here reiterates, thanking them for those already received by this means.)—The editor, however sensible he may be of the great utility of public Post-Offices, in all free countries, has not presumed to call in question the conduct of the “officers of the post-office,” who have ever (within his *knowledge*) treated him impartially. He is credibly informed, that since January 1st, of the present year, the riders, in several instances, *have refused to take papers for printers, not being obliged* (as they say) *to carry them by contract*. If this be a political evil (which it is presumed no one will deny) a remedy for it *doubtless* will issue from a higher power than the Post-Master-General. Wherever the failure may originate, it will hold good, that “no evil can be remedied until known;” consequently, if this be an evil, the public will be obliged to the discoverer, who will doubtless pursue it so long as there exists no governmental edict to interdict the freeborn privilege of *publicly* complaining of *public* grievances.

*Albany Gazette, 7 February 1788*<sup>5</sup>

☞ The Printer is unable to account for the failure of the New-York papers—for several stages past he has received from only two of the Printers in that city, and by last evening’s stage, none except the Daily Advertiser, from Mr. Childs.

*New York Journal, 25 February 1788*<sup>6</sup>

From a Boston paper of Feb. 18.

(FACTS!!)

The several printers on the continent are requested to notice in their papers, that since the commencement of the present year, the printers in the northern states have received scarce a single paper, printed beyond the Hudson. Notwithstanding the public are exceedingly anxious, at the present all-important period, to be acquainted with the progress of political affairs, the printers in Boston, have not received any papers from New-York, for several weeks, tho’ before January they were regularly received. This calls loudly for remedy; and if, as it is said, it is owing to the design of some of the mail carriers, it is hoped, that Congress, or the post master general, will look into, and remedy, as it

must be of the first importance, that the channels of information should be kept as free as possible.

*New York Journal, 10 March 1788*<sup>7</sup>

☞ The request of a DAILY READER, to insert a paragraph respecting the alarming delinquency of the post officers, from a Boston paper, is received, and would have been attended to this day, had it not been anticipated by the Editor so long ago as Monday the 25th ultimo, in the Register of which day it was inserted under the New-York head<sup>8</sup>— Since that date the Editor has received *nine* letters and notes from printers in the several states, informing of their not receiving the Register, and requesting that the Editor would, in future, find some other mode than the *post-office*, for conveyance, expressing a desire, that the other Printers might also alter their channel of conveyance if possible. (The Editor receives the highest satisfaction in being authorised, by the proprietors of the stages both from the SOUTH[W]ARD and EASTWARD, to MAKE KNOWN, that they will, in future, carry all papers for PRINTERS and SUBSCRIBERS, as well as all LETTERS, GRATIS; from which circumstance it is to be hoped, that a channel of FREE COMMUNICATION of intelligence from state to state, will be again opened through the medium of the patriotism of the Eastern and Southern STAGE PROPRIETORS, who, when they formerly carried the MAILS, never GRUMBLED at rendering so essential a service to the community gratis.)

*New York Journal, 20 March 1788*

☞ The Editor acknowledges the Receipt of a Packet of late Papers from Philadelphia, *by a private conveyance*, with Thanks. A piece from the Chronicle of Freedom, of the 12th inst. Respecting the Post-Office, &c.<sup>9</sup> came too late for this Day's paper.

*New York Journal, 21 March 1788*<sup>10</sup>

Mr. GREENLEAF, *I observe in your paper of this date the following note, viz. "A piece from the Chronicle of Freedom, of the 12th inst. respecting the Post-Office, &c. came too late for this day's paper:" which leads me to suppose you intend to publish that "piece."*<sup>11</sup>—*if you do, I claim it as an act of justice due to the department, that you also publish the following, which has already been sent to the Printer of "the Chronicle of Freedom" for the same purpose.*

*I am, Sir, Your humble Servant,*  
EBENEZER HAZARD.

*General Post-Office, March 20, 1788.*

---



## GENERAL POST-OFFICE.

*New-York, March 19, 1788.*

Several paragraphs having lately appeared in some of the newspapers, reflecting upon the conduct of the officers of this department, on account of irregularity in the transportation of *news-papers*; and indecent attacks, of a more recent date, replete with illiberality and rancour, having been made upon the post-master-general, on the same account, he thinks it necessary to state the following facts, in order to prevent any undue impressions being made upon the public mind; viz.

That the post-office was established for the purpose of facilitating commercial correspondence; and has, properly speaking, no connection with newspapers, the carriage of which was an indulgence granted to the post-riders, prior to the revolution in America:

That the riders stipulated with the Printers for the carriage of their papers, at a price which was agreed upon between them; and this price was allowed as a *perquisite* to the riders:

That newspapers have never been considered as a part of the *mail*, nor (until a very few years) admitted into the same portmanteau with it; but were carried in saddle-bags, provided for that purpose, by the riders, at their own expence:

That, to promote general convenience, the post-masters (not officially) undertook to receive and distribute the newspapers brought by the riders, without any other compensation for their trouble than the compliment of a newspaper from each printer:

That, although the United States in Congress assembled, from an idea that beneficial improvements might be made in the transportation of the *mail*, have directed alterations as to the mode of carrying it; yet they have not directed any to be made in the custom respecting newspapers:

And, That the post-master-general has given no orders or directions about them, either to the post-masters, or to the riders.

From this succinct state of facts the post-master general apprehends it will clearly appear, that so far as the post-office is concerned, the carriage of newspapers rests exactly on its original foundation; and that the attempts to excite clamors against the department must have some other source than a failure in duty on the part of the officers.

*A True Federalist*

*New York Journal, 25 March 1788*<sup>12</sup>

To Ebenezer Hazard, Esq.

SIR, You have at length deigned to reply to the many, many complaints, which the Printers from Boston to Virginia, have repeatedly

exhibited against the department under your *sovereign* will and direction. How far you have exculpated yourself in Mr. *Greenleaf's* paper of Friday last,<sup>13</sup> is not for me to decide. I may, however, venture to pronounce, that what you deem “*a succinct state of facts,*” will be considered as low subterfuges and mean evasions; and that your conduct in suppressing the free circulation of newspapers deserves the severest reprehension. The oppressions complained of, are generally known, felt, and acknowledged; you have, therefore, no chance to escape the just censures and execrations of the people: though you seek for refuge and protection under the wings of Congress, their resentment will even reach you there, and expose your “*dark deeds,*” to open day-light. But to the point and to your *succinct state of facts.*

You have either wilfully misrepresented the established rules and customs of the post-office before and since the revolution, or, you are totally ignorant of the subject. That the post-office was established for the benefit of the community at large, as well as “for the purpose of facilitating commercial correspondence,” no one will presume to doubt. And here it would not be amiss to query how far have you, as post-master-general, facilitated *commercial* correspondence?—Let the candid merchants of Philadelphia and this place, declare in what manner they have been treated by the rigid adherence of post-masters and their assistants to *office* hours? Besides, newspapers are not infrequently of more service to merchants than letters from their most active and attentive correspondents.

But it is also a fact which cannot be denied or controverted, that the printers of newspapers have, time immemorial, enjoyed the privilege of exchanging their papers through the channel of the post-office; and that the carriage of the papers for their subscribers was a *perquisite* of the *post-rider*, with which the *postmaster* had no connection or concern. The riders “stipulated” with the printers *only* for the carriage of their papers directed to *subscribers*; but newspapers for the *printers* have ever been considered as a part of the mail, and, until your new arrangement, were admitted into the same portmanteau with it. The *opossum* or *false belly* of the mail was conceived in your own brain: it is a *monster* hitherto unknown among post-masters and printers; and future generations must confess themselves indebted for this *noble* production to your *enlarged* understanding.

These are stubborn facts which your piddling genius cannot invalidate or set aside. If it were necessary, I might, with great propriety, appeal, for additional support, to *John Laurance*, Esq. late a member of Congress, and now a senator of this state, who assisted near eight or ten years in the management of the post-office in this city,<sup>14</sup> and to Mr.

*Thomas Tillyer*, who was likewise an assistant in the post-office at Philadelphia, before the revolution: nay, I might refer you to Dr. *Franklin*, & *John Foxcroft*, Esq. the late post-masters general under the British administration.

And here it is worthy of remark, that so tenacious were the people of this privilege, that the British post-masters never attempted to preclude the printers' papers from the mail, not even after the battle of Lexington—And shall a *creature* who was *foisted* into the office by an *intriguing junto* of the *provincial Congress*, without the least claim or pretention thereto, now be permitted to exercise his interdictions?<sup>15</sup> Can any man in his senses suppose that Congress ever meant or intended to place the post-office on a *worse* footing than before the revolution?—Be assured, sir, this antient and useful custom has long been fixed on too solid a foundation to be trampled under foot and destroyed by your fancied power and importance.

Since I have mentioned the subject of appeals, I appeal to Mr. Grummond, who has contracted with you for the transportation of the mail on *horseback* from this city to Philadelphia, whether you did not absolutely declare to him that he had nothing to do with the printers' newspapers, though you have positively asserted, in your *succinct* state of facts, that you had given *no* orders or directions about them either to the *post-masters*, or to the riders? Here the eye of suspicion looks shrewdly on you, and seems to call your veracity in question. Did not the post-master in Philadelphia receive your instructions on this subject? or was your lengthy epistle to Mr. Bryson,<sup>16</sup> couched in such ambiguous terms as to admit a double construction?

I appeal to the post-master at Bristol,<sup>17</sup> whether, under the idea of his acting agreeably to your orders and opinion; the rider employed by Mr. Grummond, has not recently thrown out the printers' papers, which you were so condescending as to admit into the *false-belly* of the mail, declaring that he would not carry them; and whether he did not scatter them along the road near Bristol? and I appeal to Mr. Thompson, secretary of Congress, whether, since the new arrangement, he has not complained to a certain printer, in Philadelphia, that the papers for Congress did not come forward as usual? How ridiculous and absurd then must this *excellent* arrangement appear, when the papers for the Congress themselves have been, and perhaps now are, at the mercy and under the controul of the *post-riders*, who derive their consequence and insolence from the post-master general?<sup>18</sup>

As you have availed yourself of a resolution of Congress in the year 1782, by giving us a *partial* quotation relative to the *post-office*, I have

taken the trouble to transcribe their late resolutions *in toto*, on the same subject, for your consideration, as well as to satisfy more fully the public mind with regard to your contumely, insolence of office, and unwarrantable stretch of authority.

IN CONGRESS, *July 26, 1787.*

*On the report of a committee, consisting of Mr. Dane, Mr. Hawkins, and Mr. Pierce, to whom was referred a letter from the post-master general,*

*Resolved,* That the post-master-general be, and he is hereby authorised and instructed to enter into contracts with sufficient security for the conveyance of the mails for one year, commencing on the first day of January next, from Portland in Massachusetts, to Savannah, in Georgia, by stage carriages, if practicable,<sup>(a)</sup> and that the same be done by four or more separate contracts, and in case of only four contracts, the first to extend from Portland to New-York; the second from New-York to Philadelphia; the third from Philadelphia to Suffolk in Virginia; and the fourth from Suffolk to Savannah, by such route as the post-master-general may find most convenient.

Monday, October 15, 1787.

On motion of Mr. H. Lee, seconded by Mr. Carrington,

*Resolved,* That the post-master-general be, and he is hereby authorised to contract for the transportation of the mail for the year 1788, by stage carriages or horses, as he may judge most expedient and beneficial; provided that preference be given to the transportation by stages to encourage this useful institution when it can be done without material injury to the public,<sup>(b)</sup> and that the mail be conveyed three times per week, from the first of May to the first of November, and twice a week from the first of November to the first of May, from Portland in Massachusetts, to Suffolk in Virginia, and twice a week from the first of May to the first of November, and once a week from the first of November to the first of May, from Suffolk to Savannah in Georgia.

On motion,

*Resolved,* That the post-master-general be, and he is hereby authorised to alter the route from Petersburg in Virginia, to Savannah in Georgia, to Augusta in Georgia; provided he may judge it beneficial and expedient, and that in case of such alteration he establish cross-posts, agreeably to the principles provided in the resolve of the 15th of February, 1787, to the commercial towns on the sea coast.

From this plain state of facts, there can be no doubt but you have acted not *officially*, but officiously and tyrannically, and that the exchange of the printers newspapers does *not* rest on its original foun-

dation. This has been the sole cause of all the complaints and objections which have been raised against the department, and which have involved you in your present disagreeable dilemma.

The interest and welfare of society require and demand, that the post-master general should, at all times, "promote the general convenience," and that he should not impede or obstruct the free communication of sentiments, through the regular channels of intelligence, especially at this important and interesting period, when the liberties of America are, as it were, suspended by a single thread.

Rotation of office is allowed, on all hands, to be one of the greatest excellencies of a republican government: it is high time then for a change in the administration of the post-office; if the late arbitrary and unjustifiable procedures of the head of the department, with respect to the circulation of newspapers, did not loudly call for the measure.

For the present I shall take my leave, and resign you up to the merited correction of your superiors.

New-York, March 23, 1788.

(a) *Query*—Whether it was not *practicable* to contract with the stage owners from Portsmouth, in New-Hampshire, to Suffolk, in Virginia?

(b) *Quere*—What material injury could the public have sustained, had the contract, for the transportation of the mails, been made with the proprietors of the stages?

1. Reprinted: *New Jersey Journal*. 16 January.

2. For more on the 26 December riot in Carlisle, Pa., and its aftermath, see RCS:Pa., 670–708; and Philadelphia *Independent Gazetteer*, 4 March (CC:Vol. 4, pp. 531–32).

3. "Centinel" XI, first printed in Philadelphia in the *Independent Gazetteer* and *Freeman's Journal* on 16 January, was reprinted in the *New York Journal* on 21 January.

4. Eleazer Oswald printed the *Independent Gazetteer*, Francis Bailey the *Freeman's Journal*, John Dunlap and David C. Claypoole the *Pennsylvania Packet*, Benjamin Edes, Sr., and Jr., the *Boston Gazette*, and Edward E. Powars the *American Herald*. All but the *Packet* were Anti-federalist newspapers, but the *Packet* did print a significant amount of Antifederalist material.

5. On 16 February Thomas Greenleaf paraphrased the *Albany Gazette's* statement, following it with one of his own: "What comment can be made upon the above! that the paper printed at this office went from the Stage-Office in this city is certain."

6. Although this item first appeared in the *Massachusetts Centinel*, 16 February, a widely circulated Federalist newspaper, the *New York Journal* reprinted it from the Antifederalist *Boston American Herald* of 18 February. The *Journal* inserted its own heading "(FACTS!!)." In New York, this *Massachusetts Centinel* item was reprinted in the *Albany Gazette*, 13 March, and *Hudson Weekly Gazette*, 20 March. Outside New York, the item was reprinted eighteen times by 26 March: N.H. (2), Mass. (4), R.I. (2), Conn. (1), N.J. (2), Pa. (5), Md. (1), Va. (1). Eight of these eighteen newspapers, plus the *Albany Gazette* and *Hudson Weekly Gazette*, used the heading "(FACTS!!)."

7. The text in angle brackets was reprinted in the *Boston American Herald* on 20 March and introduced with this statement: "Mr. GREENLEAF, Printer of the New-York Daily Patri-

otick Register, gives the following publick information (generous indeed on the part of the gentlemen stage-proprietors) viz.”

8. See “(FACTS!!),” *New York Journal*, 25 February, immediately above.

9. See the lengthy statement that Eleazer Oswald printed in his Philadelphia *Independent Gazetteer* (subtitled *The Chronicle of Freedom*) on 12 March (CC:Vol. 4, pp. 557–60). The *New York Journal* reprinted Oswald’s statement on 21 March.

10. This item was reprinted (without Hazard’s letter to the printer) in the *Independent Journal* on 22 March and in seventeen more newspapers (seven without a prefatory letter) outside New York by 5 May: N.H. (1), Mass. (2), R.I. (2), Conn. (2), Pa. (6), Md. (2), Va. (1), S.C. (1).

11. For the 12 March article, see note 9 (above), and for the article printed in the *New York Journal* on 20 March, see immediately above.

12. On 24 March the *New York Journal* announced that “A True Federalist” (Eleazer Oswald) had come “too late for Publication but will appear in our next.” “A True Federalist” was reprinted in the Philadelphia *Independent Gazetteer*, 31 March; *New Hampshire Spy*, 15 April; and Boston *American Herald*, 21 April. Presumably to differentiate the text from the congressional resolutions, the *Journal* printed the first eight paragraphs in italic type. The reprintings did not use the same full-scale italicization.

13. Immediately above.

14. Laurance, a lawyer, was a member of Congress from April 1785 to January 1787 and he began his first term as a member of the New York Senate in January 1788.

15. On 1 May 1775 New York’s Whig-dominated Committee of Correspondence authorized Hazard to assume control over and reorganize the postal service, especially the routes between New York and New England. On 6 January 1777 the Second Continental Congress appointed Hazard surveyor of post roads; and on 28 January 1782 the Confederation Congress appointed him U.S. Postmaster General. In the latter office, he was first stationed in Philadelphia, but in April 1785 he moved to New York City, the seat of the Confederation Congress. Hazard served as Postmaster General until 1789; he was not reappointed by President George Washington.

16. James Bryson was postmaster of Philadelphia and Hazard’s assistant.

17. Charles Bessonett was postmaster at Bristol, Pa., twenty miles northeast of Philadelphia, on the Delaware River opposite Burlington, N.J.

18. On 21 February the printers of the Boston *Independent Chronicle* had written Charles Thomson, the Secretary of Congress, complaining about the failure of the post office to deliver newspapers. They enclosed some newspapers in their packet and requested that Thomson deliver them to the Massachusetts delegates in Congress. Six days later, one of these delegates also complained about the post office, declaring that the intelligence he received from Massachusetts was imperfect. (See Adams and Nourse to Thomson, 21 February; and Samuel A. Otis to James Warren, 27 February, RCS:Mass., 821; and Smith, *Letters*, XXIV, 661–62.)

## Brutus VIII

### New York Journal, 10 January 1788<sup>1</sup>

The next powers vested by this constitution in the general government, which we shall consider, are those, which authorise them to “borrow money on the credit of the United States, and to raise and support armies.” I take these two together and connect them with the power to lay and collect taxes, duties, imposts and excises, because their ex-

tent, and the danger that will arise from the exercise of these powers, cannot be fully understood, unless they are viewed in relation to each other.

The power to borrow money is general and unlimited, and the clause so often before referred to, authorises the passing any laws proper and necessary to carry this into execution. Under this authority, the Congress may mortgage any or all the revenues of the union, as a fund to loan money upon, and it is probable, in this way, they may borrow of foreign nations, a principal sum, the interest of which will be equal to the annual revenues of the country.—By this means, they may create a national debt, so large, as to exceed the ability of the country ever to sink. I can scarcely contemplate a greater calamity that could befall this country, than to be loaded with a debt exceeding their ability ever to discharge. If this be a just remark, it is unwise and improvident to vest in the general government, a power to borrow at discretion, without any limitation or restriction.

It may possibly happen that the safety and welfare of the country may require, that money be borrowed, and it is proper when such a necessity arises that the power should be exercised by the general government.—But it certainly ought never to be exercised, but on the most urgent occasions, and then we should not borrow of foreigners if we could possibly avoid it.

The constitution should therefore have so restricted, the exercise of this power as to have rendered it very difficult for the government to practise it. The present confederation requires the assent of nine states to exercise this, and a number of the other important powers of the confederacy<sup>2</sup>—and it would certainly have been a wise provision in this constitution, to have made it necessary that two thirds of the members should assent to borrowing money—when the necessity was indispensable, this assent would always be given, and in no other cause ought it to be.

The power to raise armies, is indefinite and unlimited, and authorises the raising forces, as well in peace as in war. Whether the clause which impowers the Congress to pass all laws which are proper and necessary, to carry this into execution, will not authorise them to impress men for the army, is a question well worthy consideration? If the general legislature deem it for the general welfare to raise a body of troops, and they cannot be procured by voluntary enlistments, it seems evident, that it will be proper and necessary to effect it, that men be impressed from the militia to make up the deficiency.

These powers taken in connection, amount [to] this: that the general government have unlimited authority and controul over all the wealth

and all the force of the union. The advocates for this scheme, would favor the world with a new discovery, if they would shew, what kind of freedom or independency is left to the state governments, when they cannot command any part of the property or of the force of the country, but at the will of the Congress. It seems to me as absurd, as it would be to say, that I was free and independent, when I had conveyed all my property to another, and was tenant to will to him, and had beside, given an indenture of myself to serve him during life.—The power to keep up standing armies in time of peace, has been justly objected, to this system, as dangerous and improvident. The advocates who have wrote in its favor, have some of them ridiculed the objection, as though it originated in the distempered brain of its opponents, and others have taken pains to shew, that it is a power that was proper to be granted to the rulers in this constitution. That you may be enabled to form a just opinion on this subject, I shall first make some remarks, tending to prove, that this power ought to be restricted, and then animadvert on the arguments which have been adduced to justify it.

I take it for granted, as an axiom in politic, that the people should never authorise their rulers to do any thing, which if done, would operate to their injury.

It seems equally clear, that in a case where a power, if given and exercised, will generally produce evil to the community, and seldom good—and which, experience has proved, has most frequently been exercised to the great injury, and very often to the total destruction of the government; in such a case, I say, this power, if given at all, should if possible be so restricted, as to prevent the ill effect of its operation.

Let us then enquire, whether standing armies in time of peace, would be ever beneficial to our country—or if in some extraordinary cases, they might be necessary; whether it is not true, that they have generally proved a scourge to a country, and destructive of their liberty.

I shall not take up much of your time in proving a point, in which the friends of liberty, in all countries, have so universally agreed. The following extract from Mr. Pultney's speech, delivered in the house of commons of Great-Britain, on a motion for reducing the army, is so full to the point, and so much better than any thing I can say, that I shall be excused for inserting it.<sup>3</sup> He says, "I have always been, and always shall be against a standing army of any kind; to me it is a terrible thing, whether under that of a parliamentary, or any other designation; a standing army is still a standing army by whatever name it is called; they are a body of men distinct from the body of the people; they are governed by different laws, and blind obedience, and an entire submission to the orders of their commanding officer, is their only prin-



ciple; the nations around us, sir, are already enslaved, and have been enslaved by those very means; by means of their standing armies they have every one lost their liberties; it is indeed impossible that the liberties of the people in any country can be preserved where a numerous standing army is kept up. Shall we then take our measures from the example of our neighbours? No, sir, on the contrary, from their misfortunes we ought to learn to avoid those rocks upon which they have split.

“It signifies nothing to tell me that our army is commanded by such gentlemen as cannot be supposed to join in any measures for enslaving their country; it may be so; I have a very good opinion of many gentlemen now in the army; I believe they would not join in any such measures; but their lives are uncertain, nor can we be sure how long they will be kept in command, they may all be dismissed in a moment, and proper tools of power put in their room. Besides, sir, we know the passions of men, we know how dangerous it is to trust the best of men with too much power. Where was a braver army than that under Jul. Cæsar? Where was there ever an army that had served their country more faithfully? That army was commanded generally by the best citizens of Rome, by men of great fortune and figure in their country, yet that army enslaved their country. The affections of the soldiers towards their country, the honor and integrity of the under officers, are not to be depended on. By the military law the administration of justice is so quick, and the punishments so severe, that neither the officer nor soldier dare dispute the orders of his supreme commander; he must not consult his own inclination. If an officer were commanded to pull his own father out of his house, he must do it; he dares not disobey; immediate death would be the sure consequence of the least grumbling; and if an officer were sent into the court of request, accompanied by a body of musketeers with screwed bayonets, and with orders to tell us what we ought to do, and how we were to vote: I know what would be the duty of this house; I know it would be our duty to order the officer to be hanged at the door of the lobby: but I doubt, sir, I doubt much, if such a spirit could be found in the house, or in any house of commons that will ever be in England.

“Sir, I talk not of imaginary things? I talk of what has happened to an English house of commons, from an English army; not only from an English army, but an army that was raised by that very house of commons, an army that was paid by them, and an army that was commanded by generals appointed by them; therefore do not let us vainly imagine, that an army, raised and maintained by authority of parliament, will always be submissive to them.<sup>4</sup> If an army be so numerous

as to have it in their power to overawe the parliament, they will be submissive as long as the parliament does nothing to disoblige their favourite general; but when that case happens I am afraid, that in place of the parliament's dismissing the army, the army will dismiss the parliament."—If this great man's reasoning be just, it follows, that keeping up a standing army, would be the highest degree dangerous to the liberty and happiness of the community—and if so, the general government ought not to have authority to do it; for no government should be empowered to do that which if done, would tend to destroy public liberty.

1. On 8 January the printer of the *New York Journal* announced: "APOLOGY—Neither BRUTUS nor a COUNTRYMAN can possibly appear before the day after to-morrow." The last four paragraphs of "Brutus" VIII were reprinted in the Philadelphia *Freeman's Journal*, 23 January, and the Boston *American Herald*, 28 February.

2. See Article IX of the Articles of Confederation (CDR, 92).

3. William Pulteney (1684–1764) delivered this speech at a session which began in January 1732 (John Torbuck, *A Collection of Parliamentary Debates in England . . .* [21 vols., London, 1741–1742], X, 78–80).

4. The reference is probably to the dissolution of the Rump Parliament in 1653 by Oliver Cromwell, the Lord General of the army, and his troops.

#### **A Countryman IV (DeWitt Clinton)**

**New York Journal, 10 January 1788<sup>1</sup>**

WORTHY SIR, Since I wrote to you last,<sup>2</sup> I have been giving the new constitution another reading, though, in truth, I got almost sick of it; and, I find by one clause, which I had not taken so much notice of before, that all laws, treaties, &c. made by this new government, is to be the supreme law of the land, the state constitutions, or any of their laws, to the contrary notwithstanding;—now besides, the powers it takes away, in so many words, from our state governments, and to be sure it takes so much, as to leave them, in my poor opinion, very little; its laws and treaties may take away more, and so alter and change what little is left, that no body among us, except the lawyers, will be able to know any thing about our own state constitution and laws—and, I do not believe, they themselves will understand them; I will warrant you, they will not like it the worse for that, for they will always give it such a meaning, as will best suit their own purposes. I find too, that all our state officers are to take an oath or affirmation to support this new constitution—now as they are bound by an oath to support our state constitution too—and as it is almost impossible to find out the meaning of the new constitution, and how much power would be taken away from the state governments in the first place, and altogether uncertain how much more may hereafter be taken away by laws and treaties which

may be made under the new government, I cannot, for my share, see how an honest man will be able ever to take such an oath; for one day he may be bound by oath to observe a law made by his own government, and the next day out comes a law or treaty from the general government, by which he is obliged by oath to do the contrary; and if he doubts the right of the general government to make such a law or treaty, to be sure, he will be in a very disagreeable situation. Indeed, my good sir, it is a serious thing to trifle with an oath; and, I think, they ought to have mentioned clearly and plainly, how much power they meant to give to the new government, and how much they meant to leave with the states, before they required oaths of people; and, I believe, it is very certain, that if this general government takes place, they will never get an honest man to serve in either;—for no man but he that has a conscience that will stretch like a tripe, will swear to perform a duty that he cant understand.

I observe, that, by the new constitution, they have guarranteed to the respective states a republican form of government—now I conclude this was, because it was thought the best form and most pleasing to the people; but I cannot find, at the same time, that they have made any engagements, that this new government shall continue to be republican; and I see, they have contrived a way to change it into what they please, without giving themselves the trouble to consult the people about it: as they have taken away almost all powers from the state governments, I think this guarrantee to them of a republican form of government will be of very little use, for what good can the mere form or shadow do, when the substance is lost?

Indeed, worthy sir, according to my weak judgment, this new constitution is a very bad one, and if ever it should be agreed to, I am afraid we shall have reason to rue it. It appears very strange to me, that some people who were lately fighting for liberty, should so soon turn tail, and now endeavour to establish a tyranny over their country: and I think, it is not uncharitable to conclude, that instead of contending with the old government for the sake of liberty, they were contending for power—which, no doubt, they will have plenty of, when the new constitution takes place: however, I hope, they will be disappointed, for I can assure you, there is not a man in our parts, but what thinks of it exactly as I do, and is determined at all hazards, to have nothing to do with it; for it would be vain and foolish, indeed, to spend so much blood and treasure to rid ourselves of one tyranny and set up a worse.

I am greatly indebted to you, for putting yourself to the trouble of sending me so many papers about this matter—and as they must be attended with some expence to you, I beg you will send me no more

of them; for I have seen enough to convince me very fully, that the new constitution is a very bad one, and a hundred-fold worse than our present government; and I do not perceive, that any of the writers in favour of it (although some of them use a vast many fine words, and shew a great deal of learning) are able to remove any of the objections which are made against it. Mr. Wilson, indeed, speaks very highly of it; but we have only his word for its goodness; and nothing is more natural than for a mother to speak well of her own bantling, however ordinary it may be. He seems, however, to be pretty honest in one thing—where he says, “It is the nature of man to pursue his own interest, in preference to the public good”<sup>3</sup>—for they tell me he is a lawyer, and his interest then makes him for the new government, for it will be a noble thing for lawyers; besides, he appears to have an eye to some high place under it, since he speaks with great pleasure of the places of honour and emolument, being diverted to a new channel, by this change of system. As to Mr. Publius, I have read a great many of his papers, and I really cannot find out what he would be at; he seems to me as if he was going to write a history, so I have concluded to wait and buy one of his books, when they come out.<sup>4</sup> The only thing I can understand from him, as far as I have read, is, that it is better to be united than divided—that a great many people are stronger than a few—and that Scotland is better off since the union with England than before; and I think, he proves too, very clearly, that the fewer nations there are in the world, the fewer disputes will be about the law of nations—and the greater number that are joined in one government, the abler will they be to raise ships and soldiers, and the less need for fighting; but I do not learn that any body denies these matters, or that they have any thing to do with the new constitution. Indeed I am at a loss to know, whether Mr. Publius means to persuade us to return back to the old government, and make ourselves as happy as Scotland has by its union, or to accept of the new constitution, and get all the world to join with us, so as to make one large government—it would certainly, if what he says is true, be very convenient for Nova-Scotia and Canada, and, for ought I know, his advice will have great weight with them, I have also read several other of the pieces, which appear to be wrote by some other little authors, and by people of little consequence, though they seem to think themselves men of importance, and take upon them grand names, such as Curtius, Cæsar,<sup>5</sup> and the like. Now Mr. Cæsar<sup>6</sup> do not depend so much on reasoning as upon bullying—he abuses the people very much, and if he spoke in our neighbourhood as impudently as he writes in the newspapers, I question whether he would come off with whole bones: from the manner he talks of the people,

he certainly cannot be one of them himself; I imagine he has lately come over from some old country, where they are all Lords and no common people—if so, it would be as well for him to go back again, as to meddle himself with our business, since he holds such a bad opinion of us. I have already gave you a great deal of trouble, honoured Sir, with my long letters—I shall therefore conclude, hoping if any thing new is stirring, that you would be kind enough, now and then, to drop me a line, and let me know how things are going in your city.

I remain with great respect, Your assured friend and Humble servant,  
A COUNTRYMAN.

1. On 3 January the *New York Journal* announced that “A Countryman” III [IV] was “received” and that it “will duly be attended to.” Five days later, however, the *Journal* announced: “APOLOGY—Neither BRUTUS nor a COUNTRYMAN can possibly appear before the day after to-morrow.”

2. See “A Countryman” III, *New York Journal*, 20 December (RCS:N.Y., 447–52).

3. See James Wilson’s speech of 6 October before a Philadelphia public meeting (CC:134, p. 343). See also “New York Reprinting of James Wilson’s 6 October Speech Before a Philadelphia Public Meeting,” 13–25 October (RCS:N.Y., 84–85).

4. “Publius” was the pseudonym used by the authors of *The Federalist* essays. See *The Federalist* 1, *Independent Journal*, 27 October (RCS:N.Y., 137–47). On 2 January the *Independent Journal* announced that *The Federalist*, which had appeared in newspapers, would be gathered together and published in book form (above).

5. See “Curtius” I, *Daily Advertiser*, 29 September; and “Cæsar” I, *Daily Advertiser*, 1 October (RCS:N.Y., 63–67, 68–71).

6. Possibly a reference to the foreign-born Alexander Hamilton, the alleged author of the “Cæsar” essays.

### Abraham Van Vechten to Henry Oothoudt and Jeremiah Van Rensselaer, Johnstown, 11 January 1788<sup>1</sup>

I was honored with yours of the 2nd. Instant last Evening.

I am much obliged to you for the Letters of the federal Farmer, which when I have perused I’ll deliver to some of Friends here for their perusal.<sup>2</sup>

It is impossible to form a just Opinion at present of the general Sentiments of the Inhabitants of this County on the Question you State. I have conversed with but few about it, and those few were either un-informed, or as usual much divided; and I am sorry to add, that in common those who bestow the greatest Attention on the new Constitution seem to regard it more with an Eye to party Interest, than as a System of future Government submitted to their impartial Discussion.

Our *old & worthy Friend* Billy Harper<sup>3</sup> is (from what I hear) the only Man who takes Pains to make proselytes amongst us—To what Tenets you are I presume already informed.

It is said by some Gentlemen here that a Majority of the best informed People of the County are (to use the most fashionable Language) on the federal Side, but for the Truth of these Assertions I can not undertake to vouch—In my Opinion the Merits of the important Question before us are so little enquired into & understood by the Inhabitants in General, that very few indeed have yet deliberately & from Conviction made up their Minds respecting it.

Your Irish Landlord is a violent Antifederalist, and denounces Vengeance against all who dare to differ from him, but unfortunately in the Transports of his Zeal he does not hesitate to declare that he scorns even to read the new Constitution.

Our Members of the Legislature will I believe be divided—Four of the six Assemblymen are decidedly federal—One of the other two is decidedly the reverse, and the other one lukewarm<sup>4</sup>—The Senators I can give no opinion about, tho' I have occasionally heard both speak on the Subject.<sup>5</sup>

It is perhaps unnecessary, tho' not improper to mention, that these Observations are intended for you only.

I am, Gent. in haste Your obedt. Servant

1. RC, James T. Mitchell Autograph Collection, PHi. The place of writing is not given. Van Vechten (1762–1837), a Johnstown, Montgomery County, lawyer, and a son-in-law of Philip Schuyler, had studied law with John Lansing, Jr. Van Vechten eventually moved to Albany. He was district attorney for the fifth district of New York, 1796–98, and state attorney general, 1810–11, 1813–15. He represented the Eastern District in the state Senate, 1798–1805, and the Middle District, 1816–19, and he represented Albany County in the state Assembly, 1806, 1808–13.

2. The reference is to the Antifederalist pamphlet *Letters from the Federal Farmer to the Republican*. The first printing of the *Federal Farmer* occurred in New York on 8 November (RCS:N.Y., 203–45).

3. William Harper of Mohawk represented Tryon County (later Montgomery) in the state Assembly, 1781–82, 1784, and Montgomery County, 1784–87, 1788–89. He voted against ratification of the Constitution in the New York Convention in July.

4. Three of Montgomery County's six assemblymen—John Frey, Volkert Veeder, and John Winn—voted against ratification of the Constitution in the New York Convention in July. Two others—Abraham Arndt and James Livingston—ran unsuccessfully on the Federalist ticket for election to the New York Convention. The politics of Isaac Paris are unknown.

5. The Western District's two senators from Montgomery County were Jellis Fonda and Peter Schuyler. The latter ran unsuccessfully on the Federalist ticket for election to the New York Convention. Fonda's politics are unknown.

**Publius: The Federalist 37 (James Madison)**  
**New York Daily Advertiser, 11 January 1788**

Difficulties faced by Constitutional Convention. For text, see CC:440. For reprintings, see Appendix IV, RCS:N.Y., 546.

**From William Constable****New York, 12 January 1788 (excerpt)<sup>1</sup>**

. . . We are looking with the greatest anxiety for Advices from Europe now having been recd. since those of the 14th. October which breathed nothing but War—for my own part I believe Peace is most for our Interest tho' that is by no means the prevailing opinion but in our present Weak & defenceless State We woud be too much exposed to insults from all sides & possibly ill treatment from the Conqueror—

The new Constitution will be adopted, if without the interference of Force the more Miriculous, but History affords us no precedent of a Government being established by cool reasoning—I therefore doubt the present taking place in Peace

but Adieu—You have Politicks enough where you are—

1. FC, Constable-Pierrepoint Collection, Letterbook, 1782–1790, NN. The salutation is “Dear Jarvis.”

**Richard Sill to Jeremiah Wadsworth****Albany, 12 January 1788<sup>1</sup>**

We are waiting with anxious expectation for the result of your Convention—From the General Complexion of your State we cannot much doubt but you will adopt the New Government—Parties here seem very high, all the creatures of the *Rough Hewer*<sup>2</sup> a character well known to you are indefatigable in spreading fears and jealousies of the immense powers of the President and the like—but I cannot but hope the cause of truth is gaining ground—Our Legislature have formed a house at Poughkeepsie, and the first object of their attention will be the calling a Convention—This however will meet a warm opposition & 'tis doubted by the best friends to the New Government whether we shall have a Convention called by a Legislative Act, the opposition are determined to make their first stand here—the Complexion of our Senate is unfavourable but the other house will pass a Bill for the purpose<sup>3</sup>—I am very desirous of having a Copy of the Ratification by your convention with the names of all those Gentlemen who sign it, you very well know a great part of this and the Northern Counties are people'd from Connecticut—and most of them have brought from their native Country a high veneration for many of the Characters who compose your Convention—I must therefore request you will be pleased to send me a Copy which I will have published in our papers here, and which I cannot but hope will have a good effect<sup>4</sup>—

Mrs. Sill joins in Compliments to Yourself and Family

1. RC, Wadsworth Papers, Connecticut Historical Society. Sill (1755–1790), a graduate of Yale College (1775) and an Albany lawyer, was a major in the Continental Army and represented Albany County in the New York Assembly, 1789–90. Wadsworth (1743–1804), a wealthy Hartford merchant, was commissary general for the Continental Army, 1778–79. On 9 January he voted to ratify the Constitution in the Connecticut Convention, as that body voted 128 to 40 to ratify.

2. “Rough Hewer” was one of the pseudonyms used by Antifederalist Abraham Yates, Jr., when contributing articles to newspapers.

3. See II below for the New York legislature’s calling of the state Convention.

4. On 17 January the *Albany Gazette* printed an extract of a Hartford letter of 9 January, which the printer said he received from a correspondent. This correspondent noted that the Connecticut Convention ratified the Constitution by a vote of 127 to 40, rather than the correct vote of 128 to 40 (Mfm:Conn. 71). The letter was possibly written by Wadsworth who gave the incorrect vote in two 9 January letters that he wrote. (See RCS:Conn., 565, 603–4.) In the Hudson Valley, news of Connecticut ratification was also reported in the *Northern Centinel*, 15 January; *Country Journal*, 16 January; and *Hudson Weekly Gazette*, 17 January (Mfm:Conn. 71). For the arrival of the news of Connecticut ratification in New York City, see Samuel Blachley Webb to Joseph Barrell, 13 January, below. The names of the Connecticut Convention delegates and how they voted have not been located in any extant Albany newspaper, although in New York they appeared in the *New York Journal* of 19 January.

## Americanus VI

### New York Daily Advertiser, 12 January 1788

We may take it for granted, I presume, that the public are, at this time, fully possessed of every objection which the opponents to the new Constitution are capable of urging. The far greater part of these objections have been dictated by interest, passion and prejudice. However a few individuals may *feel* themselves affected by the adoption of this Constitution, to every unprejudiced mind, it must be apparent, that the investigation of its tendency and probable operation, merely as it may affect the liberties of the people, are reducible to a very few leading points.

1st. Whether there is a practicability of carrying into execution a Republican Government, comprehending so large an extent of territory.

2d. Whether the liberties of the people will be safe, under the Constitution proffered to us by the late Convention.

Let us see how the dissenting minority of the Convention of Pennsylvania have argued on the first head.<sup>1</sup> They lay it down as the necessary consequences of the adoption of this Constitution:

1st. That the Legislative, Executive and Judicial powers of the several States, will be annihilated.

2d. That from their ruins will be produced one consolidated Government, which, from the nature of things, will be an iron handed despotism.



With respect to the first position, all our conclusions must be founded on arguments, drawn from the nature and affections of mankind. This foundation, it is true, will admit of no higher evidence than probability: But, in this business, probability will fall little short of certainty itself.

It will readily be admitted, I presume, by all parties, that both the Federal and State Constitutions, are the mere creatures of the PEOPLE. Not only their original establishments, but the exercise and administration of these institutions, are dependent for their support and existence on the breath of the people. And, whilst property shall continue divided amongst the bulk of the people, it will be utterly impossible to wrest from them this SUPREMACY. We may safely admit as a fundamental truth, that an enlightened people can never be enslaved, merely by the instrumentality of the ordinary powers of a well constructed Government. To effect this purpose, the intervention of adventitious and extrinsic causes, are absolutely necessary.

From these premises, therefore, which reason and experience mutually concur to establish, I argue, that, from the affections and propensities of mankind, it is highly improbable that the people should acquiesce in, consent to, or permit the annihilation of the State Governments.

We are well assured that it is the principle of attraction which supports the universe. The moral world, as well as the physical, are equally subject to its laws. The operation of this principle has been discovered to be proportionate to the distances of bodies from each other. Thus, amongst mankind, its force is continually decreasing, as we recede from the centre. To make use of Cato's own words, "The strongest principle of union, resides within our own domestic walls. The ties of a parent exceed that of any other; as we depart from home, the next general principle of union is amongst citizens of the same State, where acquaintance, habits, and fortunes, nourish affection and attachment; enlarge the circle still further, and, as citizens of different States, though we acknowledge the same national denomination, we lose the ties of acquaintance, habits and fortunes, and thus, by degrees, we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species."<sup>2</sup> It is then sufficiently evident, that the attachment of the people to the Governments of their own States, individually, will be much stronger than to the Federal Government. And it follows, obviously, that to compass the annihilation of the State Governments, the Federal Head must be able to command, and support a force, equal to the united strength of the yeomanry of these States. I leave it to any

man, whom party prejudices have not totally bereft of his senses, to calculate the chance against such an event ever happening.

The next consequence that will attend the adoption of this Constitution is, that from the ruins of the State Governments, will be produced one consolidated Government, which, from the nature of things, will be an iron handed despotism.

Having already proved, as I flatter myself, in the clearest manner the nature of the subject will admit of, that the premises of the above proposition are improbable to a degree amounting nearly to certainty; agreeably, therefore, to the strict rules of logic, I might content myself with denying the consequences deducible therefrom. But let us for a moment indulge the gentlemen in their apprehensions of ANNIHILATION, which, as it respects their own political consequence, may be *real* enough; but which, as it respects the State Governments, is altogether *affectation*.

*This consolidated Government will be an iron handed despotism.* But how do they prove this? Montesquieu, somewhere in his spirit of laws, tells us, that "it is natural for a republic to have only a small territory."<sup>3</sup> This is the sole proof or argument which the gentlemen have adduced in support of their general position from whence this *iron handed despotism* is inferred, viz. "that *a very extensive territory* cannot be governed on the principles of freedom, otherwise than by a confederation of republics."

But if the *ipse dixit*<sup>4</sup> of Montesquieu is to be admitted as conclusive evidence on this point, his assertions on other points ought equally to govern our determinations. But will the gentlemen assent to the truth of the following positions? "Democratic and Aristocratic States are not in their own nature free."<sup>5</sup> "The English is the best species of Constitution that could possibly be imagined by man."<sup>6</sup> If they will not, they surely must allow us, equally with themselves, the privilege of *dissenting* to any other position of this celebrated writer, more especially should we be able to prove that it is no wise applicable to the matter in hand.

As this *iron handed despotism* is an inference, grounded on the passage of Montesquieu, first above cited, and indeed, has no other support; we might very fairly leave the matter to rest here, until the gentlemen produced other proofs, or, at least, until they signified their willingness to assent to every proposition contained in that author's book.

But, however the fact may be, respecting the just limits of a Republic; whether, from the nature of this species of Government, it must necessarily be confined within narrow bounds; or whether, by some *improvements in its Constitution*, it may be rendered capable of embracing

a wide extent of territory—this, (as I flatter myself, I have proved in a former number)<sup>7</sup> is evident—that, what Montesquieu has advanced on this subject, cannot be applied to the Constitution now under discussion. By this Constitution, *the sole power of enacting laws*, is vested in a representative body: Agreeably to Montesquieu, “it is a fundamental law in democracies, that the *people* should have *the sole power to enact laws*.”<sup>8</sup> Indeed, it is impossible to say to what extent of territory a Government, upon a Republican plan, may be carried, by means of this expedient of a *Representative* Legislature.

The gentlemen talk of “uniform experience,” and “the opinion of the most celebrated writers on Government.” This experience, and this opinion may be conclusive, for aught I know, against every Republican Government that has ever yet existed; if we except the Government of Great Britain, and those of the United States of America. But the fact is, that by an *improvement in their construction*, unknown before in Republican Governments, these have actually been rendered capable of comprehending *a very extensive territory*. When these gentlemen, therefore, shall have ascertained the precise distance, from whence it may be possible to send *representatives* to the seat of Government, they will then be able to describe the exact bounds of the territory, over which this species of Government is capable of being extended.

Tho’ what is here advanced may, with truth, be deemed immaterial, as the probability of the State Governments ever being annihilated and absorbed by the general Government is so very small, yet I conceived it not amiss, to indulge the gentlemen with this concession, merely to shew them, that they may be confuted even on their own ground.

The next consideration is, *whether the liberties of the people will be safe under the Constitution proffered to us by the late Convention?*

To determine this very important question, I contend it is by no means necessary to go into a minute investigation of every part. It is amply sufficient for this purpose, if a few leading principles have been carefully attended to. Does a representation of the people proportionate to numbers, and whose election revolves stately at short periods, form one independent branch of the Legislature? Is this representative body inhibited from interfering in the business of the Executive and Judicial departments? And lastly, are these departments provided with the means of defending themselves against such an interference? If these few cardinal points have been attended to and established, I say, so far as concerns the liberties of the people, every other provision to be found in this Constitution is of little importance. Establish these fundamentals, and we may safely give to Cato and Brutus, to the Centinel and the dissenting minority of the Convention of Pennsylvania, a

cart blanche to fill up as they please. I will boldly venture to affirm, that though they might form a very turbulent and uneasy Government, it would be past their skill to fabricate one, which could wrest from the people of these States their liberties. An attentive review of the Government of Great-Britain, and the experience we have already had of our institutions, leave us no room to doubt the truth of this assertion. REPRESENTATION is the grand secret in the formation of republican Government. Provided that this right is secured and perpetuated—that its sources remain pure and uncontaminated—that Legislation constitutes its only business—and that elections are frequent and periodical, we need not be very solicitous on the score of liberty, with respect to the other constituent parts of Government. Experience has evinced beyond the possibility of doubt, between the Constitution of Pennsylvania, for instance, and that of Great Britain—the nearest approaches, perhaps, to pure democracy, on the one hand, and to absolute monarchy on the other, which this species of Government is capable of—I say, that between these extremes, a thousand combinations of the powers of Government may be formed, and the liberties of the people still remain inviolate. That some of these possible combinations are calculated to carry Government to a much higher degree of perfection than others, will readily be admitted. But, provided what may be deemed essential to the security of liberty has been duly attended to, it certainly argues great arrogance and want of becoming deference to the opinions of others to quarrel with and reject a plan of Government, because, forsooth, it may not square exactly with *our* ideas of perfection.

It was not till the Revolution in England that any tolerable ideas of good Government were formed. Plato, Sir Thomas More and Harrington,<sup>9</sup> before this period had amused themselves with forming visionary schemes of perfect Governments, but, for want of experimental knowledge, their plans are no better than romances, the extravagant sallies of an exuberant imagination. But it is principally from our own experience that we can derive just notions of the true foundations on which the liberties of the people rest. And can these gentlemen then, with any color of reason, flatter themselves that they can reach to the summit of perfection by an ascent so sudden and abrupt? No, my fellow-countrymen! Let us be thankful to an all-ruling Providence, which has enabled us to discover the *clue* by which we may finally extricate ourselves from that labyrinth of profound darkness and perplexity in which mankind have hitherto wandered, with only now and then a glimmering of light. Let us endeavor to make the best use we can of those important discoveries in the science of Government, which the revolution in England, and the late revolution amongst ourselves have

opened to our view. Let us be content to leave to posterity, the glory and happiness of perfecting that plan of Government, which the united wisdom of those worthy patriots, who formed the late Convention, has proffered to us.

1. The reference is to the “Dissent of the Minority of the Pennsylvania Convention,” *Pennsylvania Packet*, 18 December (CC:353). See also “New York Reprinting of the Dissent of the Minority of the Pennsylvania Convention,” 27 December 1787–April 1788 (RCS:N.Y., 477–78).

2. See “Cato” III, *New York Journal*, 25 October, at note 9 (RCS:N.Y., 129).

3. *Spirit of Laws*, I, Book VIII, chapter XVI, 177.

4. “A bare assertion resting on the authority of an individual.”

5. *Spirit of Laws*, I, Book XI, chapter IV, 220.

6. *Spirit of Laws* I, Book XI, chapter VIII, 240.

7. See “Americanus” IV, *Daily Advertiser*, 5–6 December (RCS:N.Y., 354–60).

8. *Spirit of Laws*, I, Book II, chapter II, 17. The italics were inserted by “Americanus.”

9. Plato, *Republic*, Thomas More, *Utopia*, and James Harrington, *Oceana*.

**Publius: The Federalist 38 (James Madison)  
New York Independent Journal, 12 January 1788**

Difficulties faced by Constitutional Convention. Defects of Articles of Confederation. For text, see CC:442. For reprintings, see Appendix IV, RCS:N.Y., 546.

**Samuel Blachley Webb to Joseph Barrell  
New York, 13 January 1788 (excerpt)<sup>1</sup>**

. . . we were made Joyfull by last evenings Post on the news of Connecticut haveing adopted the new Constitution,<sup>2</sup> but a dampness is thrown on our spirits by information that the Convention of Massachusetts are much divided, should that state reject it we are ruined, on them depends every thing, every Fedral Man in this City looks up to your State for our political salvation—for say they if Massachusetts Connecticut and New Hampshire accept it, tolerably unanimous, this State dare not refuse, but on the Contrary should they reject, the antifederal Junto here will increase and come forward, the Fact is that the Sense & property here are universally in favor, this City are very unanimous—but we have as you have before heard four or five Characters violently opposed, none however whose influence is to be feared but Governor Clinton’s—his has been astonishingly great in the back County’s, but is undoub[t]edly daily lessening, the Legislature is now siting at Poughkeepsie—80 Miles up the river, what they will do we are at a loss to determine, that they will appoint a Convention we have’t a doubt, but suppose the a[n]tiferdralsts will be for delaying its meeting to as distant a period as possible,<sup>3</sup> however as I said before, almost every thing

depends on your State—I wish in your next you would dip a little into this subject, let me know how the convention proceeds & what the prospects are,—God forbid that Adams<sup>4</sup> should have much influence among you,—we have in the Press a Pamphlet written by Col. Hamilton under the Signature of Publius on the subject of a Fedral Government,<sup>5</sup> which I will send you by the first conveyance, he is undoubtedly one of the most sensible men in America, tho: yet not much more than Thirty years old.—we have no late arrivals from Europe, but several Ships are daily expected when 'tis probable we shall know, whether peace is [to] continue,—I think a War in Europe would be advantageous to our Politics, tho: our commercial regulations are so bad (or rather the want of any general regulations) that I am fearfull the Mercantile Interest would not be able to take the advantages which would be presented to us.

1. RC, Webb Papers, Yale University. Webb (1753–1807), a native of Wethersfield, Conn., was an officer in the Continental Army from 1775 to 1783, serving for a time as George Washington's aide-de-camp and private secretary. In 1783 he was brevetted a brigadier general by Congress. The next year he went to New York City, where he served as an agent for Barrell (1739–1804), a Boston merchant, who was married to Webb's sister Sarah.

2. The post probably brought the 9 January letters of Connecticut Convention delegates Samuel Holden Parsons and Jeremiah Wadsworth to Secretary at War Henry Knox, who thanked both men in letters dated 13 January. (See RCS:Conn., 564–65, 565n, 565, 605.) On 14 January the *Daily Advertiser*, probably relying on the Wadsworth letter that had the incorrect vote total (127 to 40, instead of 128 to 40), reported that Connecticut had ratified (Mfm:Conn. 71).

3. See II below for the New York legislature's calling of the state Convention.

4. For Samuel Adams's opposition to the Constitution in Massachusetts, see especially RCS:Mass., 629–35.

5. See "Advertisement for the Book Edition of *The Federalist*," *Independent Journal*, 2 January (above).

### **Lewis Morris, Sr., to Lewis Morris, Jr. Morrisania, 13 January 1788 (excerpt)<sup>1</sup>**

. . . In a few days I go to Poughkeepsie to sit with the Legislature, the grand question no doubt will soon come on, whether we shall adopt the new constitution or not, we have some warm advocates for it, and a very great many against it, the Governor at the head of the Latter. However in my opinion when the Eastern States come into it, which there is not a doubt, except Rhode Island, then I think this State will begin to be alarmed . . .

1. Printed: Parke-Bernet Auction Catalog, Sale number 3266 (23 November 1971), page 30. The ellipses appear in this sale catalog. Lewis Morris, Sr., or Lewis Morris III

(1726–1798), a Yale College student in the 1740s and the third and last lord of the Manor of Morrisania in Westchester County, was a member of the Second Continental Congress, 1775–77, a signer of the Declaration of Independence, and a brigadier general in charge of the Westchester County militia during the Revolution. He was a member of the Fourth Provincial Congress, 1776–77; a state senator, 1777–78, 1779–81, 1784–90; and a member of the Council of Appointment, 1786–87. His son Lewis Morris IV (1752–1824), a 1774 graduate of the College of New Jersey (Princeton), was a lieutenant colonel in the Continental Army during the Revolution. After the war he moved to Charleston, S.C.

### **Hugh Ledlie to John Lamb**

**Hartford, 15 January 1788 (excerpts)<sup>1</sup>**

The length of time, since our acquaintance first commenced in N York about the years 1765 & 1766 makes me almost diffident whether you continue the same Patriot & friend to your Country; I then found you together with Sears, Robinson, Wiley, Mott, Light Scott Hazard<sup>2</sup> &c &c and many others whose Names I have forgot a Committee for opposing the diabolical and oppressive Stamp Act, when Pintard Williams<sup>3</sup> &c were brought to the Stool or rather Stage of repentance for Acts of high crimes and misdemeanors committed against the then sons of liberty throughout the Continent—But to return, I say, I sho'd not have dared to Venture a line to you on the subject I am about to say a few words upon, if I had not accidentally seen your Name with others (good men) in some of our publick newspapers handled in a very rough, ungentlemanlike manner—but even then I remaind Ignorant who those scurrilous defamatory, backbiting writers meant, untill a few days since being in company with Genl. James Wadsworth<sup>4</sup> who first told me it was you, & ad[d]ed an Anecdote—the other day or some time since a gentleman one Mr. Hamilton meeting you in the street Asked you how you could be so much against the New Constitution, for it was pretty certain your old good friend Genl. Washington would in all probability be the first President under it; to which you reply'd that in that case all might be well, but perhaps after him Genl Slushington might be the next or second President. This Sir, was the very first hint I had of your opposing it and was Confirmed in the same by the Approb[r]ious indecent & I believe false speches made use of at our late C——n in this place by some sly mischeivous insinuations viz that out of the impost £8000 was paid by this State Annually to the State of N York out of which you recd. upwards of £900 which enabled you & others to write the foederal farmer & other false Libels and send them into this & the Neighbouring States to poison the minds of the good people against the good C——n<sup>5</sup>—They say a Lamb, a Willet, a Smith, a Clinton, & a Yates's Salleries are paid by this State through your State impost.<sup>6</sup> . . .

Now Sir on the whole let me tell you, that those gentlemen at least, those that I can unite with, have no greater hope (besides that of an over ruling providence) then in the Virtue & wisdom of your State together with that of Virginia & Massachusetts not adopting the N. C——n and I have heard some of the first Characters that composed our late C——n say that if nine States did adopt the C——n and N York rejected it, they would remove into your State where they could enjoy freedom & liberty, for which they had fought & Bled heretofore, and if your State is not by that means one of the most populous flourishing states on the Continent I am much Mistaken not by emigrants only that are or will be dissatisfied with the N. C——n from the different states, but also from Europe, I myself if I am able to buy a small farm in your State somewhere about the South Bay Fairhaven, Crownpoint, up the Mohawk river German flatts, fort Stanwix, Wood Creek, the Onoida Lake, [Trouneviers?] on the Annodanga River Shoharyskill, Bradstreets island in Lake Ontario in the Mouth of the River St Lawrence Oswego only excepted Niagara & above all some where on the South banks of Lake Erie—most or all of those places I am acquainted with, & if the proposed C——n takes place & Providence permitts I will with others remove into your State, provided you do not adopt it for many of the Convention that attended it (for as I said before I did not attend myself in person) told me that the Conv——n was one of the most overbearing Assemblys that ever set in this State and as the N. Cs——n gives all the power both of the Sword & Purse into the hands of the C—n—ss<sup>7</sup> our people reckon it leads to and opens a door for despotism Tyranny, Anarchy & confusition and every evil Work. I am afraid Sir for want of knowing whom to put confidence in you (if you sent any) sent your books into the wrong hands as they never appeared or could be seen except a few sent to Genl. J. W. th<sup>8</sup> I never could see one untill a few days before our C—vn set the rest besides those sent as above were all secreted, burnt and distributed amongst those for the N. C—t—n in order to torture ridicule & make shrewd remarks & may [i.e., make] game of, both of the pamphlet and them that wrote and sent them, all which they did not spare to do in our public Newspapers by Extracts and detach'd sentances just such as served their Vile Malignant purposes long before I or any against the C—t—n ever saw (I mean) the foederal farmer—on the whole sho'd be glad to know who those Gentlemen are whom our heads of Wit takes in hand to Villifie in our public papers besides yourself, pray Sr. who is Mr. Willet, Mr. Smith Mr Clinton & Mr Yates—is Mr. Willet he that defended so nobly at fort Stanwix in the late War<sup>9</sup>—also who is Mr Smith, and is Mr. Clinton your Worthy Govr.—and pray who is Mr Yates—two of those



Names viz Judge Yates & Malankton Smith Esqr. lodged at my house upwards of 20 days in Decemr. 1787 [1786] together with Mr. Duane, your Mayor Chancellor Livingston Judge Herring, Mr. Benson your Attorney Genl. & Mr. DeWitt your Surveyor Genl.<sup>10</sup> shod be glad to know which or whether all or any of the above gentlemen, are against or for the New proposed Constitution. . . .

1. RC, Lamb Papers, NH. Printed: RCS:Conn., 575–83. Ledlie (c. 1720–1798), a militia captain during the French and Indian War, was a leader of the Windham, Conn., Sons of Liberty during the Stamp Act crisis. About 1770, he moved to Hartford, where he was a shopkeeper. Ledlie dictated this letter to an amanuensis who demonstrated little knowledge of punctuation. Ledlie's signature appears after the body of the letter and after each of the postscripts.

2. Isaac Sears, Thomas Robinson, William Wiley, Gershom Mott, Edward Laight, and John Morin Scott were leaders of the New York Sons of Liberty. Lamb, to whom this letter was written, was also a leader.

3. On 13 February 1766, at the height of the Stamp Act crisis, the New York Sons of Liberty learned that merchant Lewis Pintard sent stamped Mediterranean passes to Philadelphia. They questioned Pintard about the passes. The next day several leaders of the Sons of Liberty (including John Lamb and Isaac Sears) demanded that Charles Williams, the customs officer who issued the stamped passes, give up all other stamped passes that he still had in his possession. Before several thousand people on 15 February, Williams and Pintard were forced to ask the public's pardon. The two men were then escorted to their homes, where they confessed once more. The crowd would have torn down their houses but were persuaded not to do so.

4. On 9 January General James Wadsworth of Durham, one of Connecticut's leading Antifederalists, voted against ratification of the Constitution in the Connecticut Convention. A former delegate to Congress, Wadsworth was a member of the state Council, the state comptroller, and a judge of the New Haven County Court of Common Pleas.

5. See "The Circulation of New York Antifederalist Material in Connecticut," *Daily Advertiser*, 4 December (RCS:N.Y., 352–54). For the pamphlet by "Federal Farmer," see *Letters from the Federal Farmer to the Republican*, 8 November (RCS:N.Y., 203–45).

6. Ledlie refers to Marinus Willett, Melancton Smith, George Clinton, and Robert Yates. The charge about the impost was made in "A Landholder" VIII, *Connecticut Courant*, 24 December (CC:371, p. 76, at note 2). In Connecticut Convention speeches on 4 and 7 January, Oliver Ellsworth, the author of the "Landholder" essays, again discussed the harmful effects of the New York impost on Connecticut (CC:413, p. 247; CC:420, p. 275).

7. In a speech in the Connecticut Convention on 7 January, James Wadsworth objected to the paragraph in the Constitution respecting taxes, imposts, and excises "because it gave the power of the purse to the general Legislature," while "another paragraph gave the power of the sword." He declared "that authority, which has the power of the sword and purse, is despotic" (CC:420, p. 273).

8. Ledlie refers to James Wadsworth. On 16 December Federalist Jeremiah Wadsworth reported that the pamphlet by a "Federal Farmer" had come from New York "under cover to Wrong head" (i.e., James Wadsworth) and other Antifederalists (to Rufus King, CC:283–E). See also "The Circulation of New York Antifederalist Material in Connecticut," *Daily Advertiser*, 4 December (RCS:N.Y., 352–54).

9. In 1777 Marinus Willett, a lieutenant colonel in the Continental Army and second in command at Fort Stanwix, led a successful sortie against the British. For his bravery, Congress presented him with an "elegant sword."

10. Between 30 November and 16 December 1786, agents from New York and Massachusetts met in Hartford, Conn., to resolve a dispute between the two states over much of western New York (later the Phelps-Gorham Purchase). The New York agents were Egbert Benson, James Duane, John Haring, Robert R. Livingston, Melancton Smith, and Robert Yates. Massachusetts was represented by Rufus King, John Lowell, Theophilus Parsons, and James Sullivan. The agreement hammered out by these agents was entered on the journals of Congress on 8 October 1787. Simeon DeWitt was probably in Hartford to assist the New York agents in his capacity as surveyor general for the state of New York, a position that he held from 1784 to 1834. From 1780 to 1783 DeWitt was geographer and surveyor of the Continental Army.

### Editors' Note

#### **New York Reprinting of Luther Martin's Genuine Information 15 January–7 April 1788**

Between 28 December 1787 and 8 February 1788, the Baltimore *Maryland Gazette* published in twelve installments, at the request of "A Customer," the expansion of a speech of 29 November delivered to the Maryland House of Delegates by Luther Martin, a former Maryland delegate who had left the Constitutional Convention early. The House of Delegates had requested that the state's five Constitutional Convention delegates provide it with "information of the proceedings" of the Convention. Martin was very critical of the Convention for creating a powerful national government, instead of a federal government in which the states were sovereign and equally represented. (For a full discussion of the background, publication, circulation, and impact of the twelve installments that eventually were printed in a pamphlet as the *Genuine Information*, see CC:389.)

Antifederalist printer Thomas Greenleaf of the *New York Journal* was very much interested in reprinting the *Genuine Information*, but he had difficulty obtaining copies of the installments. On 10 January Greenleaf complained that "only two southern papers" had been received in the previous day's mail. Such a complaint would be echoed in the next few months by printers, especially Antifederalists, from Virginia to New England. This situation was the result of a harsh winter, the awarding of mail contracts to low-bidding post riders instead of stagecoaches, and the post office's abandonment of the tradition of the postage-free exchange of newspapers among printers. (See "New York Journal and the Post Office," 10 January–25 March, above.)

Greenleaf, however, persevered and he eventually obtained and reprinted all twelve installments. He reprinted the first two installments on 15, 16, and 18 January. The preface to the reprinting of the first installment stated: "As every Species of information, received immediately from Delegates in the late General Convention, may be supposed

universally interesting, the subsequent Communication, at the Request of many respectable Characters in this City, is here inserted.” But then Greenleaf had to suspend publication because he could not obtain copies. On 16 February Greenleaf announced that he “has taken great pains, and has been at some expence, to obtain the continuation of the hon. Mr. Martin’s information to the legislature of Maryland, from Philadelphia; and he is happy to inform his readers, that he is now able (with a little omission) to re-continue it, on Monday, from his Register of the 18th ult.”

On 18 February Greenleaf began reprinting the *Genuine Information* with the third installment and completed the reprinting of the last nine on 7 April. The next day Greenleaf announced that the publication of Martin’s “celebrated” speech was complete. He explained that “The several southern papers, which contained this speech, having been received very irregularly, and that chiefly by favor of correspondents, is the reason why this publication has been so long detained from the public, and finally so irregularly published as to render it difficult to have one collective view of it.” To help his readers obtain “this collective view,” he referred them to the following issues of his newspapers, “of January 15, 16, and 18; of February 18, 19, 20, 22, 25, 26, and 27; of March 1, 7, 12, 14, 15, 17, 18, and 19; and of April 7, 3, and 7, 1788” (CC:Vol. 4, p. 545. He printed the twelfth installment on 3 and 7 April and the eleventh on 7 April.). Twenty issues of the *Journal*, then, were needed to reprint the twelve installments. In some cases, excerpts from two different installments appeared in the same issue of the *Journal*. The “several southern papers” to which Greenleaf referred were probably the Baltimore *Maryland Gazette* and the Philadelphia *Independent Gazetteer*, both of which printed all twelve installments; the *Pennsylvania Packet* which reprinted eleven installments; or the *Pennsylvania Herald* which reprinted six installments.

Even though Thomas Greenleaf took such pains to reprint all twelve installments, the essays evoked virtually no response in New York. On 12 April the Albany Anti-Federal Committee wrote the New York Federal Republican Committee that Martin’s “Speech in a Pamphlet would be of great Service, and tend to open the Eyes of our Country more than any Thing yet published” (RCS:N.Y., 898). Coincidentally on that very day, Eleazer Oswald, the printer of the Philadelphia *Independent Gazetteer*, offered for sale a pamphlet entitled *The Genuine Information, Delivered to the Legislature of the State of Maryland . . .* that contained all twelve installments, together with some other documents, including an essay calling for a bill of rights. Oswald thought that Martin’s essays

were an “excellent performance” and, “like the *Bible* and the letters of *Junius*,” they belonged “in the hands of every real friend to American liberty.” The Philadelphia *Independent Gazetteer* ran this advertisement from 12 April until 30 July, while the *New York Journal* ran it from 24 April to 26 July. The publication of the pamphlet aroused little Federalist comment. The *Daily Advertiser*, 20 May, noted that 100 copies of the pamphlet were sent to Baltimore, but that only one copy was sold and that to a Virginian. Martin’s opinion of the Constitution, declared the *Advertiser*, “seems to be but little valued” by the people of Maryland (Mfm:N.Y.).

According to Luther Martin, Oswald had been “deputed by the Democratical Society of Philadelphia to obtain from me the original and the permission for its publication,—And I always understood that the present Governor [George Clinton] paid part of the Expence of Publication” (to Aaron Burr, 27 March 1804, Mary-Jo Kline and Joanne Wood Ryan, eds., *Political Correspondence and Public Papers of Aaron Burr* [2 vols., Princeton, N.J., 1983], II, 861). (For the publication, circulation, and impact of the pamphlet containing Martin’s essays, see CC:678.)

### **Poughkeepsie Country Journal, 16 January 1788<sup>1</sup>**

Mr. POWER, You will oblige one whose whiggism as well as ideas of liberty, were fassionable in 75, 76, and 77, by publishing the following extract of a letter from an officer that served his country in the late war, in answer to one on the subject of the Constitution recommended by the Convention which met lately at Philadelphia, for the purpose of revising the Confederation of the United States of America, wherein some anxiety was expressed in prospect that the unwary citizens of America might possibly be duped by fallacious arguments, &c. into an adoption of it:

“The political wheel is now revolving, and I perceive it is nigh drawing you into its vortex.—Your fears are unmanly ones, (pardon me) ‘That our late glorious struggle has been (perhaps) worse than in vain.’ Do you not see how well our *property will be secured* by the new revolution? What if the expence of government should impoverish our country, it will *secure our property!* Millions for the support of a Congressional civil list—with salaries to treasury-boards, comptrollers, secretaries, collectors, excise officers, and a never-ending train of etceteras, will be but trifling considerations for the *security of property!* A continental judiciary will *secure property*; and will clothe many *gentlemen in black*. In short, the expence the public will be at in supporting many hundreds, perhaps thousands of families (*genteel families*) in oppulence, elegance, and ease,

will be only to *secure property*, and ought not to be murmured at.

“Unlimited powers, and unlimited confidence should be placed in Congress, a general impost as well as full power of internal taxation, and whatever else can please or gratify, even a surrender of every private right, ought to be made to have our *property thoroughly secured*.”

“Mankind have a thousand desires to gratify—each of which are not easily satisfied; but power, after it has been once tasted, though the thirst of it is as unquenchable as the infernal flames, yet *to secure our property*, should at all events be satiated, thus! to complete the most free and happy government, nothing will be wanting, for we shall even have a standing army to *secure our persons*.”

1. Reprinted: *New York Morning Post*, 25 January.

**Publius: The Federalist 39 (James Madison)  
New York Independent Journal, 16 January 1788**

Republican government described. New Constitution creates government part national and part federal. For text, see CC:452. For reprintings, see Appendix IV, RCS:N.Y., 546.

**Albany Gazette, 17 January 1788 (supplement)<sup>1</sup>**

At a Court of General Sessions holden in and for the county of Columbia, at the court-house in the town of Claverack, in the 12th year of the American independence, the following ADDRESS was presented to the Court, by the Grand Inquest of that county, after they were dismissed from public duty.

To the honorable the Justices of the Court of General Sessions.

After discharging the trust reposed in us as Grand Jurors, with attention and we hope with fidelity, we cannot help availing ourselves of the occasion of our being thus convened, to declare our sentiments, upon a subject of the first magnitude, to our country.

The preservation of the UNION of these States (effected after a struggle scarcely paralleled in the annals of mankind, and attended with an expence of so much blood and treasure) we conceive to be a duty incumbent on every citizen of AMERICA—With pleasure, therefore, do we view a form of Federal Government, calculated to answer this salutary purpose, now submitted for their adoption. On this momentous occasion, impelled by a zeal for the prosperity of our country, we think it our duty to bear this public testimony of our approbation of a measure, which appears to us to have been dictated by the same generous spirit of liberty, which has brought about the REVOLUTION; and which, formed under the auspices of some of the most strenuous and illustrious asserters, both in the cabinet and in the field, of the

Independence of the UNITED STATES, has in our opinion every safe guard, which human foresight can suggest, for perpetuating to our posterity the blessings of Freedom; and which we conceive has regulated the distinct rights of each State, and the individual rights of the citizens of the United States, with an enlarged view to the great objects of public tranquility, public union and the prosperity of the WHOLE.

Henry Livingston, Esq; Foreman,

Cornelius S. Miller, Edward Chin, Peter Sharp, Peter Pulver, John Silvester, John Thurston, Elisha Gilbert, Elihu Phinney, Josiah Warner, James Roosevelt, Abraham Holdridge, John Kenney, Abraham I. Van Vleck, Gaus Dean, Eleazer Spencer, D. V. Schaack.

1. This address was reprinted in the *Hudson Weekly Gazette*, 24 January; *Country Journal* and *New York Packet*, 29 January; *New York Morning Post*, 30 January; and in nine newspapers outside New York by 21 February: Mass. (1), R.I. (1), Conn. (2), N.J. (1), Pa. (4). A summary of the address appeared in the regular 17 January issue of the *Albany Gazette* (Mfm:N.Y.), and this summary was reprinted in four newspapers by 27 February: N.H. (1), Mass. (2), Conn. (1). Another summary of the address appeared in the *Hudson Weekly Gazette* on 17 January. This account also noted that “intense cold weather” was being experienced on court day. The grand jury, which met until 11:00 P.M., was credited with conducting “much business . . . with great dispatch and uncommon patience” (Mfm:N.Y.). The *Hudson Weekly Gazette’s* account was reprinted in the *New York Journal*, 25 January; *Daily Advertiser*, 28 January; and in five newspapers outside New York by 25 February: Pa. (2), Md. (1), S.C. (2). A brief version appeared in the *Maryland Journal*, 5 February.

## Brutus IX

### New York Journal, 17 January 1788<sup>1</sup>

The design of civil government is to protect the rights and promote the happiness of the people.

For this end, rulers are invested with powers. But we cannot from hence justly infer that these powers should be unlimited. There are certain rights which mankind possess, over which government ought not to have any controul, because it is not necessary they should, in order to attain the end of its institution. There are certain things which rulers should be absolutely prohibited from doing, because, if they should do them, they would work an injury, not a benefit to the people. Upon the same principles of reasoning, if the exercise of a power, is found generally or in most cases to operate to the injury of the community, the legislature should be restricted in the exercise of that power, so as to guard, as much as possible, against the danger. These principles seem to be the evident dictates of common sense, and what ought to give sanction to them in the minds of every American, they are the great principles of the late revolution, and those which gov-

erned the framers of all our state constitutions. Hence we find, that all the state constitutions, contain either formal bills of rights, which set bounds to the powers of the legislature, or have restrictions for the same purpose in the body of the constitutions. Some of our new political Doctors, indeed, reject the idea of the necessity, or propriety of such restrictions in any elective government, but especially in the general one.

But it is evident, that the framers of this new system were of a contrary opinion, because they have prohibited the general government, the exercise of some powers, and restricted them in that of others.

I shall adduce two instances, which will serve to illustrate my meaning, as well as to confirm the truth of the preceding remark.

In the 9th section, it is declared, “no bill of attainder shall be passed.” This clause takes from the legislature all power to declare a particular person guilty of a crime by law. It is proper the legislature should be deprived of the exercise of this power, because it seldom is exercised to the benefit of the community, but generally to its injury.

In the same section it is provided, that “the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion and invasion, the public safety may require it.” This clause limits the power of the legislature to deprive a citizen of the right of habeas corpus, to particular cases viz. those of rebellion and invasion; the reason is plain, because in no other cases can this power be exercised for the general good.

Let us apply these remarks to the case of standing armies in times of peace. If they generally prove the destruction of the happiness and liberty of the people, the legislature ought not to have power to keep them up, or if they had, this power should be so restricted, as to secure the people against the danger arising from the exercise of it.

That standing armies are dangerous to the liberties of a people was proved in my last number<sup>2</sup>—If it was necessary, the truth of the position might be confirmed by the history of almost every nation in the world. A cloud of the most illustrious patriots of every age and country, where freedom has been enjoyed, might be adduced as witnesses in support of the sentiment. But I presume it would be useless, to enter into a laboured argument, to prove to the people of America, a position, which has so long and so generally been received by them as a kind of axiom.

Some of the advocates for this new system controvert this sentiment, as they do almost every other that has been maintained by the best writers on free government.—Others, though they will not expressly deny, that standing armies in times of peace are dangerous, yet join

with these in maintaining, that it is proper the general government should be vested with the power to do it. I shall now proceed to examine the arguments they adduce in support of their opinions.

A writer, in favor of this system, treats this objection as a ridiculous one. He supposes it would be as proper to provide against the introduction of Turkish janizaries, or against making the Alcoran a rule of faith.<sup>3</sup>

From the positive, and dogmatic manner, in which this author delivers his opinions, and answers objections made to his sentiments—one would conclude, that he was some pedantic pedagogue who had been accustomed to deliver his dogmas to pupils, who always placed implicit faith in what he delivered.<sup>4</sup>

But, why is this provision so ridiculous? because, says this author, it is unnecessary. But, why is it unnecessary? “because, the principles and habits, as well as the power of the Americans are directly opposed to standing armies; and there is as little necessity to guard against them by positive constitutions, as to prohibit the establishment of the Mahometan religion.” It is admitted then, that a standing army in time of peace, is an evil. I ask then, why should this government be authorised to do evil? If the principles and habits of the people of this country are opposed to standing armies in time of peace, if they do not contribute to the public good, but would endanger the public liberty and happiness, why should the government be vested with the power? No reason can be given, why rulers should be authorised to do, what, if done, would oppose the principles and habits of the people, and endanger the public safety, but there is every reason in the world, that they should be prohibited from the exercise of such a power. But this author supposes, that no danger is to be apprehended from the exercise of this power, because, if armies are kept up, it will be by the people themselves, and therefore, to provide against it, would be as absurd as for a man to “pass a law in his family, that no troops should be quartered in his family by his consent.” This reasoning supposes, that the general government is to be exercised by the people of America themselves—But such an idea is groundless and absurd. There is surely a distinction between the people and their rulers, even when the latter are representatives of the former.—They certainly are not identically the same, and it cannot be disputed, but it may and often does happen, that they do not possess the same sentiments or pursue the same interests. I think I have shewn, that as this government is constituted, there is little reason to expect, that the interest of the people and their rulers will be the same.

Besides, if the habits and sentiments of the people of America are



to be relied upon, as the sole security against the encroachment of their rulers, all restrictions in constitutions are unnecessary; nothing more is requisite, than to declare who shall be authorized to exercise the powers of government, and about this we need not be very careful—for the habits and principles of the people will oppose every abuse of power. This I suppose to be the sentiments of this author, as it seems to be of many of the advocates of this new system. An opinion like this, is as directly opposed to the principles and habits of the people of America, as it is to the sentiments of every writer of reputation on the science of government, and repugnant to the principles of reason and common sense.

The idea that there is no danger of the establishment of a standing army, under the new constitution, is without foundation.

It is a well known fact, that a number of those who had an agency in producing this system, and many of those who it is probable will have a principal share in the administration of the government under it, if it is adopted, are avowedly in favour of standing armies. It is a language common among them, “That no people can be kept in order, unless the government have an army to awe them into obedience; it is necessary to support the dignity of government, to have a military establishment.” And there will not be wanting a variety of plausible reason[s] to justify the raising one, drawn from the danger we are in from the Indians on our frontiers, or from the European provinces in our neighbourhood. If to this we add, that an army will afford a decent support, and agreeable employment to the young men of many families, who are too indolent to follow occupations that will require care and industry, and too poor to live without doing any business we can have little reason to doubt, but that we shall have a large standing army, as soon as this government can find money to pay them, and perhaps sooner.

A writer, who is the boast of the advocates of this new constitution, has taken great pains to shew, that this power was proper and necessary to be vested in the general government.<sup>5</sup>

He sets out with calling in question the candour and integrity of those who advance the objection, and with insinuating, that it is their intention to mislead the people, by alarming their passions, rather than to convince them by arguments addressed to their understandings.

The man who reproves another for a fault, should be careful that he himself be not guilty of it. How far this writer has manifested a spirit of candour, and has pursued fair reasoning on this subject, the impartial public will judge, when his arguments pass before them in review.

He first attempts to shew, that this objection is futile and disingen-

uous, because the power to keep up standing armies, in time of peace, is vested, under the present government, in the legislature of every state in the union, except two. Now this is so far from being true, that it is expressly declared, by the present articles of confederation, that no body of forces “shall be kept up by any state, in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state.”<sup>6</sup> Now, was it candid and ingenuous to endeavour to persuade the public, that the general government had no other power than your own legislature have on this head; when the truth is, your legislature have no authority to raise and keep up any forces?

He next tells us, that the power given by this constitution, on this head, is similar to that which Congress possess under the present confederation. As little ingenuity is manifested in this representation as in that of the former.

I shall not undertake to enquire whether or not Congress are vested with a power to keep up a standing army in time of peace; it has been a subject warmly debated in Congress, more than once, since the peace;<sup>7</sup> and one of the most respectable states in the union, were so fully convinced that they had no such power, that they expressly instructed their delegates to enter a solemn protest against it on the journals of Congress, should they attempt to exercise it.<sup>8</sup>

But should it be admitted that they have the power, there is such a striking dissimilarity between the restrictions under which the present Congress can exercise it, and that of the proposed government, that the comparison will serve rather to shew the impropriety of vesting the proposed government with the power, than of justifying it.

It is acknowledged by this writer, that the powers of Congress, under the present confederation, amount to little more than that of recommending. If they determine to raise troops, they are obliged to effect it through the authority of the state legislatures. This will, in the first instance, be a most powerful restraint upon them, against ordering troops to be raised. But if they should vote an army, contrary to the opinion and wishes of the people, the legislatures of the respective states would not raise them. Besides, the present Congress hold their places at the will and pleasure of the legislatures of the states who send them, and no troops can be raised, but by the assent of nine states out of the thirteen. Compare the power proposed to be lodged in the legislature on this head, under this constitution, with that vested in the present Congress,<sup>9</sup> and every person of the least discernment, whose understanding is not totally blinded by prejudice, will perceive, that

they bear no analogy to each other. Under the present confederation, the representatives of nine states, out of thirteen, must assent to the raising of troops, or they cannot be levied: under the proposed constitution, a less number than the representatives of two states, in the house of representatives, and the representatives of three states and an half in the senate, with the assent of the president, may raise any number of troops they please. The present Congress are restrained from an undue exercise of this power, from this consideration, they know the state legislatures, through whose authority it must be carried into effect, would not comply with the requisition for the purpose, if it was evidently opposed to the public good: the proposed constitution authorizes the legislature to carry their determinations into execution, without the intervention of any other body between them and the people. The Congress under the present form are amenable to, and removable by, the legislatures of the respective states, and are chosen for one year only: the proposed constitution does not make the members of the legislature accountable to, or removeable by the state legislatures at all; and they are chosen, the one house for six, and the other for two years; and cannot be removed until their time of service is expired, let them conduct ever so badly.—The public will judge, from the above comparison, how just a claim this writer has to that candour he affects to possess. In the mean time, to convince him, and the advocates for this system, that I possess some share of candor, I pledge myself to give up all opposition to it, on the head of standing armies, if the power to raise them be restricted as it is in the present confederation; and I believe I may safely answer, not only for myself, but for all who make the objection, that they will be satisfied with less.

1. Reprinted: Philadelphia *Freeman's Journal*, 23 January. The Boston *American Herald* reprinted excerpts of about two-thirds of the essay on 4 February and promised to continue its publication, but never did.

2. See "Brutus" VIII, *New York Journal*, 10 January (above).

3. See "A Citizen of America" (Noah Webster), *An Examination into the Constitution*, 17 October (Mfm:Pa. 142, p. 36 of the pamphlet). For a description of this pamphlet, see CC:173.

4. The reference to "some pedantic pedagogue" implies that "Brutus" knew that "A Citizen of America" was Noah Webster. (For Webster, see the headnote to "America," *Daily Advertiser*, 31 December, RCS:N.Y., 484–85.) For a more extended Antifederalist attack on Noah Webster, who had just assumed the editorship of the pro-Constitution *American Magazine*, see the *New York Journal*, 23 January (below. For Webster and the magazine, see the headnote to "Giles Hickory," *American Magazine*, 1 January, above.).

5. See *The Federalist* 24, *Independent Journal*, 19 December (CC:355).

6. See Article VI of the Articles of Confederation (CDR, 88). In March 1783 the New York legislature requested Congress' permission to raise 500 men to occupy the British forts on the frontier when they were evacuated by the British. In May Congress refused

its permission, instead authorizing General George Washington to occupy the vacated forts (Kaminski, *Clinton*, 85–86).

7. For a discussion of the national debate over the establishment of a permanent military force, see Richard H. Kohn, *Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783–1802* (New York and London, 1975), 45–62. Alexander Hamilton was the leading congressional proponent of a standing army.

8. On 1 November 1784 the Massachusetts legislature ordered that the state's congressional “delegates be instructed to oppose, and by all ways and means to prevent the raising of a standing army of any number, on any pretence whatever, in time of peace” (*A Journal of the Honorable House of Representatives . . .* [13 October–13 November 1784] [Boston, 1784], 174, Evans 18600). Elbridge Gerry led the fight in Congress against a standing army. (See George Athan Billias, *Elbridge Gerry: Founding Father and Republican Statesman* [New York, 1976], 108–13.)

9. See Article IX of the Articles of Confederation (CDR, 92).

### **A Countryman V (DeWitt Clinton)** **New York Journal, 17 January 1788**

WORTHY SIR, I might have saved myself a world of trouble, in searching to find out the meaning of the new constitution, if I had only attended a little more closely at first, to that clause, which says, the Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence, and general welfare of the United States—and the other clause, which gives them power to make all laws, that shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers, vested by this constitution, in the government of the United States, or in any department, or officer thereof. The first gives them power to do any thing at all, if they only please to say, it is for the common welfare, for they are the only judges of this—and, my neighbour is clearly of opinion, that they have power, under these clauses, even to ring and yoke all the hogs in the country; and a great many people, who have much meadow-lands, and who have them often rooted up and spoiled by the swine, think it would be for the general welfare; for they suppose, in this way, and in their corn-fields, if it was all reckoned up, they do more damage than they are worth, when they are fit for the knife—so, if this is the case, it would certainly be for the general welfare, not to let them run at large at all. By the last of these clauses, it would appear, that there are some powers vested in this government, besides what are mentioned in it, since it speaks of the foregoing, and all other powers: now I do not think it worth while to waste any time, in finding out what these other powers are, for those which are mentioned, will take in every thing, but the two or three little matters, they have accepted [i.e., excepted]. As I said before, though I did not like the whole constitution, I was pleased to find that this new government would be pre-

vented from making lords, and ex post facto laws; but I begin to doubt, whether these things were not put in on purpose to shew, they would have had authority to do them, if they had not accepted [i.e., excepted] them—and to confirm more strongly their power of doing every thing else; howsoever, my old neighbour from Pennsylvania tells me, that this ex post facto law business was put in, not because it was a bad thing, but to place it out of our power of calling to account, people who have the public monies in their hands—for, by this means, there will be no such thing as getting at them, and indeed I think it is very likely, that this may be the case, for if they were really honest, and meant to hinder the doing of a bad thing, why did they not also say, that the Congress should never take away, the rights of conscience, trial by jury, and liberty of the press? These are all rights we hold very dear, and yet we have often read, and heard of governments, under various pretences, breaking in upon them—and upon the rights of conscience particularly; for in most of the old countries, their rulers, it seems, have thought it for the general welfare to establish particular forms of religion, and make every body worship God in a certain way, whether the people thought it right or no, and punish them severely, if they would not: now, as it is known, that there has been a great deal of mischief done by rulers in these particulars, and as I have never read or heard of any great mischief being done by ex post facto laws, surely it would have been of more importance, to have provided against Congress, making laws to take away liberty of conscience, trial by jury, and freedom of the press, than against their passing ex post facto laws, or even their making lords. I conclude therefore, that there may be a great deal of truth, in what my neighbour from Pennsylvania says, about this matter.

By this new constitution, there are several things, which it is declared the state governments shall not do, such as emitting bills of credit, making any thing but gold or silver coin a tender in payment of debts, and passing laws for the impairing the obligation of contracts, &c.—but I do not find, that this new government are hindered from doing these things, and yet if they are bad things, it appears proper, that they ought to be hindered from doing them, as well as the state governments—for I do not see, why we are to expect honest men in the general government, than in the state governments; there will be a great many there, that we never heard of or know any thing about; and I am sure we have suffered more by the paper money made by Congress than we have by that made by our own assembly. Indeed, Worthy Sir, take the new constitution all together, it is an odd jumbled kind of business, and yet some people say, they were very wise, honest men, who made it—though I have no doubt some of them might have been

very honest, but I am widely mistaken, if the bulk of them were both honest and wise.

I am, Honored Sir, Your real friend, and Humble servant, A COUNTRYMAN.

### **New York Morning Post, 17 January 1788**

The late Fœderal Convention, says a correspondent, which framed the Constitution of the United States, was elected by an unanimous vote of the States; consequently it was composed of men of every principle and prejudice upon the subject of government. But should a second Convention be appointed, the members of it would be chosen by the Fœderalists only, for they are evidently the majority now in most, if not all, the states. The consequence of this might be, a constitution much less acceptable to the Anti-Fœderalists than the one now offered to them. Under these circumstances, is it not better for them to adopt the government under deliberation? It is the duty of the Anti-Fœderalists in a particular manner in Pennsylvania to learn wisdom from the conduct of the republican party, who by opposing the constitution of the state, threw themselves out of their share of power and offices. If the new government should be a bad one, the kindest thing its opposers can do is to join in supporting it, for in so doing, they will be best able to alter it, or to shelter their friends and country from the evils and defects with which they charge it.

### **Curtiopolis**

#### **New York Daily Advertiser, 18 January 1788<sup>1</sup>**

To the Honorable LEGISLATURE of the STATE of NEW-YORK.

*Fathers, Friends, Countrymen, Brethren and Fellow Citizens,* The happiness and existence of America being now suspended upon your wise deliberations; three or four sly Aristocrats having lashed the public passions, like wild horses, to the car of Legislation, and driving us all in the midst of political clouds of error, into that ditch of despotism lately dug by the Convention: Such dismal circumstances have induced a private citizen to lay before you, in as concise a manner as possible, the objections that have been made, by the Pennsylvania Secession,<sup>2</sup> Brutus, Cato, Cincinnatus, [Federal] Farmer, An Officer,<sup>3</sup> &c. &c. our best men.

1. The Convention were delegated to *amend* our political Constitution, instead of which they *altered it*.

2. It was composed of *unblemished* characters, which proves their detestable *hypocrisy*.

3. It possessed the *first rate abilities*, which proves that their *concerted mischief* will be the more certain and extensive.

4. Its discussions were in *secret*, which proves that they loved darkness rather than light, because their deeds were *evil*.

5. The whole plan is futile, and any *change* in the Government *unnecessary*.—1st. Because the present Government is an excellent one, *if* the States would but do as they ought. 2dly. Because it was approved of in its birth, by both Washington and Franklin. The former had not then *commanded* an army, nor the latter smelt the *despotic* air of France. 3dly. Because it answered our purposes *even* in times of *turbulence*, and must, therefore, certainly in *peace*. 4thly. Because those who, at present, hold the offices of trust, power, and profit, are generally as honest *as can be expected*.

6. By the new plan, the States will be politically *consolidated*, which is absolutely impossible, under a Republican form of Government, because *some* people say, that Montesquieu has said so.

7. *Faith* ought to be the principle of Union. For if we well and truly believe, that the States are united, we shall be just as happy as if they really were so.

8. An *extensive* territory cannot be free; this is too self evident to require a reason.

9. The Federal Head *ought to be supreme*, but ought *not* to possess a *coercive* power over the State Sovereignties, because this will *annihilate* them.

10. The Constitution proposed, will be too *energetic*, that is, it will have a power to *force* obedience, and the idea of *forcing*, is incompatible with that of *freedom*.

11. It is the most unheard of, unexampled, *incomprehensible*, motley, despotic, complication of biennial, quadrennial, and sextennial Aristocracies.

12. It is a *Government of individuals*; for *whole* years together, particular persons will be *entrusted* with *power*, notwithstanding the experience of ages has demonstrated how prone men are to make an *ill* use of it.

13. It, by such distinctions, counteracts the sacred design of nature, which has created all men free and *equal*.

14. It supposes *compulsion* a necessary sanction to its laws, which is treating us not as generous citizens, but as slaves and brutes.

15. It ordains a representation of the people, *too small* to be safe. 1st. Because a majority of 79 Legislators<sup>4</sup> may easily be bribed, you know, gentlemen. 2dly. Because it is impossible that one man can be the im-

age of, or know the interests, or feel the feelings of 30,000 constituents. 3dly. Because he must burst with vanity in such a situation.

16. It will be as *oppressive* as dangerous. 1st. Because it is so *numerous* as to occasion in a few years, tumult in its councils. 2dly. Procrastination in its proceedings. 3dly. Excessive taxation.

17. It appoints elections to be held for these rascally Despots, once only, in *two years*, when the time ought not to exceed *six months*; because the trust being more important than State Legislation, ought more frequently to change hands.

18. It will occasion tumults, *bloody noses* and broken heads among the people, as they will feel more interested in these elections, from *this* very circumstance of their being *something less frequent*.

19. It gives Congress the power to appoint the place of elections for the house of Representatives, but not for *Senators*; which was because they all intended to get into the Senate.—Some slyly pretend it was intended to hinder any one or two great States from being thrown out of the Federal Representation, by a temporary spirit of faction in their Legislatures. Rhode-Island was indeed unrepresented in Convention, from this cause—but the devil has got into Rhode-Island—and her proceedings can furnish no precedent.

20. It will oblige us sooner or later, to *pay the public debt*—*Monstrum horrendum!*—Not only the foreign but *domestic*—Not only the interest, but the *principal!*

21. It encourages the importation and slavery of Africans, because it leaves the States in this respect at perfect liberty to do *as they please*.

22. It will occasion the revolt of the *ancient dominion*, by assuming a power at the end of the twenty years, to make those black gentry as good *as ourselves*.

23. It admits to legislation, 1st. Quakers, who will make the blacks saucy,<sup>5</sup> and at the same time deprive us of the means of defence—2dly. Mahometans, who ridicule the doctrine of the trinity—3dly. Deists, abominable wretches—4thly. Negroes, the seed of Cain—5thly. Beggars, who when set on horseback will ride to the devil—6thly. Jews, &c. &c.

24. It gives the command of the whole militia to the President—should he hereafter be a Jew, our dear posterity may be ordered to rebuild Jerusalem.

25. It gives our Representatives a power to keep up a *standing army* for two whole years—which would be well enough, had not Butler prov'd, that



They who fight and run away,  
 Shall live to fight another day:  
 But they who are in battle slain,  
 Shall never live to fight again.<sup>6</sup>

26. It allows of other modes of trial besides that by jury, and of course this is *abolished*: such modes will be instituted under the direction of Congress, as will leave offenders, traitors, *malcontents*, or such of us as fall under the lash, *no chance at all*.

27. It affects to despise our paper money and all paper rights: In the war your predecessors all perjured themselves for want of a proper bill of rights—when they ordained the court of conspiracy; and often since, when from pretence of public good, they have picked the pockets of the public creditors.

28. It destroys the Freedom of the Press, and it will press us out of our freedom: The people will never exercise the liberty of conscience, and the rulers will have no consciences at all.

29. The preceding clause declares they make all *necessary* and *proper* laws, which would be very unnecessary and improper; because such laws are sometimes very disgusting; the truth is not always to be spoken.

30. It is to be crammed down our throats.

31. The *old woman* in Pennsylvania<sup>7</sup> has discovered the whole arrangement of *the conspirators*.

In short, gentlemen, if you prize your own characters or your country's happiness; if you would not be made to eat the rice of Virginia against your consents; if you would not wish to see your smoke and other little houses converted into *centinel* boxes; the poor ground to dust, and this dust trampled upon; you will never suffer *the impost*<sup>8</sup> to be given up, or this wicked, detestable, ridiculous, designing, artful, ill-contrived, clumsy, energetic and execrable Government to be set up over your *own heads*: It will deprive us of our liberties: It can never work: The people will never bear it—and it will end in Monocracy, Theocracy, Aristocracy, or some Ocracy or another.

To conclude, I would advise you to take good notice of that vile conspirator, *the author of Publius*: I think he might be impeached for high treason: he continues to do infinite mischief *among readers*: this whole city, except about forty of fifty of us, are all bewitched with him, and he is a playing the very devil elsewhere.

Jan. 14.

1. This Federalist satire was reprinted in the *Connecticut Courant*, 28 January; *New Hampshire Spy*, 1 February; and *Massachusetts Centinel*, 9 February. For the New York legislature's calling of the state convention, see II below.

2. See “New York Reprinting of the Address of the Seceding Members of the Pennsylvania Assembly,” 9–18 October (RCS:N.Y., 76–77).

3. See “An Officer of the Late Continental Army” (William Findley?), *Philadelphia Independent Gazetteer*, 6 November (RCS:Pa., 210–16). “Curtiopolis” is written in a format similar to “An Officer” who enumerated twenty-three objections to the Constitution. In New York, “An Officer” was reprinted in the *New York Journal* on 19 November. Two days later, the *Journal* also reprinted “Plain Truth,” *Philadelphia Independent Gazetteer*, 10 November, a point-by-point response to “An Officer’s” twenty-three objections (RCS:Pa., 216–23). (The *Journal* had reprinted “Plain Truth” by special request. See *New York Journal*, 20 November, Mfm:N.Y.)

4. In the initial apportionment in the Constitution, Congress was to be composed of sixty-five Representatives and twenty-six Senators.

5. Because of the prohibition of a religious test for officeholding, the author asserts that his list of six objectionable groups would be elected to Congress. Quakers, according to the author, were objectionable because they worked to end the slave trade and abolish slavery while also being pacifists.

6. These four lines were first printed in John Newbery’s *The Art of Poetry* . . . (London, 1746). They are based upon two lines from Samuel Butler’s *Hudibras*: “For those that fly, may fight again,/Which he can never do that’s slain” (John Wilders, ed., *Samuel Butler, Hudibras* [Oxford, 1967], Third Part, canto III, lines 243–44, p. 285). The Third Part was first published in 1678. The four lines printed by “Curtiopolis” have been mistakenly attributed to Oliver Goldsmith (see J. W. M. Gibbs, ed., *The Works of Oliver Goldsmith* . . . [5 vols., London, 1892–1902], V, 409–10, 412).

7. The reference is to Philadelphia Antifederalist George Bryan, who was referred to as the “old woman” by a Pennsylvania Federalist propagandist (see CC:395, note 2). Bryan was alleged to be the author of the “Centinel” essays and the “Dissent of the Minority of the Pennsylvania Convention” (CC:133, 353).

8. A reference to the New York state impost. See “Introduction” (RCS:N.Y., Vol. 1, xxxi).

### **Publius: The Federalist 40 (James Madison) New York Packet, 18 January 1788**

Defense of Constitutional Convention’s violation of instructions. For text, see CC:458. For reprintings, see Appendix IV, RCS:N.Y., 546.

### **Publius: The Federalist 41 (James Madison) New York Independent Journal, 19 January 1788**

Military and naval powers of government under new Constitution. For text, see CC:463. For reprintings, see Appendix IV, RCS:N.Y., 546.

### **Americanus VII New York Daily Advertiser, 21 January 1788<sup>1</sup>**

Governor Randolph’s letter to the Speaker of the House of Delegates of Virginia, on the Federal Constitution, has certainly great merit.<sup>2</sup> A vein of candor, manliness, and at the same time delicacy, pervades every part, and prepossesses us strongly in favor of the author. But if the imagination is delighted by the purity and elegance of the diction, if

the justness and propriety of sentiment display'd in this letter, bring full conviction to the mind, it only serves the more to encrease our mortification, when we reflect on the main scope and tendency of it. That a mind so fully convinced of the necessity of Union, and which views with horror the idea of a dissolution, should, notwithstanding, be made to hesitate and boggle, by objections so trivial and insignificant, is one of those melancholy instances of weakness, from which, even the best and most cultivated understandings are not exempt. My knowledge of his Excellency's character and sentiments, is wholly limited to what may be collected from this performance. But this alone is sufficient evidence of the integrity of the heart which dictated it. A sort of instinct, impels me to this conclusion, and convinces me I am right. This conviction, however, of the rectitude of his intentions, serves only to render his Excellency's conduct the more inexplicable. After surmounting all those great obstacles that have been thrown in the way, against the adoption of the new Constitution: After admitting the necessity of a standing army; the unlimited power of taxation, nay, that "the new powers must be deposited in a new body, growing out of a consolidation of the Union:" After surmounting, I say, these difficulties, he has suffered himself to be checked in his career, by objects of the smallest magnitude.

1. *All ambiguities of expression to be precisely explained.* But if the late Convention could not avoid ambiguities, after four months application to this business, what reason have we to expect that a subsequent Convention will succeed any better. We all know that comments frequently obscure the text they were meant to elucidate, and render that ambiguous, which before was sufficiently plain and obvious. If there are really any ambiguous expressions contained in this Constitution, I am persuaded, the good sense of my fellow countrymen, will dictate to them the necessity of expunging them, the moment they shall feel the least inconvenience arising from them. The full discovery of these inaccuracies must necessarily be left to time.

2. *The President to be rendered ineligible, after a given number of years.* This is a political refinement, the necessity of which, is very problematical. It is difficult for us to divest ourselves entirely of the ideas we have imbibed from our English ancestors. The extensive prerogatives and regal state, which the Supreme Executive in England have always possessed, have ever been, and with reason too, the object of terror to the friends of liberty. All their efforts have been directed to the attainment of this important point, viz. to circumscribe and limit these dangerous powers within proper bounds. But on this side the Atlantic, all appre-

hensions arising from this source, are visionary. Why then should we tie up our own hands, and deprive ourselves of the services of a man, with whose conduct we are perfectly satisfied? For my part I confess, I can see no reason whatever, to induce us to adopt this amendment, and I firmly believe this to be the sentiment of the majority of the people of these States.

3. *In taking from him, either the power of nominating to the judiciary offices, or of filling up vacancies, which therein may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next sessions.* The design here, I suppose, is to prevent the President possessing too great an influence with respect to these appointments. But I am so unfortunate, that my sentiments, such as they are, with respect to this amendment, happen to be in direct opposition to those of Mr. Randolph's. Instead of controlling the President still farther with regard to appointments, I am for leaving the appointment of all the principal officers under the Federal Government *solely* to the President, and the subordinate ones to the heads of departments.

4. *To take from him the power of pardoning for treason.* This is a power that must necessarily be lodged some where, and where, I would ask, would we place it with greater safety and propriety?

5. *To draw the line between the powers of Congress and individual States; and to define the former; so as to leave no clashing of jurisdictions or dangerous disputes; and to prevent the one from being swallowed up by the other, under the cover of general words and implication.*

The objects of congressional Legislation are already enumerated and clearly defined in the Constitution. But it may be objected that by the last clause of the eighth section of the first article, an *indefinite* power of Legislation is given to the General Government. But no inference can be more unfair and disingenuous. It surely cannot be denied that the Federal head *must* possess the powers of *Legislation*. They *must* pass laws for laying and collecting taxes—for borrowing of money—for regulating commerce, &c. &c. And what is the purport and effect of this clause but *merely* a declaration of *this* power? Nothing can be clearer than that by this clause no *new* powers are granted. The fact is, that though the *objects* of Legislation may be ascertained and defined in the body of a constitutional compact, yet from the very nature of this power the *manner* of exercising it must *necessarily* be *discretionary*, in this respect it must *unavoidably* remain *unlimited* and *indefinite*. The Constitution may say about *what*, but cannot say *how* this power shall be exercised. But it may be asked in what manner is this *discretionary* power to be kept within due bounds? I answer, that the Constitution itself is a *su-*

*preme law of the land*, unrepealable by any *subsequent law*: every law that is not made in conformity to *that*, is in itself nugatory, and the Judges, who by their oath, are bound to support the Constitution as the *supreme law of the land* must determine accordingly. But should those restraints, which is hardly supposable, prove insufficient, it then rests with the PEOPLE to restore to the Constitution its wonted vigor.

6. *To abridge the powers of the Senate to make treaties the supreme laws of the land.*

So far as an article of a treaty may be opposed to, or in any way contravene an existing law of the land, so far perhaps the concurrence of the whole Legislature might be proper to give it validity. It will not, however, be denied, that treaties ought to have the force of “laws of the land.” And for a variety of reasons, I should presume, the Senate to be the only proper depositum of this power. Negotiations of this nature require a management and secrecy ill suited to the turbulence and party violence of a numerous House of Representatives. They are, besides, too numerous and transitory a body to make the members thereof subjected to any great degree of responsibility. From local circumstances, treaties with foreign powers must necessarily contain some articles, which will be more advantageous or disadvantageous to one State than to another. And as there subsists so great a disparity between the States with respect to extent of territory and number of inhabitants, it would come within the power of three or four States to dictate the law to all the rest; and the interest of the smaller States would inevitably be sacrificed to the local interests or ambitious views of the larger.

7. *To provide a tribunal instead of the Senate, for the impeachment of Senators.*

Agreeably to the amendment I have proposed above, viz. that appointments should be in the President *only*, this tribunal would be unnecessary, as the business of the Senate (except that they constitute a Court for Trials on Impeachments) would thereby be confined *solely* to the business of Legislation, for which it is obvious they could not be made impeachable. And here candor obliges me to acknowledge, that the concurrence of the Senate, with regard to appointments, appears to me to be the greatest defect in this intended plan of Government. There is certainly a glaring impropriety in the Senators trying on impeachments those very officers, in whose appointments they have had a voice.

8. *To incapacitate the Congress to determine their own salaries.*

I have but one observation to make on this head. It does not appear to me to be an object of sufficient magnitude, to make it necessary to call together another Convention.

9. *To limit and define the Judicial power.*

But is not the Judicial power limited and defined by the second section of the third article, as precisely as the nature of the case will admit of. Without restraining Congress from the exercise of the powers of Legislation, how could the Judicial power be more precisely limited and defined.

Thus have I considered, in a summary manner, all the objections and proposed amendments, which Mr. Randolph has thought necessary to make to this new plan of Government. And I must here repeat again the observation I have already made—That these objections appear, to me at least, trivial and insignificant.

Mr. Randolph's scheme of appointing another Federal Convention, for the discussion of amendments, cannot now be carried into execution, as the Constitution, has already been adopted and ratified by four States, and probably will shortly be adopted by more.

Mr. Randolph has candidly confessed it as his opinion, that those two points, viz. "the equality of suffrage in the Senate, and the submission of commerce to a mere majority," which proved so very offensive to himself and Mr. Mason, "cannot be corrected."<sup>3</sup> And of the nine other objections, which he has brought against the Constitution, some are disputable, the greater part insignificant, and none of sufficient consequence to render it necessary to call together another Convention. But what would be the probable issue of such a measure? Could the deliberations of such a Convention be confined solely to Mr. Randolph's objections, there might then, perhaps, be some chance of their rising in harmony and good humor, but so multifarious and contradictory are the objections which have been urged from different quarters, that human wisdom and human prudence must utterly despair of ever forming a consistent and uniform plan out of such incongruous and heterogeneous materials. Would not such a *Convention* be in the very predicament mankind were in at the building of BABEL? They set themselves about to build a CITY and a TOWER whose top might reach unto Heaven. But their *language* was CONFOUNDED, so that they did *not understand one another's speech. Therefore the name of it was called BABEL.*<sup>4</sup>

1. On 18 January the *Daily Advertiser* announced that "Americanus" VII was received, and on the next day it announced that the essay would appear on Monday (i.e., 21 January).

2. See "New York Reprinting of Virginia Governor Edmund Randolph's 10 October 1787 Letter to the Speaker of the Virginia House of Delegates," 8 January–April 1788 (above).

3. See "New York Reprinting of George Mason's Objections to the Constitution," 30 November–13 December (RCS:N.Y., 338–40).

4. Genesis 11:1–9.

**A Countryman V (Hugh Hughes)**  
**New York Journal, 22 January 1788<sup>1</sup>**

Letters from a Gentleman in Dutchess-County,  
 to his Friend in New-York.

(Continued from this Register of the 15th ult.)<sup>2</sup>

January 10, 1788.

DEAR SIR, Although an unavoidable impediment has prevented my corresponding with you, as often as I wished and intended, yet it has not, entirely, deprived me of all opportunity, of revolving the general convention and their proceedings in my mind. In doing which, I always endeavour to divest myself of every prepossession for, or against them, and their conduct, and, as impartially and candidly as I am capable, to view and consider the whole in every possible point of light, in which I can place it.—And, though it is readily granted, that the convention was composed of a number of very sensible men; yet, if we take the retrospect of the time, when it was first proposed, that there should be a general convention, and the design of it; and likewise reflect, that several of the gentlemen who composed the last convention, were also members of the first, as well as members of the different legislatures which deputed them, besides being delegates to Congress; by all which means they must have had frequent, and great opportunities of learning the sentiments of others with time to read and study the best authors on government, and make up their own minds, on the subject, previous to their last meeting. Shall we find, if we deduct a part of the constitution of this state, some part of the confederation, and the mode of election in Connecticut, &c. from what they have done, that all these combined circumstances, added to four months close application of great abilities and wisdom, which have been so often bandied about, have produced any thing adequate to what might reasonably have been expected from such united advantages?—Nay, have they produced any thing but what they ought not to have produced? And, to say no worse of it, have they not descended below the dignity of their characters? Have they not said,—“Done in convention, by the unanimous consent of the states present, &c.” shortly after which, we see, “New-York,” and “Alexander Hamilton,” annexed to it, as though the state were fully represented by that one deputy, when it had sent three deputies?—And, either forgetting, or in hopes that others would forget, have they not afterwards said, “In convention, Monday September 17, 1787. Present, the states of New-Hampshire, Massachusetts, Connecticut,” “Mr. Hamilton for New-York, &c.?” By what name ought this to be called? May not some of the wisdom of this world be truly called foolishness?

I could very easily imagine, that a gentleman of far less understanding than “Alexander Hamilton,” is said to be, would have had modesty enough to wait for further authority, before he set his name to an instrument of such immense importance to the state which entrusted him, and honored him with its interests and commands.<sup>3</sup>

What was this but setting the state and his colleagues at open defiance, and, tacitly, telling the legislature and them, “I want none of your instructions, advice, nor assistance. I better know than you or they what ought to be done, and how to do it. Yes, I know what will suit you all, much better than any body else in the state. I know, that trial by jury, of the vicinage, is a foolish custom, besides frequently embarrassing the judges, it often disappoints the lawyers, and therefore, as I may never have it in my power again, I will now contribute all I can to the abolition of it.” If it be true, that actions may speak plainer than words, which, I believe, is a maxim pretty well established, must not the foregoing, or something like it, have been the language or ideas held by that gentleman?

Can the conduct of a man be spoken too freely of, who, unauthorised, has attempted to transfer all power from the many, to the few? Has this state, or, have the United States, expended so much blood and treasure for the sake of exalting one, or the few, and depressing the many? If they have, or, if that was their view, then have they been guilty of an unpardonable offence against God and their country. But it cannot be—that never could have been *even in contemplation*, with the *honest patriots* of seventy-six.

The conduct of George Grenville, the Earl of Hillsborough, Lord Mansfield, the Earl of Bute, Lord North, the King and Parliament of Great Britain, as well as that of their adherents, the stamp-masters, &c. in America, has always been canvassed and treated with the utmost freedom, by the friends of this country. Whence then all this reserve and tenderness for a *junto* of our fellow citizens, who have cast off their allegiance to the United States, and endeavoured to rob us of our best inheritance?

Will it not be said, by the nations of Europe and posterity, that they acted with more spirit and enterprise in robbing us of it, than we have in defending it, though we pretended to know the value of it? Others may do as they please, but, for myself, I am determined to pursue them, with my pen, as long as I can wield it, unless they should make a solemn, public recantation.

Should the new constitution be sufficiently corrected *by a substantial* bill of rights, an equitable representation, chosen annually, or not eligible under two years, the senate chosen triennially, and not eligible in



less than three years afterwards, which, apart from it, becoming a more general object to men of learning and genius, might also be a means of preventing monopolies by a few men or families—separating the legislative, judicial and executive departments entirely, and confining the national government to its proper objects; but, by no means admitting a standing army in time of peace, nor a select militia, which last, is a scheme that a certain head<sup>4</sup> has, for some time, been teeming with, and is nothing else but an artful introduction to the other—Nor ought the militia, or any part of it, I think, to be marched out of the state, without the consent of the legislature, and then, not for more than a certain reasonable time, &c.—leaving the states sovereign and independent with respect to their internal police, and relinquishing every idea of drenching the bowels of Africa in gore, for the sake of enslaving its freeborn innocent inhabitants, I imagine we might become a happy and respectable people. And, the conduct of the late general convention, by the violent effort which it has made to prostrate our invaluable liberties at the feet of power, fully evinces the absolute necessity of the most express stipulations, for all our essential rights.

But, should the constitution be adopted in its present form, without any amendment, I candidly think, that we should have been much happier, at least for a number of years, in our old connexion with Great-Britain, than with such an absurd heterogeneal kind of government as the convention have proposed for our implicit adoption. Indeed, at present, there are so many dissentients, and others daily becoming so, in all the states, and with arms in their hands, that I cannot see how it could well be organized, without a force superior to every opposition, and that must, of course, absorb all the resources of ways and means immediately, and would defeat many of its own purposes and promises.

Besides, where is the difference between the people's cutting one another's throats, for their own diversion, or cutting them for the pleasure and aggrandizement of one or a few?—If any, I should prefer the former; that is, for my own diversion, &c. I have no idea of being gladiator to any man or body of men whatever; nor marching 500 or 1000 miles to quell an insurrection of such emigrants as are proposed by the new constitution, to be introduced for one and twenty years. No, nor of butchering the natives, that a few great speculators and landholders may engross all the best soil for a song, and revive the old feudal system, which I know to be the wish of some of the advocates for the new government.

Is it not fortunate for this state, that the executive is not one of the aristocracy, or we might have been precipitated into measures, perhaps, which would have afforded us ample time for repentance?

If, at any time, I should trespass on your patience, I beg you will please to place it to the account of the general convention, and believe me to be, dear Sir, Your most obedient and very humble servant,

A COUNTRYMAN.

1. Reprinted: Philadelphia *Independent Gazetteer*, 2 May. A draft of the first three paragraphs and the penultimate paragraph is in the Hugh Hughes Papers at the Library of Congress. The draft is filled with many unreadable and a few readable cross-outs, as well as numerous insertions. There are many stylistic differences between the draft and printed version. A facsimile of Hughes's draft is in Mfm:N.Y.

2. For "A Countryman" IV, see *New York Journal*, 15 December (RCS:N.Y., 424–28).

3. John Lansing, Jr., and Robert Yates, the two other New York delegates to the Constitutional Convention, left on 10 July and did not return.

4. A reference to a pamphlet published by Baron von Steuben, *A Letter on the Subject of an Established Militia, and Military Arrangements, Addressed to the Inhabitants of the United States* (New York, 1784) (Evans 18796). Von Steuben admitted his militia was a standing army, but it was one "composed of your brothers and your sons" (page 16). For another reference to this pamphlet by an Antifederalist, see "Federal Farmer," *Letters to the Republican*, 8 November, note 19, RCS:N.Y., 244. Hughes's original draft referred to the "Baron," but it was changed to "a certain head" at the request of John Lamb. (See Charles Tillinghast to Hugh Hughes, 27–28 January, at note 9, above.)

**Publius: The Federalist 42 (James Madison)  
New York Packet, 22 January 1788**

Praise of powers of government under new Constitution in foreign affairs, foreign and interstate commerce, Indian affairs, money, weights and measures, naturalization, and bankruptcy. For text, see CC:466. For reprintings, see Appendix IV, RCS:N.Y., 546.

**Abraham G. Lansing to Abraham Yates, Jr.  
Albany, 23 January 1788 (excerpt)<sup>1</sup>**

. . . Nothing has transpired respecting Politics, I am of Opinion that the Measures adopted by Massachusetts Bay will give a tone to the determination of this Important Matter in our Legislature—It is roundly asserted here that Peter S——r<sup>2</sup> has turned—and is at present a Federal Man—if it is not so they injure him much—by next post you may perhaps be able to point out what you apprehend will be produced by our Legislature

I am affectionately Yours

1. RC, Yates Papers, NN. This letter, probably written from Albany, was addressed to Yates in Poughkeepsie, where he was attending the state Senate. Lansing (1756–1834), an Albany lawyer, was Yates's son-in-law and surrogate for Albany County, 1787–1808.

2. Possibly Peter Silvester of Kinderhook, who represented Columbia County in the Assembly. He served in the U.S. House of Representatives from 1789 to 1793.

**Melancton Smith to Abraham Yates, Jr.****New York, 23 January 1788<sup>1</sup>**

I have been so engaged for a long time past that I have not been able to command leisure to write to you—Indeed for sometime past, there would have been no propriety in my writing, for report here said that you was defunct, and that your funeral had been solemnized with great pomp & your pall supported by a number of illustrious Characters, who I am well informed had a principal agency in producing the new Constitution<sup>2</sup>—What should have taken them, so soon from Philadelphia to Albany, I was at a loss to determine, unless it was for the benefit of the *air*, or to make an establishment at the City of Lansingburgh, which I am told is a favourable situation to carry on their business—

I am happy to hear, however that you are now in the land of the living—If the report of your decease was true, and you have been restored to this mortal life by a dismission from the regions of the dead, for a while in order to oppose the new system of government, I should be curious to hear what a number of the patriots who assisted in effecting the late revolution say about it?—But perhaps, the publication concerning your death, meant to take a distinction between the rough Hwer and Abraham Yates, so that though the former might be buried, the latter might remain in Life and health—

I cannot give you any news of importance to be relied upon—We have nothing authentic from the Convention of Massachusetts, Reports on all hands say, that the division in that body will be great—but on which side the majority will be time must discover—The friends to the new government in this City, appear for a few days past, to despond with respect to Massachusetts. The decision of that State will certainly have great influence on the final issue of the business—If they reject it I think it cannot go down, if they accept, every effort will be used to carry it through—We have nothing from the Southward—

I wish you and Mr. Jones,<sup>3</sup> would favour me, as your leisure and opportunities will permit, with your observations on this system, especially on the Judicial powers of it, about which very little has yet been written. It appears to me this part of the system is so framed as to *clinch* all the other powers; and to extend them in a silent and imperceptible manner to any thing and every thing, while the Court who are vested with these powers are totally independent, uncontrollable and not amenable to any other power in any decisions they may make<sup>4</sup>—

What are the cases in *equity* arising under the Constitution?

Will not the supreme court under this clause have a right to deter-

mine enlarge the extent of the powers of the general government and to curtail that of the States at pleasure?—

What are the cases of equity under Treaties? Will they not under this power be authorized to reverse all acts of attainder heretofore passed by the States, and to set aside all Judgements of Confiscation?

I could state a number more questions, if I had time, but I am in haste—I only wish to call your attention, and that of Mr Jones to attend critically to this part of the plan, and beg your remarks upon it—We are weak here, the few that oppose it, have not leisure or ability or else want inclination to examine and expose its defects, such of you as are of the true faith at Pokeepsie should employ all your leisure in thinking and making remarks, if you have not time to arrange them for publication, they will afford great assistance to some here who will do it, if you will forward your observations to me. I could easily lengthen my Epistle but I am in haste—remember to your room companions

1. RC, Yates Papers, NN.

2. Smith refers to several items that appeared in the 18 December 1787 issue of the *Northern Centinel* that were introduced by the following titles or headings: (1) “The last Words and Dying Speech of the celebrated Rough-Hewer” (i.e., Abraham Yates, Jr.); (2) “*The following are the Particulars of the Death and Interment of the late ROUGH-HEWER*”; (3) “*An ELEGY on the Death of the ROUGH-HEWER: Supposed to be written by his good Friend ANARCHY*”; and (4) “*The following EPITAPH is inscribed on the Tomb of the Rough-Hewer.*” The second item listed above includes the “Order of the Procession” for the funeral, with an illustration of a coffin containing the following statement: “*ROUGH-HEWER/ CAME INTO/EXISTANCE/1783/AND DIED/DECR. 11/1787.*” (For facsimiles of these items, see Mfm:N.Y.)

3. Samuel Jones.

4. This paragraph (and the two that follow) give some credence to the belief that Smith wrote the “Brutus” essays. For a discussion of this matter, see the headnote to “Brutus I,” *New York Journal*, 18 October (RCS:N.Y., 103).

### **Publius: The Federalist 43 (James Madison) New York Independent Journal, 23 January 1788**

Praise of the new Constitution’s provisions concerning copyrights and patents, the federal capital, the definition of treason, the admission of new states, the guarantee to states of republican governments, protection against invasion and domestic insurrection, amendments, and ratification. For text, see CC:469. For reprintings, see Appendix IV, RCS:N.Y., 546.

### **New York Journal, 23 January 1788<sup>1</sup>**

MR. GREENLEAF, I am informed, that a number of gentlemen have been addressed by Mr. N—h W—r, accompanied with a pamphlet, entitled, “The American Magazine, for December 1787.” This curious work accidentally fell into my hands, although I have not the honor

of having been addressed. I enquired who N— W—— was, and am informed he was originally of Connecticut, where the polite arts have flourished for centuries, from the immense wealth of the country, the leisure of its inhabitants, and more especially from its cities; sources of all urbanity and polite literature, metaphysics, and good grammar; that this same N. W—— has wrote something about the English or American language, or a spelling book, or grammar,<sup>2</sup> I cannot learn which—that a Mr. Kid, whether a relation of the former Capt. Kid the pirate, I cannot learn, has criticised upon N. W——’s institutes, or whatever they are called—and that it is, that Mr. Kid had greatly the advantage. But, Mr. Printer, the American Magazine, cum notis variorum.<sup>3</sup>

“The American Magazine.—A full stop.

Containing  
A Miscellaneous Collection of  
Original and other valuable Essays,  
In Prose and Verse,  
And calculated *both* for  
Instruction and Amusement.”

Now, sir, as Mr. N. W. is a grammarian, I conclude we are to have two Magazines; “and calculated both,” is the same as “*and both calculated,*” that is, “both American Magazine;”—perhaps he may have borrowed this word, “both,” which I have an unaccountable antipathy to, from the proposed new constitution, where I find it frequently used, or, as he was in Philadelphia at the time of the conclave, he might, from his famed institutes, have been called upon, and dictated the word *both*. But, Mr. Printer, let us proceed to the introduction. “The Editor of the American Magazine, for December 1787 (observes the last month in the year) presents the compliments of the season (by way of anticipation; this is a silent and secret operation) to *his* readers.[”] Now, I ask, whether he has any particular set of readers at command. As this is the first number, and only publication, who are his readers? But, sir, to go on, “and wishes them all the blessing they wish for themselves.” What a philanthropist! so, if any of *his* readers wish to debauch my wife or daughter he wishes they may stop. The editor is a metaphysician, as well as a grammarian. The word blessing always means something good; and an illicit indulgence is wicked—The thing itself is good, but the illicitness is bad. Well, now I am really afraid, that *all his* readers will not be able to make this nice, logical distinction; and if they cannot, and should abuse the good things of nature, they may hereafter plead, that the editor of the American Magazine, who must be a good authority, wished them to do the same thing. But nequid nimis, that is, too much of one thing is good for nothing—True, yet I

have heard, that there cannot be too much of a thing good in itself. Let us proceed. He begs leave, on the auspicious opening (a fine word) of the year 1788, to usher (I suppose he is some under teacher) into the world a new publication (yes, a new publication for an old year) which he designs to continue (then this same new publication is to be printed over and over and over[]); well, one of them is more than I can digest. "He thinks it unnecessary to trouble *his readers* with an enumeration of the *benevolent motives*—(Now these last words I do not perfectly understand, for I am no metaphysician—but they sound a little like "a good plenum, or a bad vacuum") which prompted him to this undertaking; for whatever he may say in his *own* favor, *mankind* will still have their own opinion of the editor's views.["] To this he has not "a single objection;" (artful! why could he not have said right off of hand, he had no objection; a man that has a thousand objections, to be sure, has not a single one—so the editor has not a single one, though he has a great many.)—(His readers would have been rather better, than *mankind*.) "While he is conscious, that, among several motives which actuate him, there is not a *bad* one." Ambiguous, among a great number of motives, several may be good and several bad, as he calls them. Perhaps, if the editor had said, among *the* several, it would have included all his motives; but as it is, he seems to have called several favorite motives, none of which will he allow to be bad. The others, then, the editor has decided on.

"It is the editor's wish to gratify every class of readers, and *his fair readers* may be assured, that no inconsiderable pains will be taken to furnish them with entertainment; at the same time, he flatters himself, that many of the ladies will be found in the number of his correspondents.["] I must confess, I do not like this passage; but I will take care, that none of my fair family shall be furnished by, or correspond with this redoubtable editor. Several other things might be observed upon this famous introduction, as the stowing away readers in *bulk*, &c. But the thirteenth page has just caught my eye. In his introduction, the editor says, "New-York is the most eligible situation for a publication of this kind." Now I am at a loss to know why New-York is the most eligible situation for the publication of this thirteenth page. That the assertions should be made by a freeman, to an enlightened and free people, is offering a direct insult to their understanding. Is this usher, this grammatical pedlar, this new publication man, who reserves to himself the right of deciding on the merit of essays communicated, and the propriety of admitting them into the work, and consequently makes them all his own, is he happy in the choice of his situation for such a piece? If he is, I am deceived as to the good sense of the people of

New-York. The editor has dared to publish to the freemen of New-York, and to assert, that the objection to the new constitution, because it contains no bill of rights, is founded on ideas of government that are totally false. That our ancestors reasoned right, and because we reason in the same way, we adhere to old prejudices, and reason wrong. These are vain assertions without proof—But the editor goes on, “a bill of rights against the encroachments of kings, is perfectly intelligible,” and pray, are not the rights of worshipping as I please, and of being tryed by a jury, as perfectly intelligible under a republican form of government, as under a monarchical? “A bill of rights against the encroachments of an elective legislature, is a curiosity in government.[”] The editor would do well to shew, that it is so, because, his ipse dixit would not go very far, if stubborn facts were not directly against him. The next sentence, I think I may say, is a curiosity—and perhaps it is in point, to prove a bill of rights is not worth contending for, nay, that it is wrong to make it a constituent part, when forming a constitution. “One half of the people who read books, have so little ability to apply what they read to their own practice, that they had better not read at all.” How the editor arrived at the exact number I know not; it is a bad compliment to *his readers*. About one eighth of the people read; half of this eighth had better not read at all; therefore, fifteen sixteenths of the people, what are they better than cattle; and is this the reason why N. York is the most eligible situation for this publication.

The privileges of a Britain are held as a birthright, or matters never alienated. They are not grants of the king; the barons, the only freemen in England in 1215, demanded, sword in hand, of the king, that he should renounce all claim to certain privileges of right belonging to them. Whatever might have been the knowledge of the barons of England at that time, I venture not to assert; but to think, that it was infinitely short of the knowledge of the good people of New-York in the science of government—Mr. Editor goes on, “These statutes are, however, not esteemed, because they are unalterable; for the same power that enacted them can at any moment repeal them; but they are esteemed, because they are barriers erected by the representatives of the nation against a power that exists independent of their own choice.” For the Editor’s consideration I shall extract several passages from Blackstone, observing by the way, that he says, the people of England were not represented in parliament till the year 1265. “Hence it indisputably appears, that parliaments, or general councils, are coeval with the kingdom itself; how those parliaments were constituted and composed, is another question, which has been a matter of great dispute, &c.”<sup>4</sup>

“Thus much for the declaration of our rights and liberties; which will appear from what has been premised to be indeed no other than

either that residuum of natural liberty, which is not required by the laws of society to be sacrificed to public convenience;" they may be said to remain, in a peculiar and emphatical manner, the rights of the people of England; "and these may be reduced to three primary articles: The right of personal security; the right of personal liberty, and the right of private property."<sup>5</sup> "To vindicate these rights, when actually violated, or attacked, the subjects of England are entitled, in the first place, to the regular administration, and free course of justice, in the courts of law; next to the right of petitioning the king and parliament for redress of grievances, and lastly to the right of having and using arms for self-preservation and defence—And all these rights and liberties it is our birth right to enjoy entire."<sup>6</sup>

Perhaps, upon the principles before established, the convention might (if they pleased) have vested the regal dignity in a family entirely new. "These three princes, king William, queen Mary, and queen Anne, did not take the crown by hereditary right"—"formerly the descent was absolute, but now, upon the new settlement, the inheritance is conditional."<sup>7</sup>

"The doctrine of hereditary right does by no means imply an indefeasible right to the throne."<sup>8</sup>

It is evident, according to the learned judge, that the kings of England are not independent of the people, and yet that people have reserved that residuum of liberty, which is not necessary to be sacrificed to public convenience. That these rights have their existence otherwise than merely by acts of parliament. When King William came to the throne of England, there was a solemn compact, previous to his being declared king, called a bill of rights: The statute that soon after took place, contains nearly verbatim the same articles; if, however, the statute had been repealed, the bill of rights would have remained in force. The editor says, "In our government there is no power of legislation independent of the people." Is there any power of legislation in England independent of the people? Surely there is not; and did these people, in their wisest days, draw such an absurd consequence? "There is no power existing against which it is necessary to guard."

"I undertake to prove, that a standing bill of rights is absurd (attend to the proof) because no constitutions (how many are there in a free government) can be unalterable. Cannot a constitution be altered without altering the bill of rights?—Cannot the constitution of Pennsylvania be essentially altered?—And is not all the alteration, contended for by its opposers, merely that of the deposit of the powers? Is it not the voice of the states in the Union, that the people have a right to alter their constitutions? We can have no greater power to enslave posterity, than they have to repeal the act, if found inconvenient. What idle at-



tempt at reasoning—we can only make ourselves happy in a particular way, by retaining some privileges, which, if the legislature possessed, would not be exercised, but for the purposes of slavery; yet we must not make this reservation for fear of enslaving our posterity. “The right of jury trial may in future cease to be a privilege—(It may so, Mr. Editor, if the person to be tried and his jury, are to travel five hundred miles) or other modes more satisfactory to the people may be devised; such an event is neither impossible nor improbable.”—There is but one other way, that is, for the judges to decide as to law and fact. And when this takes place, farewell to all liberty in America. I am happy in thinking, that the genius of America will spurn at the idea with as much contempt and energy as she did against the assumed power of the Parliament of Great-Britain. There need not be much said here. Where, Mr. Editor, did you learn, that there is an attempt to make a *perpetual* constitution? I never heard of such a thing, until I saw it in your new publication. Did you start this idea for the sake of building upon it near half a column of nonsense?

As I have not time to pursue farther this metaphysical, grammatical institutional reasoner, I hope some other will find leisure to attend to him.

1. This article criticizes Noah Webster, the editor of the newly founded *American Magazine* which began publication on 1 January. The focus of the attack was “Giles Hickory,” an article denying the need for a bill of rights that Webster had written for the new magazine. (See “Giles Hickory,” *American Magazine*, 1 January, above.) According to Charles Tillinghast, the author of this attack on Webster was possibly Samuel Osgood of Massachusetts, a member of the three-member Confederation Board of Treasury. The writer had given a copy of this article to John Lamb, who apparently approved it and turned it over to the *New York Journal* for publication. (See Tillinghast to Hugh Hughes, 27–28 January, below.)

2. Between 1783 and 1785, Webster published in Hartford, Conn., a three-part series entitled *A Grammatical Institute, of the English Language*. . . . The first part, the speller, appeared in 1783; the grammar was published in 1784 and the reader in 1785 (Evans 18297–98, 18871, 19364–65). The series would prove to be immensely popular.

3. Latin: “with the notes of various commentators.”

4. *Commentaries*, Book I, chapter II, 145.

5. *Ibid.*, Book I, chapter I, 125.

6. *Ibid.*, Book I, chapter I, 140.

7. *Ibid.*, Book I, chapter III, 208, 210.

8. *Ibid.*, Book I, chapter III, 188.

## Sidney

### Albany Gazette, 24 January 1788<sup>1</sup>

“I aim at reformation, not satire; as I mean no invidious reflections, but only to give my sentiments with that honest freedom to which every

*American* is entitled by birthright: I shall just state from Polybius, the means by which all mixed governments have originally deviated from the first principles, which were the basis of their rise and grandeur; how by this deviation, they tended towards their decline, and that those means, acquiring additional force from that very decline, necessarily produced those evils which accelerated the destruction of every free people.”

*Montague.*<sup>2</sup>

The discussions heretofore published, in favour of the requisitions of Congress, of the 3d February, 1781, and 18th April, 1783, for vesting that hon. body with power to levy an impost of five per cent.<sup>3</sup> have appeared under the favourable aspect of a mere regulation, necessary and proper for the satisfaction of the public creditors and the support of national faith; as if, by investing Congress with a revenue, to be collected by officers of their own appointment, and laws of their own making, the public creditors would be sooner paid, and the national faith better preserved; but in its progression, it has assumed another form; we are now soon (perhaps too soon, for we have got into a habit of doing business either in secret or in haste) to be called upon to change the very principles of our government<sup>(a)</sup> contrary to the opinion of former authors, and to adopt that reported by the Convention, lately assembled at Philadelphia; in which the United States are to be consolidated, so as to become one republic, of upwards of four thousand miles<sup>(b)</sup> in circumference; Congress invested with legislative and judicial powers, and with it to decide whether we shall establish a strong executive, as well as to surrender an actual for a virtual representation.

The Dutch have made experiments in both. By the one, they have entirely lost the right<sup>(c)</sup> of representation; by the other, they have embarrassed themselves with a stadtholder<sup>(d)</sup> (a strong executive whose mal-administration, within the space of forty years, has become so intolerable that the inhabitants, to get rid of him, are this day on the brink of ruin[]).

In these discussions, those who opposed the measure, and were for adhering to the confederation (as if words had lost their meaning) were distinguished by the appellation of “anti federal,” and those who were for altering the confederation and investing Congress with an independent revenue, assumed the epithet of “federal men;” and notwithstanding the late Convention, in their letter of the 17th September, have decided, viz. “but the *impropriety* of delegating such *extensive* trusts to one body of men is *evident*,”<sup>4</sup> still the delusion is carried on, they call themselves federalists, when, in the same breath, they do not hesitate to say, they mean to destroy! entirely to destroy the confederation!

Misrepresentations, equally delusive, have been made in attempting to induce the several legislatures to invest Congress with the above mentioned revenue, with those, now daily propagated to establish the new constitution. While the former was in agitation, the papers were filled with accounts that several of the States had agreed to the impost system, and at last they went so far as to assert, that it had been adopted by eleven states, and that there were but two that had refused; and what is astonishing, gentlemen in dignified stations, attempted to confirm those misrepresentations; it was however discovered, when the laws of the different states, respecting that system, were published, in the year 1786, that it was doubtful whether two, of the thirteen, had fully adopted it.<sup>5</sup>

When the late Convention was sitting (and under an injunction of secrecy) scarce a newspaper appeared, without a recommendation of the government in expectancy—That a government to be agreed to and countenanced by General Washington and Doctor Franklin, would be such as all good men ought to approve, and none but bad men would disapprove; and those who refused to give it their approbation, until they should have an opportunity of examining it, were treated as infidels in politics—and threatened, should they withhold their assent, to be insulted, tarred and feathered, and even in the late discussions, we meet with observations, tending to impress an opinion, that the consent of General Washington and Dr. Franklin, is not only a conclusive argument, to induce the people at large to determine in favour of the constitution, but that even to suppose they have erred or been imposed upon, is an impeachment of their understanding and integrity. A most extravagant way of reasoning. For when we calmly consider we shall find, that to err is inseparable to human nature; to be sure, to suppose that there was ever a general who understood military government better than the one, or any philosopher better acquainted with the powers of electricity than the other, would be justly reprehensible; but that they (admitting that they are not therefore the worse) should therefore be considered better, and even infallible judges of civil government (and that too, when they differ with Montesquieu, Locke, Sidney, and many other celebrated authors upon government) is inadmissible.

When this new constitution was reported, and suffered by Congress barely in its passage to go on to the several legislatures, without their approbation; it was represented in the papers as having passed Congress with unanimous consent:<sup>6</sup> now for a while we have been entertained with stories, how acceptable it is to the people in the several states—how readily the legislatures order conventions—and how those are insulted and their conduct reprobated, who are opposed to it; and

I shall not wonder, hereafter, to see it asserted in the papers, that it has been adopted by eleven states; when again, upon enquiry it may not have been fully adopted by two states.

This *kind* of management is not uncommon after revolutions. Goldsmith mentions, that after the battle of La Houge (within four years after king William ascended the throne of England) “patriotism began to be ridiculed as an idle virtue—the practice of bribing a majority in parliament became universal: the example of the great was caught up by the vulgar, principle, and every decency was gradually banished—talents lay uncultivated, and the ignorant and profligate, were received into favour. That to remove the evil, parliament were diligent in restraining the universal corruption, that seemed to prevail over the whole kingdom—they were assiduously employed in bringing those to *justice* who were *grown wealthy* by *public plunder*, and encreasing the number of laws which restrained the art of *peculation*.”<sup>7</sup>

In the mean time Addison and Steele, in allusion to the doctrine, then propagated by Sacheverel and others, engrafted upon the policy of the cabal; “who were for establishing such a perpetual and extensive fund of revenue, to advance the prerogative, as would render parliaments useless,” tried to open the eyes of the people.

“I have frequently (says Addison) wondered to see men of probity, who would scorn to utter a falshood for their own particular advantage, give so readily into a lie, when it becomes the voice of their faction, notwithstanding they are thoroughly sensible of it as such.”<sup>8</sup> “Some tell us (says the same author) we ought to make our government upon earth, like that in heaven; which, say they, is altogether monarchical and unlimited; was man like his Creator in goodness and justice, I should be for following this great model; but where goodness and justice are not essential to the ruler, I would by no means put myself into his hands, to be disposed of according to his particular will and pleasure.

“Where the prince is a man of virtue, it is indeed happy for his people that he is absolute; but since in the common run of mankind, for one that is wise and good, you find ten of a contrary character, it is very dangerous for a nation to stand to its chance, or to have its public happiness or misery depend on the virtues and vices of a single man.”<sup>9</sup>

Steele, under the figure of two dances, represents the operation of the two forms of government, viz. absolute power, and the representation of a free state. In the first, he introduces absolute power, in the person of a tall man, with a hat and feather, who gives his first minister, that stands just before him, an huge kick—the minister gives the kick to the next below, and so to the end of the stage. In this moral and

practical jest, you are made to understand, that there is, in an absolute government, no gratification but giving the kick you receive from one above you to one below you; this is performed to a grave and melancholy air; but, on a sudden the tune moves quicker, and the whole company fall into a circle and take hands, and then at a certain sharp note, they move round and kick as kick can. This latter performance, he makes to be the representation of a free state; where, if you all mind your steps, you may go round and round very jollily, with a motion pleasant to yourselves and those you dance with; nay, if you put yourselves out, at the worst, you only kick and are kicked, like friends and equals.

The two following paragraphs, taken from De Witt's political maxims, contain a concise history of the management in the United Netherlands, after their revolution.

"It appears (he says, page 7, 415) that the inhabitants of a republic are infinitely more happy, than subjects of a land governed by one supreme head; yet the contrary is always thought in a country where a prince is already reigning, or in republics, where one supreme head is ready to be accepted.

"For not only officers, courtiers, idle gentry, and soldiery, but also all those that would be such, knowing, that under the worst Government they use to fare best, because they hope that with impunity they may plunder and rifle the citizens and country people, and so by the corruption of the government enrich themselves, or attain to grandeur, they cry upon monarchical government, for their private interest, to the very heavens: although God did at first mercifully institute no other but a commonwealth government, and afterwards in his wrath appointed one sovereign over them. Yet for all this, those bloodsuckers of the state, and indeed of mankind, dare to speak of republics with the utmost contempt, make a mountain of every mole hill, discourse of the defects of them at large, and conceal all that is good in them, because they know none will punish them for what they say.

"The matter being thus, we must say, that all persons who for their particular interest do wilfully introduce such a monarchical government into our native country, will commit a crime which afterwards can never be remedied, but like Adam's original sin be derived from father to son to perpetuity, and produce such pernicious effects that all the good order and laws of these provinces, whether civil or ecclesiastical, must at length be subverted. And, seeing *crimen magistratis* is properly committed against the laws of the sovereign power, namely either to assault the legislator himself, or to endeavour to alter the sovereign government; we must therefore conclude that the said inhabitants will by so

doing make themselves guilty of *crimen magistratis and pas duellionis non fluxum sed permanens ni deternum*, the most grievous, most durable and endless treason against this country.”<sup>10</sup>

I shall add an observation of Sallust that happened after the revolution at Rome, for he affirms, “that after the expulsion of the King, as long as the fear of Tranquin and the burthensome war with the Etrurians kept the Romans in suspence, the government was administered with equity and moderation. But as soon as ever the dread of those impending dangers was removed, the senate begun to domineer over the people and treat them as slaves; inflicting death or scourging after the arbitrary manner of despotic tyrants; expelling them from their lands, and arrogating the whole government to themselves without communicating the least share of it to the Plebians.”<sup>11</sup> Thus, “the people, before the creation of this magistracy, were amused with the name of liberty, whilst in fact they had only changed the tyranny of one for the more galling yoke of three hundred. But the tribunitial power proved an invincible obstacle to the arbitrary schemes of the aristocratic faction, and at last introduced that due admixture of democracy, which is so essentially necessary to the constitution of a well regulated republic.”

To conclude for my own part, at this day when the matter has been discussed, and the dangers so fully pointed out; and, considering how zealous we have been in the cause of human nature, to counteract the kidnaping, and to secure the Africans, and their posterity from slavery; it is with difficulty I can suppose, persons of information recommending the adoption of this new constitution serious. It makes its appearance, in a worse point of view, than the carriage, after the horses have taken a start, and disengaged themselves from the reins; for there you may follow the track, and find the vehicle, which though abused, the owner may at his leisure repair. But upon the start of the late convention, when they refused to be guided by their credentials (which expressly confined their powers to be *for the sole purpose of revising and amending the confederation*)<sup>12</sup> and presuming to recommend to the people this new instrument, is more like the horse-hunter, who after having used every contrivance to trapan, and ensnare, has recourse to wheedling, and cajolling, he goes up to the horse, and invites him to a feast, and while he perceives that the animal is apprehensive that he will deprive him of his liberty, scratches his ears, tries to make him believe, that he will not do like other horse-hunters, and abuse him; but if he will suffer him to put on the halter, he will give the animal usage as he likes and such as will be better for him than liberty, or at the option of the animal set him at liberty again; but no sooner has he the halter

well fixed, and the horse shews an inclination to disengage himself, he tells him, I have you fast now, and do what you can I shall not let you go, and you shall do what I order you, I will ride, whip, and spur you, and you shall have no more rest, or food than is sufficient to keep your skin and bones together; and when you are no longer fit to do my work, I will sell you, or if you die, I will sell your skin.

(a) “It is proper also (says Bacon) not to try new experiments in the political body, unless the necessity be urgent, and the utility evident; and take care that the desire of reformation, may occasion the change—and not the desire of the change plead for the reformation. Again, let all novelty, though it cannot perhaps be rejected, yet be held suspected: & lastly, as the scripture directs, Let us stand up on the old paths, and see and ask for the good way, and walk therein.”  
2 Bacon 154.<sup>13</sup>

“Polybias having traced government up to its first origin, explains the principles by which different governments arose to the summit of their power and grandeur, & proves that they sunk to ruin, by a more or less rapid progress, in proportion as they receded more or less from the first principles, on which they were originally founded.” Montague 363.<sup>14</sup>

(b) “Political societies, like the human body, have their limits circumscribed, which they cannot exceed without disturbing their œconomy. An overgrown republic can only be saved from despotism, by subdividing it into a number of confederate republics.[”]  
Marquis Beccaria.<sup>15</sup>

“It is natural (says the great Montesquieu) for a republic to have only a small territory, otherwise it cannot long subsist,” &c.<sup>16</sup>

(c) “The magistrates of a certain city in Holland, so ordered the business, that the people in a general assembly, gave up the right of election; since which time, the senators have filled up all vacancies in their own body; and this example has been followed by all the other towns in the provinces.”  
1 Bowen 547.<sup>17</sup>

(d) “This office in a manner supercedes the constitution. The stadtholder is president of the states of every province; and such is his power and influence, that he can change the deputies, magistrates and officers, in every province and city: by this, he has the moulding of the assembly of the states general, though he has no voice in it: in short, though he

has not the title he has more real power and authority than  
some kings.”  
Guth. Gram. 481.<sup>18</sup>

1. This item was probably printed in the no longer extant *Albany Gazette* of 24 January. It has been transcribed from the *Country Journal* of 5 February which indicated that it was reprinting this essay from the *Albany Gazette*. “Sidney” was Abraham Yates, Jr. See “Sidney,” *New York Journal*, 18 October (extraordinary) (RCS:N.Y., 115–18) for a discussion of the authorship of the “Sidney” essays and for the first use of some of the citations that appear in this essay.

2. Edward Wortley Montagu, *Reflections on the Rise and Fall of the Ancient Republicks Adapted to the Present State of Great Britain* (4th ed., London, 1778), 368. The first edition of this work appeared in 1759.

3. For the Imposts of 1781 and 1783, see CDR, 140–41, 146–48, and for New York’s action on them, see the “Introduction,” RCS:N.Y., Vol. 1, xxxi, xxxix–xliii.

4. For the 17 September 1787 letter of the President (George Washington) of the Constitutional Convention to the President of Congress, see RCS:N.Y., 526–27. The italics were inserted by “Sidney.”

5. “Sidney” refers to a 15 February 1786 report of a committee of Congress on the revenue system of 18 April 1783, of which the Impost of 1783 was a part. For the report, accepted by Congress and printed, see JCC, XXX, 70–75, 958, and Evans 20084. Congress then resolved that its resolutions of 18 April 1783 be resubmitted to those eleven named states that had not complied with these resolutions in whole or in part (JCC, XXX, 75–76).

6. See “The Confederation Congress and the Constitution,” 26–28 September (RCS:N.Y., 55–57). See also Richard Henry Lee to George Mason, 1 October (CC:117), for the insertion of the word “Unanimously” in the congressional resolution of 28 September.

7. Oliver Goldsmith (1728–1774), *The History of England, from the Earliest Times to the Death of George II* (4 vols., London, 1771), IV, 77, 83. For the Battle of La Hogue, see pp. 72–74. In the passage quoted, “Sidney” substituted “idle virtue” for “ideal virtue,” and “every decency” for “even decency.”

8. Donald F. Bond, ed., *The Spectator* (5 vols., Oxford, Eng., 1965), IV, 300 (No. 507, 11 October 1712 [Joseph Addison]). Written largely by Joseph Addison and Richard Steele, 635 numbers of *The Spectator* appeared between 1 March 1711 and 20 December 1714.

9. *The Spectator*, III, 20, 21 (No. 287, 29 January 1712 [Joseph Addison]).

10. John de Witt, *The True Interest and Political Maxims of the Republick of Holland and West-Friesland* (London, 1702), 7–8, 485–86.

11. “Fragments of the History of Sallust,” in John Selby Watson, trans. and ed., *Sallust, Florus, and Velleius Paterculus* (London, 1879), 218. (Roman historian Sallust lived from 86 to 34 B.C.)

12. See the 21 February 1787 resolution of Congress (CDR, 185–88).

13. Francis Bacon (1561–1626), *Essays, or Counsells Civill & Morall* (London, 1625), “Of Innovations.” This volume contains Bacon’s complete, corrected, and final fifty-eight essays and counsels, the first ten of which had first appeared in print in 1597. For the Scriptural passage, see Jeremiah 6:16.

14. Montagu, *Reflections*, 366.

15. Cesare Bonesana, Marchese di Beccaria, *An Essay on Crimes and Punishments* (3rd edition, London, 1770), chapter 26, “Of the Spirit of Family in States,” 96. (For more about this work, see “Brutus” I, *New York Journal*, 18 October, note 6 [RCS:N.Y., 115].)

16. *Spirit of Laws*, I, Book VIII, chapter XVI, 177.

17. Emanuel Bowen, *A Complete System of Geography* (London, 1747), I, 547.



18. William Guthrie, *A New Geographical, Historical, and Commercial Grammar, and Present State of the Several Kingdoms of the World* (2 vols., London, 1776), II, 48. The first edition of this work appeared in 1770.

### A Citizen

#### Hudson Weekly Gazette, 24 January 1788

Mr. Stoddard, Your acknowledgement of the receipt of the Citizen, and your apology for omitting it, were very satisfactory.<sup>1</sup>

I have, I must confess, been prejudiced in favour of the new constitution, before I had seen it: because I had the most firm reliance on the patriots that formed it. I knew they would not offer any thing injurious to the collective body of the United States.

Your paper, sir, has been the conveyance of glad tidings to the people of this state; because it has convinced (if they will be convinced) the opponents of our new system of government, that it is the result of a disinterested impulse, beating in the hearts of men, who love liberty, and will not sacrifice it, to the glitterings of that slave—Bribery. The new constitution has been misconstrued by its enemies, by Messrs. M. and R. H. L. in particular;<sup>2</sup> but see Governor Randolph's letter on the subject:<sup>3</sup> there is no double dealing: there is the arguments of a man of sense, candour and honesty: disdaining popularity at the expence of his opinion. If this new constitution passes, he says he will, "regulate himself to the spirit of America;"<sup>4</sup> he will subscribe, because he knows, if it does not immediately operate to the benefit of the States, it will after the amendments of the virtuous and unprejudiced. I would say to the Europeans, at least the fettered part of them, if it does pass (and three fourths are fettered) "Heu fuge crudeles, fuge terras littus avarum."<sup>5</sup> The most fervent wishes of my soul, are that this constitution will pass; because it will make us a wealthy and happy people: in spite of every effort made to injure and defeat it. I would add my feeble voice, and could I add the voice of many millions, with the deep toned energy of thunder, proclaim aloud to the slumbering virtue of America, Awake! arise! for if you sleep you die!!!

1. On 17 January the *Hudson Weekly Gazette* announced: "The Citizen, recommending the continuation of Publius, is omitted; as we are obliged to discontinue that publication, to make room for the debates of the Assembly, which we expect to begin in our next." Between 22 November 1787 and 17 January 1788, the *Gazette* reprinted *The Federalist*, 1–11, the only numbers that it would reprint. On 24 January, it began its coverage of the Assembly by printing the text of Governor George Clinton's speech to that body.

2. The reference is to George Mason and Richard Henry Lee, both of whose objections to the Constitution were reprinted twice in New York. See "New York Reprinting of George Mason's Objections to the Constitution," 30 November–13 December; and "New

York Reprinting of Richard Henry Lee's Proposed Amendments to the Constitution," 22 December 1787–24 January 1788 (RCS:N.Y., 338–40, 462–64). The *Hudson Weekly Gazette* reprinted neither Mason's nor Lee's objections.

3. On 24 and 31 January the *Hudson Weekly Gazette* reprinted Governor Edmund Randolph's 10 October letter to the Speaker of the Virginia House of Delegates. In fact, "A Citizen" was printed immediately following the first half of Randolph's letter. See also "New York Reprinting of Virginia Governor Edmund Randolph's 10 October 1787 Letter to the Speaker of the Virginia House of Delegates," 8 January–April 1788 (above).

4. The text within quotation marks came near the end of Randolph's letter and was reprinted by the *Hudson Weekly Gazette* on 31 January.

5. Latin: "Oh, flee the bloody land, the wicked shore" (Virgil, *The Aeneid*, Book III).

## Brutus X

### New York Journal, 24 January 1788

*To the PEOPLE of the STATE of NEW-YORK.*

The liberties of a people are in danger from a large standing army, not only because the rulers may employ them for the purposes of supporting themselves in any usurpations of power, which they may see proper to exercise, but there is great hazard, that an army will subvert the forms of the government, under whose authority, they are raised, and establish one, according to the pleasure of their leaders.

We are informed, in the faithful pages of history, of such events frequently happening.—Two instances have been mentioned in a former paper.<sup>1</sup> They are so remarkable, that they are worthy of the most careful attention of every lover of freedom.—They are taken from the history of the two most powerful nations that have ever existed in the world; and who are the most renowned, for the freedom they enjoyed, and the excellency of their constitutions:—I mean Rome and Britain.

In the first, the liberties of the commonwealth was destroyed, and the constitution overturned, by an army, lead by Julius Caesar, who was appointed to the command, by the constitutional authority of that commonwealth. He changed it from a free republic, whose fame had sounded, and is still celebrated by all the world, into that of the most absolute despotism. A standing army effected this change, and a standing army supported it through a succession of ages, which are marked in the annals of history, with the most horrid cruelties, bloodshed, and carnage;—The most devilish, beastly, and unnatural vices, that ever punished or disgraced human nature.

The same army, that in Britain, vindicated the liberties of that people from the encroachments and despotism of a tyrant king, assisted Cromwell, their General, in wresting from the people, that liberty they had so dearly earned.

You may be told, these instances will not apply to our case:—But those who would persuade you to believe this, either mean to deceive you, or have not themselves considered the subject.

I firmly believe, no country in the world had ever a more patriotic army, than the one which so ably served this country, in the late war.

But had the General who commanded them, been possessed of the spirit of a Julius Cesar or a Cromwell, the liberties of this country, had in all probability, terminated with the war; or had they been maintained, might have cost more blood and treasure, than was expended in the conflict with Great-Britain. When an anonymous writer addressed the officers of the army at the close of the war, advising them not to part with their arms, until justice was done them—the effect it had is well known.<sup>2</sup> It affected them like an electric shock. He wrote like Cesar; and had the commander in chief, and a few more officers of rank, countenanced the measure, the desperate resolution had been taken, to refuse to disband. What the consequences of such a determination would have been, heaven only knows.—The army were in the full vigor of health and spirits, in the habit of discipline, and possessed of all our military stores and apparatus. They would have acquired great accessions of strength from the country.—Those who were disgusted at our republican forms of government (for such there then were, of high rank among us) would have lent them all their aid.—We should in all probability have seen a constitution and laws, dictated to us, at the head of an army, and at the point of a bayonet, and the liberties for which we had so severely struggled, snatched from us in a moment. It remains a secret, yet to be revealed, whether this measure was not suggested, or at least countenanced, by some, who have had great influence in producing the present system.<sup>3</sup>—Fortunately indeed for this country, it had at the head of the army, a patriot as well as a general; and many of our principal officers, had not abandoned the characters of citizens, by assuming that of soldiers, and therefore, the scheme proved abortive. But are we to expect, that this will always be the case? Are we so much better than the people of other ages and of other countries, that the same allurements of power and greatness, which led them aside from their duty, will have no influence upon men in our country? Such an idea, is wild and extravagant.—Had we indulged such a delusion, enough has appeared in a little time past, to convince the most credulous, that the passion for pomp, power and greatness, works as powerfully in the hearts of many of our better sort, as it ever did in any country under heaven.—Were the same opportunity again to offer, we should very probably be grossly disappointed, if we made dependence, that all who then rejected the overture, would do it again.

From these remarks, it appears, that the evils to be feared from a large standing army in time of peace, does not arise solely from the apprehension, that the rulers may employ them for the purpose of promoting their own ambitious views, but that equal, and perhaps greater danger, is to be apprehended from their overturning the constitutional powers of the government, and assuming the power to dictate any form they please.

The advocates for power, in support of this right in the proposed government, urge that a restraint upon the discretion of the legislatures, in respect to military establishments in time of peace, would be improper to be imposed, because they say, it will be necessary to maintain small garrisons on the frontiers, to guard against the depredations of the Indians, and to be prepared to repel any encroachments or invasions that may be made by Spain or Britain.<sup>4</sup>

The amount of this argument striped of the abundant verpages with which the author has dressed it, is this:

It will probably be necessary to keep up a small body of troops to garrison a few posts, which it will be necessary to maintain, in order to guard against the sudden encroachments of the Indians, or of the Spaniards and British; and therefore, the general government ought to be invested with power to raise and keep up a standing army in time of peace, without restraint; at their discretion.

I confess, I cannot perceive that the conclusion follows from the premises. Logicians say, it is not good reasoning to infer a general conclusion from particular premises: though I am not much of a Logician, it seems to me, this argument is very like that species of reasoning.

When the patriots in the parliament in Great-Britain, contended with such force of argument, and all the powers of eloquence, against keeping up standing armies in time of peace, it is obvious, they never entertained an idea, that small garrisons on their frontiers, or in the neighbourhood of powers, from whom they were in danger of encroachments, or guards, to take care of public arsenals would thereby be prohibited.

The advocates for this power farther urge that it is necessary, because it may, and probably will happen, that circumstances will render it requisite to raise an army to be prepared to repel attacks of an enemy, before a formal declaration of war, which in modern times has fallen into disuse.<sup>5</sup> If the constitution prohibited the raising an army, until a war actually commenced, it would deprive the government of the power of providing for the defence of the country, until the enemy were within our territory. If the restriction is not to extend to the raising armies in cases of emergency, but only to the keeping them up, this would leave the matter to the discretion of the legislature; and they

might, under the pretence that there was danger of an invasion, keep up the army as long as they judged proper—and hence it is inferred, that the legislature should have authority to raise and keep up an army without any restriction. But from these premises nothing more will follow than this, that the legislature should not be so restrained, as to put it out of their power to raise an army, when such exigencies as are instanced shall arise. But it does not thence follow, that the government should be empowered to raise and maintain standing armies at their discretion as well in peace as in war. If indeed, it is impossible to vest the general government with the power of raising troops to garrison the frontier posts, to guard arsenals, or to be prepared to repel an attack, when we saw a power preparing to make one, without giving them a general and indefinite authority, to raise and keep up armies, without any restriction or qualification, then this reasoning might have weight; but this has not been proved nor can it be.

It is admitted that to prohibit the general government, from keeping up standing armies, while yet they were authorised to raise them in case of exigency, would be an insufficient guard against the danger. A discretion of such latitude would give room to elude the force of the provision.

It is also admitted that an absolute prohibition against raising troops, except in cases of actual war, would be improper; because it will be requisite to raise and support a small number of troops to garrison the important frontier posts, and to guard arsenals; and it may happen, that the danger of an attack from a foreign power may be so imminent, as to render it highly proper we should raise an army, in order to be prepared to resist them. But to raise and keep up forces for such purposes and on such occasions, is not included in the idea, of keeping up standing armies in times of peace.

It is a thing very practicable to give the government sufficient authority to provide for these cases, and at the same time to provide a reasonable and competent security against the evil of a standing army—a clause to the following purpose would answer the end:

As standing armies in time of peace are dangerous to liberty, and have often been the means of overturning the best constitutions of government, no standing army, or troops of any description whatsoever, shall be raised or kept up by the legislature, except so many as shall be necessary for guards to the arsenals of the United States, or for garrisons to such posts on the frontiers, as it shall be deemed absolutely necessary to hold, to secure the inhabitants, and facilitate the trade with the Indians: unless when the United States are threatened with an attack or invasion from some foreign power, in which case the legisla-

ture shall be authorised to raise an army to be prepared to repel the attack; provided that no troops whatsoever shall be raised in time of peace, without the assent of two thirds of the members, composing both houses of the legislature.

A clause similar to this would afford sufficient latitude to the legislature to raise troops in all cases that were really necessary, and at the same time competent security against the establishment of that dangerous engine of despotism a standing army.

The same writer who advances the arguments I have noticed, makes a number of other observations with a view to prove that the power to raise and keep up armies, ought to be discretionary in the general legislature; some of them are curious; he instances the raising of troops in Massachusetts and Pennsylvania, to shew the necessity of keeping a standing army in time of peace;<sup>6</sup> the least reflection must convince every candid mind that both these cases are totally foreign to his purpose—Massachusetts raised a body of troops for six months, at the expiration of which they were to disband of course; this looks very little like a standing army. But beside, was that commonwealth in a state of peace at that time? So far from it that they were in the most violent commotions and contests, and their legislature had formally declared that an unnatural rebellion existed within the state.<sup>7</sup> The situation of Pennsylvania was similar; a number of armed men had levied war against the authority of the state, and openly avowed their intention of withdrawing their allegiance from it.<sup>8</sup> To what purpose examples are brought, of states raising troops for short periods in times of war or insurrections, on a question concerning the propriety of keeping up standing armies in times of peace, the public must judge.

It is farther said, that no danger can arise from this power being lodged in the hands of the general government, because the legislatures will be a check upon them, to prevent their abusing it.<sup>9</sup>

This is offered, as what force there is in it will hereafter receive a more particular examination. At present, I shall only remark, that it is difficult to conceive how the state legislatures can, in any case, hold a check over the general legislature, in a constitutional way. The latter has, in every instance to which their powers extend, complete controul over the former. The state legislatures can, in no case, by law, resolution, or otherwise, of right, prevent or impede the general government, from enacting any law, or executing it, which this constitution authorizes them to enact or execute. If then the state legislatures check the general legislatures, it must be by exciting the people to resist constitutional laws. In this way every individual, or every body of men, may check any government, in proportion to the influence they may have

over the body of the people. But such kinds of checks as these, though they sometimes correct the abuses of government, oftner destroy all government.

It is further said, that no danger is to be apprehended from the exercise of this power, because it is lodged in the hands of representatives of the people; if they abuse it, it is in the power of the people to remove them, and chuse others who will pursue their interests.<sup>10</sup> Not to repeat what has been said before, That it is unwise in any people, to authorize their rulers to do, what, if done, would prove injurious—I have, in some former numbers, shewn, that the representation in the proposed government will be a mere shadow without the substance.<sup>11</sup> I am so confident that I am well founded in this opinion, that I am persuaded, if it was to be adopted or rejected, upon a fair discussion of its merits, without taking into contemplation circumstances extraneous to it, as reasons for its adoption, nineteen-twentieths of the sensible men in the union would reject it on this account alone; unless its powers were confined to much fewer objects than it embraces.

1. "Brutus" VIII, *New York Journal*, 10 January (above).

2. On 10 and 12 March 1783, anonymous addresses were circulated among the army officers at Commander-in-Chief George Washington's headquarters at Newburgh, N.Y., proposing that officers refuse to fight if the war continued, or refuse to lay down their arms if peace were obtained. Washington called a meeting for 15 March and squelched whatever plot there was. The meeting drew up resolutions pledging the army's support for Congress. Washington, himself, wrote Congress, urging it to meet the just demands of the army (CC:Vol. 1, p. 20).

3. Alexander Hamilton, Gouverneur Morris, and Robert Morris met with various army officers in December 1782 and January 1783 to discuss means of using the army to obtain additional tax powers for Congress. Arthur Lee, a Virginia delegate to Congress, observed that "Every Engine is at work here to obtain permanent taxes and the appointment of Collectors by Congress, in the States. The terror of a mutinying Army is playd off with considerable efficacy" (to Samuel Adams, 29 January 1783, Smith, *Letters*, XIX, 639).

4. *The Federalist* 24, *Independent Journal*, 19 December (CC:355).

5. *The Federalist* 25, *New York Packet*, 21 December (CC:364).

6. *Ibid.*

7. The reference is to Shays's Rebellion which took place in 1786–87. (See CC:18; and RCS:Mass., xxxviii–xxxix).

8. For the turmoil in the Wyoming Valley of Pennsylvania in 1787, see note 2 to *The Federalist* 25, *New York Packet*, 21 December (CC:364).

9. *The Federalist* 26, *Independent Journal*, 22 December (CC:366).

10. *Ibid.*

11. See "Brutus" I, III, IV, *New York Journal*, 18 October, and 15, 29 November (RCS:N.Y., 103–15, 252–57, 313–19).

## Expositor I

### New York Journal, 24, 31 January, and 7 February 1788

"Expositor," consisting of two essays, was written by Hugh Hughes, whose drafts of both essays are among his papers at the Library of Congress. Hughes

submitted the first essay for publication to Charles Tillinghast, who wrote him on 27 and 28 January that Hughes would find “*part of the Expositor*” in the Thursday, 24 January, issue of the *New York Journal*. Before submitting the essay to the *Journal*, Tillinghast consulted with John Lamb, who agreed with Tillinghast “that the Expositor had better be inserted in Thursday’s than any other, as that Paper had a more *general Circulation in the Country*, than that of any other day in the Week—This will, I trust, account satisfactorily, for the *division of the Piece*—he [Thomas Greenleaf of the *New York Journal*] has separated it at a part which excites the curiosity of People to see the Remainder, and they will of course read the residue with pleasure. Brutus, you will find in the same paper—that piece, was *deposited* for Thursday’s Paper, before the *Expositor* came to hand, otherwise the latter would have had the preference, and Brutus would have been in continuation” (below).

“Expositor” I was printed in three installments in the Thursday edition of the *New York Journal* on 24 and 31 January, and 7 February, and number II in the *Journal* on 28 February (III below). The first installment of the first essay (minus the paragraph on Pennsylvania ratification) was reprinted in the *Boston American Herald*, 11 February, while all three installments of that essay were reprinted in the Philadelphia *Independent Gazetteer*, 9 May. The *Gazetteer* reprinted “Expositor” II three days later on 12 May.

For a facsimile of the heavily emended draft of “Expositor,” found in the Hughes Papers at the Library of Congress, see Mfm:N.Y. See also note 6 (below).

MR. GREENLEAF, The more I consider the doings of the late general convention, the more I admire them; and the greater is my surprise, that so many sensible men as are opposed to them, for not containing a bill of rights, should not instantly have seen that the whole, even to the resolves and letter which accompany the constitution,<sup>1</sup> is little else than as copious a one, as ever perhaps, any known body of men stipulated for in the same manner! It really seems to me, as if all your antifederalists were under the same cloud, and could not see the woods for trees. This, I am aware, may, to you and them, at first, appear highly presumptuous in me; but, if I do not make good my assertion, by the time I go all through the constitution, I will publicly ask pardon of them and you.

I confess, that the first time I viewed it in this light, I was a little staggered myself; but, by comparing one part with another, and the whole with its parts, as well as the *conduct* of several of the members who composed the convention, before and after its dissolution, with some of the alterations, arrangements and appointments of Congress which shall be noted occasionally, I was clear, that those honorable bodies must have considered it in the same point of view that I do.

You may easily imagine, that a person of my frail constitution, was not a little elated by concluding himself fully in sentiment with Congress and the convention, especially the latter, and this immediately



determined me to attempt communicating my ideas of it, to you, in the best manner I could, and as early as business would permit.

Wherever you may think me wrong, I am perfectly willing to submit my opinion to any two of the *signing* members, (the president excepted) who if they cannot agree, may call in another *signing* member to their assistance, or as an umpire. Or, if any other gentleman in this, or in either of the other states, should think my expositions deficient, and will be pleased to point out the defect by a line directed to the Printer of the New-York Journal and Daily Patriotic Register, for the Expositor, his observations shall be gratefully attended to, in time and place.

Yet, I wish to observe, that whenever any thing appears doubtful or ambiguous, I mean to give it the most probable eventual construction, and which shall be fairly inferred from the assumption and conduct of the convention, as well as from the general tenor of the constitution itself, together with some of the late proceedings of Congress, &c. I persuade myself, sir, that your acknowledged candour will not permit you to refuse joining issue with me in this, and therefore,

In the first place then, I shall endeavour to consider the Exordium.— And Oh! that I had the pen of a Junius, or Pratt.<sup>2</sup>

“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity, do ordain and establish this constitution for the United States of America.”

Is it not evident from the language used in this exordium, till we come to the words “Do ordain, &c.” that the convention had only *themselves and their posterity* in contemplation, in the forepart of it, and the United States in the latter part? Is not “We the people of the United States, etc. &c.” as applicable to the members of the convention, in their private capacities, as to any other people in the states? And do not the words “Domestic tranquility,” as well as “Secure the blessings of liberty to ourselves and posterity,” warrant such an opinion? Is it not also further supported by the last clause; that is, “Do ordain and establish this constitution for the United States of America.”—By which a distinction is created, that looks as if they all had intended to be the principal organizers of the new government, and had, in the very preface to it, taken care to have a bill of rights for themselves and their posterity? Nor is this so altogether unaccountable when it is considered that the gentlemen had secluded themselves from the rest of the United States, by forming a political conclave which produced their catholic creed:—Moreover, if the language of the Pennsylvania ratifi-

cation be attended to, will it not corroborate the foregoing sentiments? It is there said, "In the name of the people," &c. "We the delegates of the people," &c. "Do in the name and by the authority of the same people, and for ourselves," &c.<sup>3</sup> This, to be sure, does not sound quite so *sovereign and independent*, as—"We the people," &c. But that, you know, is easily accounted for, by the one having authority for what they did, and the other NONE. And had the latter added—"Of our own mere motion," &c. how truly descriptive of their right would it have read! Yet, it is imagined, that this plenipotent preface is sufficiently indicative of the *assumed* right of its authors to dissolve the present confederacy; which, if so, where is there any other body of men on earth, who can, justly, claim such another right?

And now, with all due deference for the constitution itself.—

"ARTICLE I.

"Sect. 1.—All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives."

(The remainder of this piece, under the signature of "EXPOSITOR," is unavoidably postponed to Thursday next.)

[31 January 1788]

(Continued from Thursday last.)

Does not this small section ascertain a most ample and important right to the *new Congress*? I acknowledge that it seems to clash a little with the second clause of the second section in the second article, as well as with the second clause of the sixth article; the former of which impowers the president, in conjunction with two thirds of the senators present, to make treaties, which the other clause says, *shall be the supreme laws of the land*, &c. But this may have proceeded from a redundance of power and wisdom, which, by a majority of the members, as well as some others, were supposed to be the inherent qualities of the convention.

"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 requisite for electors of the most numerous branch of the state legislature."

I expect, you will readily acknowledge, that, by this the right of biennial representation is clearly and fully fixed, which, no doubt, will be improved to triennial and septennial, in time; as the constitution admits of improvement, you know. Besides, as all constitutions, that we have any account of, have undergone very great improvements, in the hands of their administrators, we can have no reason, at least none that I know of, at present, to suspect, that this, though a come-by-chance,

will be neglected; especially if we reflect on the fondness of the parents for their issue, which, in temper and features, I grant, bears a strong resemblance to some of them. And not only so, but, if we consider the address, gallantry and influence of several who contributed to its existence, is there not every inducement to expect, that they will make suit to its organization, should it ever arrive to that age? When, if not discouraged in what they have already begun, they may make such rapid improvements in government and jurisprudence, as not only to surprise their constituents, but astonish the world, and that merely by maturing their *natural* offspring.—Again,

“No person 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 chosen.”

Here we have a right indubitably secured to us, and one, perhaps, which some of the antifederalists have not adverted to; that is, a right to prefer age and folly to youth and understanding, in whig or tory, no matter which, if but full five and twenty or upwards, &c. How liberal! None of your little, contracted, whiggish criterions, such as, a reputable character, good sense, and invariable friend to the independence of the United States, to the rights and liberties of the people, &c. No, no, there is no harm in his having been in arms against this country; perhaps it may be requisite for him to be in arms against it again, and then, it may be supposed, that he will make the better officer, as being more likely to act from principle, especially if he engaged in the British service from that motive.

By the most liberal construction of this clause, there seems to be another curious right intended for the inhabitants of the United States, and which had well nigh escaped me until this moment; and that is, the right of chusing our representatives of either colour, for here is no distinction, that I perceive. The one colour appears as eligible as the other; if but round five and twenty years of age, &c. And this corresponds so exactly with a representative for every “*thirty thousand*” (black or white) as unconditionally mentioned in the next clause, that it may have been intended as some kind of compensation for dragging the former, by violence, &c. from their native country, into unlimited slavery.

Should this have been the design of the convention, as well as to enlarge and diversify our choice, I verily believe that nothing short of infinite redundance, could ever have dictated such liberal and gracious sentiments towards the unfortunate people in contemplation, and us. Yet, it may not be amiss to observe, that much of this must depend on the interpretation given to the first part of the first clause of the fifth

section, as well as the latter part of the second clause, of the same section. As the former declares, that "Each house shall be the judge of the elections, returns, and qualifications of its own members;" and the latter, that "each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member." *Not for disorderly behaviour*, you will please to observe, sir, though it may appear so, at first view, but absolutely; and that perhaps, for not appearing in the *ton* of the "ten-mile-square," or not living in the style of the court, &c. That is, keeping an assortment of w—s, horses and hounds, or purchasing a premature seduction at the expence of the public, &c. This is imagined, is what Mr. P—k—y alludes to, in his observations on the plan of government, which he submitted to the convention, when he says, "Respectable appointments," &c.<sup>4</sup>

But alas! Mr. Printer, the language of this presumptive constitution, is so compressed, there is so much implied, and so much involved in it, by the subtlest choice of the most equivocal and comprehensive terms, in some places, as well as the most artful arrangements and combinations of sentences, &c. in others, besides here and there a few seeming contradictions or inconsistencies, &c. which require all the elucidation it is possible to give them, that, I am really afraid, it will scarcely bear the same proportion to my expositions, that Boerhaave's institutes do to Van Swieten's commentaries,<sup>5</sup> which are, (if my memory serve, for it is now many years since I read them) in the ratio of volumes, as one is to eighteen. But to proceed,

"Representation and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. 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 representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts eight; Rhode-Island and Providence Plantations one; Connecticut five; New-York six; New-Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North-Carolina five; South-Carolina five; and Georgia three."

This copious and comprehensive clause contains a number of very ample rights, some of which are sufficiently defined, and others in-

volved, whilst several are only to be inferred from implication.— Among the former, we find the rights of representation and direct taxes hold the first place, and which in fact, involve almost every other right in the possessors of those two. But, although those two principal rights are pretty clearly expressed, as well as the mode of ascertaining them; yet, are the objects of that mode not so fully defined as could be wished. The words, “By adding to the whole number of *free persons*, including those bound to service for a term of years—three fifths of all other persons,” are not sufficiently descriptive, as was observed above, of the objects of enumeration, to prevent disputes and injustice, though they may fully enough admit of the potential right of the new Congress to define the objects, as they do the right of throwing the burden of taxes on the poor, and people in middling circumstances, and that of both sexes—yes, even on poor women who go out to labour for the support of several helpless children, aye, on the very children themselves, some of whom, perhaps, may be in their mere infancy, in the cradle; as the term “person” may include every human creature, whether *born or unborn*, which last, if requisite for ascertaining the quota of a state, may, of course, be an object of capitation or a poll tax, could its *complete* existence be fully established. (And this may produce a right of celibacy, or not marrying, in the one sex, and something worse in the other, at least something more criminal in the eye of the law, which, together with the importation and *virtual* representation of the Africans in the southern states, may, in a few years, greatly affect the interests of the northern, in national concerns.)<sup>6</sup> Whilst a part of the very same words, that is, “three fifths of all other persons,” undoubtedly implies a right of exemption from taxes, for the other two fifths of the superannuated and infant slaves, &c. And that to screen the great overgrown landholders, whose numberless acres cannot be so easily measured, as the heads of the people can be counted. Does the right of oppression proceed from a redundance of wisdom or riches?

(To be continued.)

[7 February 1788]

(*Concluded from last Thursday's Paper.*)

But these “three fifths of all other persons,” produce another right also, which, though rather latent, in some respects, I shall endeavour to expose. It is the right of the southern states to send one representative to the new Congress for every fifty thousand slaves which they now have, or may import. For, three fifths of fifty thousand, if I mistake not, are equal to thirty thousand, which entitles them to a representation. And this may be termed the right of infecundity, as it seems to have been ascertained and admitted as a compensation for the insa-

lubrity of the climate, which, with luxury and idleness, the inevitable consequences of a numerous slavery, does not admit of as rapid natural population as any. It also serves as an auxiliary for preserving an equilibrium to those states in the division of the loaves and fishes. And, as to the right of representation for every thirty thousand, though *rather meagre*, as the people from whom we separated, have nearly one for every sixteen thousand; yet, all circumstances considered, is not so trifling a favour as some of your antifederalists, or, perhaps, as you call them, real federalists, have insinuated. For, could not the same self-sufficient power which granted one for every thirty thousand, have denied us any; and where, in such case, would have been our remedy, if no alteration or amendment could have taken place? Besides, a right of virtual representation, for every thirty thousand, must be a redundancy for those states, where, probably, all the constituents are the property of a hundred or more planters, &c. and, whose wants and sufferings, though numerous and pressing, no doubt, yet, are all very nearly alike. But if we take a comparative view of the southern right of virtual representation with our own real representation, I am afraid, that we shall not have quite so much reason for exultation as Publius and some others have asserted. As one hundred planters, in those states, each having five hundred slaves, will have a right of representation, when it will require five thousand of our northern farmers, supposing their families each to average six persons, to entitle them to the same right. This, I confess, is rather a disagreeable comparison; but it certainly was made in and by the convention, and the delegate from this state acceded to it *alone*, on the part of the state. With what right they know best who deputed him, and, as the legislature are now convened, to them I refer him, for the present, only observing, that if he had not the most full and ample powers for what he did (and I never heard it pretended that he had) I cannot help thinking it *a most daring insult* offered to the free men and freeholders of this state, besides being an *unparalleled departure* from his duty to this state, as well as to the United States. However, to place this right of virtual representation in the southern states in every possible point of view, besides doing justice to the merits of the delegate of this state, and others in a similar situation, I beg leave to ask, whether the northern states have not as just a right to a representation for every three fifths of their live stock, if of equal value, if not, say four fifths; or, should this be thought insufficient, let it be five fifths, or the whole fifty thousand, &c. as the southern states have to a representation for every three fifths of their slaves, who, greater is the shame and pity, have no more will or freedom of choice, of their own, than our live stock. Nay not half so much as some part of it?

Must there not have been something in prospect, from the new government, exceedingly fascinating, to induce the delegate of the state, in the very delicate situation which he was, *singly and alone*, to make such an invidious and degrading concession, on the part of an unrepresented people? I venerate the defenders of this country in every state, but what more has been done by the southern states than by the northern, especially this, which was the seat of the war, to the last of the contest, I shall be glad to learn? Has any one of them as a state, or have they all, made greater exertions than this? Have they shed their blood more liberally or nobly than we have? Or is it richer or more prolific? The concession demanded and made, gives the negative to the latter; but, without any reflection on the others, I believe them *equally brave*.

To be continued by

THE EXPOSITOR.

1. For the 17 September 1787 letter of the President (George Washington) of the Constitutional Convention to the President of Congress and for the resolutions of the Convention of the same date, see Appendix III (RCS:N.Y., 226–27, 538–39).

2. The *Letters of Junius*, a series of newspaper essays probably written by Sir Philip Francis between 1769 and 1772, were harsh attacks on the ministry of the Duke of Grafton and even George III. For Sir Charles Pratt, the first Earl of Camden, see “Cincinnatus” II, *New York Journal*, 8 November, note 5 (RCS:N.Y., 202).

3. For the Pennsylvania Form of Ratification, 13 December 1787, see RCS:Pa., 615–16.

4. The reference is to the pamphlet written by Charles Pinckney, a South Carolina delegate to the Constitutional Convention. Published in New York City in mid-October 1787, the pamphlet was entitled *Observations on the Plan of Government Submitted to the Federal Convention . . .* (Evans 20649; and Farrand, III, 106–23).

5. In 1708 Herman Boerhaave (1668–1738), a Dutch physician and botanist, published his *Institutiones Medicae . . .* (Leyden), a work that would go into several editions and would be translated into other languages. The next year Boerhaave became a professor of medicine and botany at the University of Leyden, and he added to the earlier work *Aphorismi de cognoscendis et curandis morbis* (Leyden). This work would also be translated into other languages and go into several editions. Between 1742 and 1772 Gerard Van Swieten (1700–1772), a student of Boerhaave, published in Latin his *Commentaries on Boerhaave’s Aphorisms*. An English translation of the *Commentaries* was published in London in eighteen volumes between 1744 and 1773.

6. In the draft manuscript, the sentence in angle brackets reads as follows: “And this may produce a Rt. of Celibacy or not marrying, in the one Sex, and that of procuring Abortions in the other, ~~both~~ which, together with the virtual Repre[sentation] of the Africans, in the Southern States, may, in a few Years, greatly affect the Influence of N. States in national Concerns.”

**Publius: The Federalist 44 (James Madison)  
New York Packet, 25 January 1788**

Praise of new Constitution’s necessary and proper clause, supremacy clause, and restraints on states. For text, see CC:476. For reprintings, see Appendix IV, RCS:N.Y., 546.

**Publius: The Federalist 45 (James Madison)**  
**New York Independent Journal, 26 January 1788**

States possess significant powers under Constitution. For text, see CC:478.  
 For reprintings, see Appendix IV, RCS:N.Y., 546.

**Charles Tillinghast to Hugh Hughes**  
**New York, 27–28 January 1788 (excerpts)<sup>1</sup>**

Friday about twelve o'Clock the Boys arrived at my House, and handed me your favour, with the inclosures.<sup>2</sup> The Piece signed Countryman, you will find inserted in Greenleaf's paper,<sup>3</sup> and *part* of the Expositor in Thursday's Paper<sup>4</sup>—I consulted the General,<sup>5</sup> and he was of opinion with me, that the Expositor had better be inserted in Thursday's than any other, as that Paper had a more *general Circulation in the Country*, than that of any other day in the Week<sup>6</sup>—This will, I trust, account satisfactorily, for the *division* of the Piece—he has seperated it at a part which excites the curiosity of People to see the Remainder, and they will of course read the residue with pleasure. Brutus, you will find in the same paper<sup>7</sup>—that piece, was *deposited* for Thursday's Paper, before the *Expositor* came to hand, otherwise the latter would have had the preference, and Brutus would have been in continuation. I am of Opinion with you, that it will be best to have the *political* pieces delivered, as they come to hand, to Greenleaf; for I put the *Interrogator*<sup>8</sup> into the hands of *Cato*, who gave it to *Brutus* to read, and between them, I have not been able to get it published, *Cato* having promised me from time to time that he would send it to Greenleaf—It shall be inserted, I am determined, in Tuesday's Paper—

You will observe in the Countryman, a small alteration viz—for *Baron*,<sup>9</sup> is inserted *a certain head*; which I did at the request of the *General*, who observed that as the Baron did not *interest* himself *openly* with respect to the Constitution, it would have too *personal* a nature, and it might involve Greenleaf in embarrassment; and that the words substituted, pointed to him, almost as clearly, as if his name had been mentioned—As I know you wish to indulge your friend, provided you can *be consistent*, I did not hesitate to comply with the General's request—I trust you will excuse me for the freedom I have taken—I should not have done it, from *my own suggestions of propriety*.

You will be surprised, I am confident, at the appointment of Hamilton to Congress<sup>10</sup>—but I can account for it in some measure—I attribute it to *Benson's*<sup>11</sup> Influence in *both Houses*—he is, as you no doubt are informed, a strong *new-government man*—I cannot but help thinking, that the REPUBLICAN staid here too long; for after he had delivered his *speech*, he immediately came to Town, and did not set off 'till Thurs-



day last,<sup>12</sup> and it was on That day, or the Tuesday before, that the appointment took place—I am sure they took the *advantage* of his *absence*.—The appointment of *Phocion*<sup>13</sup> I am clear will not be pleasing to the *Republican*, but, I think, he may charge it to his own account; for if he had been at Poughkeepsie, at the time, he would have had sufficient influence to have prevented it.

The Papers will give you a better account of the state of *Politicks* than I can collect otherwise—

The federalists, as they are pleased to call themselves, have their *doubts* whether Massachusetts will adopt the new constitution proposed—they say, if that state does not, it will never take place—from which we may infer, that the prayers of the whole tribe of office seekers—would be *Officers* &c &c—are daily put up for the fulfillment of their Wishes—Mr. Gerry writes that he is clearly of opinion that their is a majority against it<sup>14</sup>—But whether it proceeds from my not being of so *sanguine* a disposition as some of *my Neighbours*, I must confess to *you*, I have *my fears*.—They are grounded on a variety of reasons, but the chief are, that most of the men of *abilities, learning, information* and INTRIGUE, (but not of honesty, with regard to the liberties of the People at large) in the Massachusetts Convention, are in favour of the new System; their sitting in Boston, is also not in favour of the People; for the more honest, tho' less informed, will be the more likely to be duped and cajoled by the designing ones, who will treat them with Dinners &c. &c.<sup>15</sup> Another reason I can assign, which is a very strong one, with me, and that is, on examining the list of delegates, I find that there are *seventeen Clergymen*,<sup>16</sup> *delegates from different Towns*; and altho' the precepts of that Religion, which they profess, and whose principles they endeavour to impress on their hearers, strongly recommend *humility* &c., yet there are no set of Men, *collectively* who have more pride, and who are possessed of more *arbitrary* principles—I have not taken up this opinion hastily; but from a particular attention I have paid to their Conversation, deportment &c, not only in this State, but those others in which I have travelled—And as the new Constitution does not exclude them from offices under it, and the Constitutions of the different states (this, and one or two more, excepted)<sup>17</sup> permitting them to hold civil and other Offices, I have not a doubt but they will be found, at the close of this important Business, almost generally, the most zealous advocates for the adoption of the proposed government—I know you are fully sensible of the *influence* they commonly have on the minds of the more *ignorant*, tho not less *virtuous* part, of the community; and I make not a doubt, but they will use their utmost exertions as well in, as out of Convention, to make proselytes to the *new faith*.

In my last letter, I inclosed you the Copy of a short one I received from Colonel Pickering.—A few days ago I recd. the original, of which the inclosed is a Copy,<sup>18</sup> and as I knew, that you would be glad to see what he could say for himself, I prevailed on John to assist me in copying it—from the pains he has taken, and the complexion of the postscript, I believe he intended that I should publish it—but as his reasons does not convince me, I shall not do it. I wish my abilities were sufficient to enable me to enter into a full discussion of the subject—in that case, it is *probable*, the charge of *inconsistency*, at least, might be retorted on him—He shews, I think, more *Temper* in this last letter, than he ordinarily does—particularly in that part, where he says, that the Opposition in Massachusetts, consists only of *Paper-money men*, and *Shayites*—does he include in this Description *Mr. Gerry*, *Mr. S. Adams* and *Mr. Dane*?<sup>19</sup> men, who have borne some of the most important Offices in that State, and have *all* been Delegates to Congress—But, the spirit of *party* will, *generally*, ever predominate. . . . I gave him [John Lamb] your letter to read, as it respected political matters. . . .

Monday Morning Jany. 28. 1788

P.S. The Boys set out in about an hour—From the account brought by the eastern Post it appears pretty evident that there is a decided majority against the new Constitution in the Massachusetts Convention—You will find in Greenleaf's of this day an extract of a letter from Boston—The Letter was received by Greenleaf, from one of his Correspondents.<sup>20</sup>

The extract from Edes's paper, serves to convince me that no means will be left unessayed to get a *majority*, however *small*, in favour of the government proposed.<sup>21</sup>

I had like to have forgot mentioning to you that I believe the Writer, who has attacked Noah Webster, to be Mr. Osgood,<sup>22</sup>—it is only my conjecture, as, from delicacy, I did not ask the General, the writer's name—it was handed to him by the Author, for his opinion, and if he approved of it, to send it for Publication. I shall send you the Magazine, as it is probable he may prove *vulnerable* in some other instances, than those which have been noticed.

I should have been more *circumspect* with regard to names; if this Letter went by any other Conveyance, but as it will be delivered into your *own hands*, I did not think it requisite to use more caution than I have done—

P.S. in continuation—

I cannot but consider the appointment of Hamilton as a very considerable point gained over the opponents to the new Constitution, as his election holds up an idea of the approbation of the Legislature

respecting his late Conduct in *General Convention*, which, no doubt, will be made a handle of by the *federalists* and, I think, it also implies an *indirect* censure on Mr. Judge Yates & Mr. Lansing.<sup>23</sup> I have not time to add further—Adieu—

1. RC, Hughes Papers, DLC.
2. Probably a reference to John Lamb's son Anthony and other children who were being tutored by Hughes. Tillinghast was Lamb's son-in-law.
3. "A Countryman" V, written by Hughes, was printed in the *New York Journal* on 22 January (above).
4. "Expositor" I, written by Hughes, was printed in three installments in the *New York Journal* on 24, 31 January, and 7 February (above).
5. John Lamb.
6. For the publication of Thomas Greenleaf's *New York Journal*, see "Note on Sources" (RCS:N.Y., Vol. 1, lvii–lxii).
7. See "Brutus" X, *New York Journal*, 24 January (above).
8. Hughes's "Interrogator"—an attack on *The Federalist* 15, *Independent Journal*, 1 December (CC:312)—was never printed. See RCS:N.Y., 342–46.
9. A reference to Baron von Steuben. See "A Countryman" V, *New York Journal*, 22 January, note 4 (above).
10. On 22 January Alexander Hamilton, Abraham Yates, Jr., Ezra L'Hommedieu, Egbert Benson, and Leonard Gansevoort were elected delegates to Congress.
11. Egbert Benson was one of Dutchess County's representatives in the Assembly.
12. Governor George Clinton delivered his speech to the legislature in Poughkeepsie on 11 January and returned to New York City the next day. He returned to Poughkeepsie on 24 January, two days after the legislature elected delegates to Congress.
13. One of the pseudonyms used by Alexander Hamilton. See "Inspector" I, *New York Journal*, 20 September, note 3 (RCS:N.Y., 33).
14. Elbridge Gerry's letter has not been located. Between 15 and 19 January, Gerry, a Massachusetts delegate to the Constitutional Convention who had refused to sign the Constitution, was in Boston attending the Massachusetts Convention upon that body's invitation.
15. For the lobbying efforts of both Federalists and Antifederalists, see RCS:Mass., 1111–14.
16. Seventeen clergymen were listed as delegates to the Massachusetts Convention in the lists published in newspapers beginning in mid-January. For example, on 14 January the Boston *American Herald* published a complete list of the Convention delegates, giving their honorific titles, thereby allowing the reader to identify the clergymen. This list was widely reprinted in Massachusetts newspapers. For the *Herald's* account, see Mfm:Mass.
17. Georgia, New York, North Carolina, and South Carolina restricted the holding of all or some public offices by clergymen (Thorpe, II, 785; V, 2793; VI, 3253; and RCS:N.Y., 503).
18. On 24 November Tillinghast wrote Timothy Pickering, a Pennsylvania Federalist, enclosing a New York Antifederalist pamphlet by "Federal Farmer," that was first offered for sale on 8 November (RCS:N.Y., 297–98). Tillinghast requested Pickering's opinion on the Constitution. Pickering responded on 6 December with a short letter, stating that he would write a lengthy letter on the matter when he had the time. On 24 December Pickering began writing a long letter that explained his position on the Constitution in the form of a criticism of the "Federal Farmer." (For this exchange of letters, see CC:288 A–C.)

19. Antifederalist Samuel Adams of Boston was finally convinced in the Massachusetts Convention to vote for ratification of the Constitution. As a Massachusetts delegate to Congress, Nathan Dane of Beverly had opposed the Constitution in September 1787 and would continue to oppose its ratification until it was adopted by nine states. (For both men, see RCS:Mass., *passim*.)

20. The item in the *New York Journal* reads, "By private letters from Boston, of the 20th inst. we are assured, that 'the proceedings of the [Massachusetts] convention, and several speeches therein made, have been erroneously and partially represented.' That 'the resolve, so appointing a committee to request the honorable Elbridge Gerry, Esq. to take a seat in convention, for the purpose of answering to such questions as might be asked him, was carried by a majority of *two thirds*.'" (For the remainder of this item, see Melancton Smith to Abraham Yates, Jr., 28 January, note 2, immediately below.)

21. On 28 January the *New York Journal* reprinted the following item, signed "Centinel," under the dateline "*From last Monday's* (Edes's) *Boston Gazette*": "*Bribery and Corruption!!!*" "The most diabolical plan is on foot to corrupt the members of the convention, who oppose the adoption of the new constitution.—Large sums of money have been brought from a neighbouring state [Rhode Island] for that purpose, contributed by the wealthy; if so, is it not probable there may be collections for the same accursed purpose nearer home?" For a full discussion of this charge, which was investigated by the Massachusetts Convention, see "The Alleged Bribery and Corruption of the Delegates to the Massachusetts Convention," 21 January–6 February (RCS:Mass., 759–67).

22. Probably Samuel Osgood of Massachusetts, an Antifederalist and a member of the Confederation Board of Treasury. Noah Webster and his *American Magazine* were attacked in a lengthy article in the *New York Journal* on 23 January (above). In particular, the article criticized "Giles Hickory," *American Magazine*, 1 January (above), an essay written by Webster denying the need for a bill of rights.

23. For the roles of Alexander Hamilton, Robert Yates, and John Lansing, Jr., in the Constitutional Convention, see "Introduction" and "Constitutional Convention Delegates Robert Yates and John Lansing, Jr., to Governor George Clinton," 21 December (RCS:N.Y., Vol. 1, xlvi–l, 454–59).

### **Melancton Smith to Abraham Yates, Jr. New York, 28 January 1788<sup>1</sup>**

I received yours of the 18th. Inst. You seem to be of opinion, that there is a majority in both houses of the Legislature against the new Constitution—We have great doubts here, whether this is the case in the assembly. If it is, how can it be accounted for, that they have chosen for the Delegates, the warmest advocates for the measure? you may say they out general you, but it amounts to the same thing, whether you are defeated by the superior skill of your enemy, or by their superior strength, it is a defeat still. All sides are waiting here with anxious expectation for the determination of the Convention of Massachusetts. Both the favourers and opposers say, that they have a majority. Each party speak as they would have it, and I beleive the information received from Massachusetts differs according to the sentiments of the Men who give it. In this however both sides agree that there is very great division of sentiment in the Convention, and the advocates do

not pretend to hope for more than a small majority—Letters from our Friends there state that the numbers stand in the convention, 201 against the Constitution to 119 that are for it—on the other hand those who are for it say that there will be a majority in its favour and that the opposition is lessening. It is impossible in this variety of reports to form an opinion that may be relied upon.<sup>2</sup> I am not sanguine. I think it best always to reckon the strength of your adversaries as much as it is. The *better sort*, have means of *convincing* those who differ from them, with which I am unacquainted—And how prevalent these kind of means may be, I cannot pretend to say. I confess I fear their power. I am not able by this opportunity to answer your question relating to Morris Letter to Dr. Franklin, as I do not recollect the date of it, and have had no opportunity to procure the information. I believe your statement of it is nearly just. He advises that the Sum granted as a donation should be acknowledged as a debt, and included in the Obligations given to the Court of France for monies borrowed, and assigns for reason, that this Country ought not to lay under obligation to any foreign power for money given. Let me hear from you as often as you can

1. RC, Yates Papers, NN. This letter was “favd. by Judge [Robert] Yates.”

2. On 28 January the *New York Journal* quoted a private letter from Boston stating that “the opponents to the Constitution have made out their list, and say, they have 201, out of 320; the supporters say, they have a majority. On the whole, there is no ascertaining facts. Many are for adjourning several months, &c. &c.” (RCS:Mass., 1556).

**Staats Morris to Lewis Morris, Jr.  
New York, 29 January 1788 (excerpt)<sup>1</sup>**

My Good Brother

. . . The General set out the day before yesterday for the Senate<sup>2</sup> quite in the old Roman stile with his saddle bags thrown on a wood Sled & himself Charriotier.—How comes on the new Constitution; it is a Subject of much conversation in our part of the world it has now been adopted by five States, Connecticut N. Jersey, Pennsylvania Delaware & Georgia—The Convention of the State of Massachusetts are now in Sessions & from the large number of vile Insurgents who compose a part of that Body of People, it is feared it will not go down; the Party opposed to the System in this State are headed by the Governor & so strong that I am apprehensive they will reject it in toto, tho after all we are in hopes with the help of your State to carry it. . . .

1. RC, Lewis Morris Collection, The South Caroliniana Library, University of South Carolina. Lewis Morris IV and Staats were the sons of Lewis Morris III (see note 2, below).

2. Lewis Morris III was a brigadier general of the New York militia during and after the Revolution, and a senator from the Southern District.

**From John Williams****Poughkeepsie, 29 January 1788<sup>1</sup>**

*An Extract of a Letter from John Williams, Esq; at Poughkeepsie, to his Friends in Washington County, dated 29th January, 1788.*

“The new constitution is not yet taken up, various are the opinions upon this subject; if I can have my opinion carried it will be this, let it come to the people without either recommending or disapprobation; let the people judge for themselves—if the majority is for it, let it be adopted—if they are against it, let it be rejected, as all powers are, or ought to be, in the people; they, and they only, have the right to say whether the form of government shall be altered. For my own part, I must confess, under the present situation of affairs, something must be done, but whether the present system is the best will be the question. The powers given to the president are very great. The elections may be so altered as to destroy the liberty of the people. The direct taxation, and to be collected by officers of Congress, are powers which cannot be granted agreeable to our present constitution, nor will it be very convenient for Congress officers, and our state collectors, to be collecting both at one time, and as Congress may lay a poll tax, how will that agree with us. I need not tell you the injustices of it. If the new constitution is adopted, Congress hath all the impost and excise; this latter may be laid heavy on taverns and spirits, so that the emoluments from taverns, which are now converted to the use of the poor, must go to Congress; and what is yet worse, all the duties arising from any duties or excise, are to be appropriated to the use of Congress.

“You will also observe that senators are for six years, and that small states have an equal number with large states, so that the advantage of having property in a maritime state, will be reduced to an equal value with the property where there is no navigation. If this is not taking our liberty, it is certainly diminishing our property, which is equal to it. What hath kept the taxes so low in this state—the reason is obvious, our impost duties.<sup>2</sup> This is a privilege Providence hath endowed us with; our landed property will ever sell according to the conveniency of it; the lighter the tax, the higher the land; the nigher to market, the greater profits arising from our produce. Let our imposts and advantages be taken from us, shall we not be obliged to lay as heavy taxes as Connecticut, Boston, &c. What hath kept us from those burthens but the privileges, which we must lose if the present proposed constitution is adopted.”

1. Albany *Federal Herald*, 25 February. This item was reprinted in the *New York Journal* and *New York Packet*, 29 February; *Country Journal*, 4 March; *New York Morning Post*, 8 March;

and once each in New Jersey, Pennsylvania, and Maryland by 11 March. Immediately below the reprinting of this item, the *Morning Post* indicated that it was reprinting the letter from the *Albany Gazette*, probably the no longer extant issue of 28 February.

2. For the benefits of the impost to New York, see “New York Introduction” (RCS:N.Y., Vol. 1, xxxvii).

## A Citizen

### Lansingburgh Northern Centinel, 29 January 1788

“A Citizen” responds to the 21 December 1787 letter of Robert Yates and John Lansing, Jr., to Governor George Clinton, explaining why they opposed the Constitution and why they left the Constitutional Convention early (RCS:N.Y., 454–59). “A Citizen” was probably printed in one of two no longer extant issues of the *Northern Centinel*—either the issue of 22 January or that of 29 January. The latter issue is the more likely one. “A Citizen” has been transcribed from the *Daily Advertiser* of 6 February, which reprinted it under the heading “*From the Lansingburgh Advertiser*” (i.e., the *Northern Centinel*, and *Lansingburgh Advertiser*). On 8 February the *Pennsylvania Packet* reprinted “A Citizen” from the “*Northern Centinel*.”

In late February John Lansing, Jr., learned from the printers of the *Lansingburgh Federal Herald* (formerly the *Northern Centinel*) that “A Citizen” was George Metcalf, an Albany lawyer. Consequently, Lansing gave instructions to begin legal proceedings against Metcalf and criticized him in the *Albany Gazette* on 28 February. Two days later, Metcalf responded in the *Albany Journal*. (See “John Lansing, Jr., George Metcalf, and the Writing of ‘A Citizen,’” 28 February and 1 March, below.)

To the Hon. ROBERT YATES, Esq. and JOHN LANSING, jun. Esq.

Who were Members of the late Federal Convention, and who absented themselves near three Months before its Rising.

GENTLEMEN, In the name of the People of the State of New-York, I now beg leave to return you thanks, if any are due, for that portion of service, which your extreme zeal for the *interests of your country, and individual States*, have induced you to render as Members of the late General Convention. Your country, Gentlemen, till the publication of your *Reasons of Dissent*, were entirely unapprized of the great obligations they lay under, for your important services on that occasion.

Faultless as your conduct may seem in your own eyes, or those of others, it is your misfortune, and one much to be lamented by yourselves and your friends; that your declarations in this publication, were not a little more consistent with themselves, and your own superior abilities and good sense, for which you have ever been so deservedly famed.

It is with the sincerest concern to your fellow-citizens, that so many impediments arose in the prosecution of the important objects of your

mission, and still more so, that you should have been reduced to such an unforeseen and disagreeable dilemma, of either exceeding your powers, assenting to measures, which you conceived destructive, or, that still more disagreeable alternative, of opposing respectable and sensible men.

Thus circumstanced, your case was truly deplorable indeed, and believe me, your fellow-citizens, and particularly myself, cannot but sympathize with you in your distress; actuated as well by a high sense of the loss we have probably sustained, as from the injury done to your sensibility.

But with great submission, permit me, by the way to interrogate you as to one or two points; did you believe, in the midst of all this difficulty, that either your own powers, or the interests of your country, were obligatory upon you to assent to measures which you thought destructive? If you regard truth, you will answer in the negative; where then is the alternative you speak of? You must first prove, that to be obliged to do a thing, and not to be obliged to do a thing, are one, and the same, which is impossible; otherwise you must inevitably appear and remain inconsistent.

But what still more excites the wonder of your fellow-citizens, is the disagreeable alternative, you say you had, of opposing respectable men. Here let me again interrogate. Did you suppose you should meet with any men in this Convention who were not respectable, and whom you might have had a peculiar satisfaction in contradicting? I think you will say no: Did you expect that you and the other respectable men would be of one and the same opinion, so as to leave no room for contradiction? And lastly, whether do you now think it would not have been a virtue in you to have opposed those respectable men, wherever your opinions differed from theirs? Or, whether you should tacitly, and without a word have said, let those very respectable men have all their own way.

Whatever, Gentlemen, you may think for or against your own publication, your country now determines upon serious consideration, and, alas! condemns you. The sentence is according to your own confessions; whether true or false you know best—that partly out of delicacy for the *opinions of a body of respectable men, to whom those citizens* (meaning the citizens of the United States) *had given the most unequivocal proofs of confidence*—that you have unjustly and equivocally betrayed that confidence which was generously reposed in you.

As men who have long shared the confidence of your country, and received its orders, you could not be expected to swerve easily, on this or any other occasion, from the powers delegated to you; but here you



have undoubtedly done it; you have shamefully relinquished its cause when your assistance was most wanted, and have not even reserved to yourselves the pleasures incident to a virtuous and conscientious opposition. To have staid during the whole sitting of the Convention, not to have assented to any measure you thought destructive, and to have opposed any body of men upon earth, however respectable, whenever reason and conscience enabled you, would, I say, have been the highest proofs of virtue in you, and been most consistent with the powers given you, and the interest of your country.—As it is, you have made a sacrifice of all.

Your reasons now given are ill-timed; had they been delivered in the Convention, it is probable they might have had some weight, but now they can have none: it would be arrogance in you to suppose it: besides, your opinion of that respectable body must be much altered, to suppose they should now have weight in opposition to their solemn determination: for what purpose, then, are these reasons made public? to screen you from guilt? to ward off an impending blow? No, your very plea is guilty; the instrument of your defence is the direct means of your conviction.

Could the Convention know your sentiments when absent? or if present, when silent? Why did you not stedfastly persevere to the last, to endeavor to extract that venom with which you conceived its proceedings were fraught?

You say that your powers, *you think, could not comprehend an idea of such magnitude as the consolidation of the United States*; clearly then you thought it comprehended an idea of disuniting them: your powers, you say, are directed to *revising the Articles of the Confederation*; if that is the case, then a *Confederation* was undeniably in contemplation: Thence it follows, no separation could by implication be intended, and consequently a consolidation was the object in view; or else you must be ingenious enough to prove, that your powers intended two things directly contrary to each other. If then the Confederation of thirteen States was in view, can it be supposed that any of the State Governments should be independent of that Confederation? as you have believed they should: If a Confederation exists at all, there should be some connection between it and the State Governments; and consequently, as they can neither consistently be equal, or paramount to it, they must be inferior, and in some degree dependent upon it.

The powers given to the Convention were for the purpose of proposing amendments to an old Constitution; and I conceive, with powers so defined, if this body saw the necessity of amending the whole, as well as any of its parts, which they undoubtedly had an equal right to

do, thence it follows, that an amendment of every article from the first to the last, inclusive, is such a one as is comprehended within the powers of the Convention, and differs only from an entire new Constitution in this, that the one is an old one made new, the other new originally.

Another objection which your zeal for the good of your country has suggested to you, is in substance, that by reason of the extensive territory of the continent, no general form of Government could be effected, nor any set of men entrusted with the regular powers of Government at such a distance from home, *or be sufficiently actuated by an attention to the welfare and happiness of the people*; that is, a representative of the people of the State of New-York, could not legislate as well when sent to Philadelphia, as he could at Albany or New-York.

This, Gentlemen, is too liberal a thought to be passed over in silence; how far you may mistrust your own integrity I know not; but it seems a paradox to me, that men, the moment they leave home, or go to a neighbouring State, should lose, or leave behind them, all their former ideas of honor, honesty and regard for their country, at whatever distance they may be, or that a Southern climate should have such powerful effects upon the senses or dispositions of the mind: From your advancing this opinion, and for other reasons, we are led to suppose, the heats of Pennsylvania last summer had a similar effect upon you.

These, Gentlemen, are but a small part of the observations that might be made upon your dissenting reasons; but the paper speaks for itself, and its futility puts it in many respects beneath the notice even of a newspaper scribbler.

In the name of the good people in whose favor I have addressed you, I now shall bid you adieu, hoping that whenever your country may again call upon you to serve her in her trying moments, you may be less inclined to sacrifice her interests to the paltry views of party spirit; that you may better regard the intention of the powers given you, and more faithfully and steadily execute them, so as to attain and promote the immediate object in pursuit.

**Publius: The Federalist 46 (James Madison)**  
**New York Packet, 29 January 1788**

Powers of states and federal government compared. For text, see CC:483. For reprintings, see Appendix IV, RCS:N.Y., 546.

**Publius: The Federalist 47 (James Madison)**  
**New York Independent Journal, 30 January 1788**

Praise of separation of powers. For text, see CC:486. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Philadelphia Freeman's Journal, 30 January 1788**

It is remarked by a southern writer, that the advocates of the proposed constitution as carefully avoid arguing on the merits of it, as profane persons do the hearing of a good sermon. None of their writers, says he, venture to look up to the Brutuses, Centinels, Cincinnatuses, Philo-Centinels, Old Whigs, Philadelphians, Catos, &c. &c. &c. A writer in the state of New-York, under the signature of *Cesar*, came forward against the patriotic *Cato*, and endeavoured to frighten him from starting any objections, and threatened that "*Cato* would be followed by *Cesar* in all his marches;"<sup>1</sup> but we find that as soon as *Cato* came freely to discuss the merits of the constitution, *Cesar* retreated and disappeared:<sup>2</sup> and since that, a publication under the signature of *Publius* (said to be written by lawyers *Hamilton* and *Madison*, who both proposed in the great conclave having a king)<sup>3</sup> has appeared in that State. And (says he) I have seen 29 numbers<sup>4</sup> of that work, which I do declare I think would apply equally well to any other subject, as the new constitution; it dwells everlastingly on the advantages of being united, which I believe every body are agreed in, except that we ought not to unite under a despotic government. These long winded publications puts me in mind, continues he, of the voluminous writings of the hirelings, employed by a corrupt ministry in England, to defend them from the attacks of the patriotic writers of the people, such as the immortal *Wilkes* or *Junius*;<sup>5</sup> for the hirelings consider it of main importance to make the people believe, from the great size of their volumes, that they have the best of the argument, and the bulk of these volumes prevent the people from reading and knowing for themselves.

1. See "Cæsar" I, *Daily Advertiser*, 1 October, a response to "Cato" I, *New York Journal*, 27 September (RCS:N.Y., 58–61, 68–71).

2. After the first essay, "Cæsar" printed only one more number, that coming on 17 October 1787 (RCS:N.Y., 91–96), while "Cato" published six more numbers, the last coming on 3 January 1788 (above).

3. Alexander Hamilton's plan of government, presented to the Constitutional Convention on 18 June, recommended the creation of an executive and one branch of the legislature that would serve for life (Farrand, I, 288–90, 291–92). Madison favored no such proposal.

4. *The Federalist* 29 appeared in the *New York Packet* on 28 December (CC:391).

5. See "Expositor" I, *New York Journal*, 24, 31 January, and 7 February, note 2 (above).

**Abraham G. Lansing to Abraham Yates, Jr.  
Albany, 31 January 1788 (excerpt)<sup>1</sup>**

We have nothing here worth communicating Politics are still at a stand—a report has been circulated here for some days informing that the Convention of Massachusetts had rejected the Constitution by a

Majority of three—and this account has been inserted in the Albany paper but is not beleived<sup>2</sup>—I have inclosed a Boston paper of the 21st containing some of the proceedings of their Convention<sup>3</sup>—It would be of no avail to publish them here—with you the sentiments may be of use—when the Business comes to be taken up by you—

The Lansingburg printers it seems are dissatisfied with their Situation—they have proposals up in this City for printing a paper under the Title of the *Federal Herald*<sup>4</sup>—if their success is not greater than I wish them they will return to their original Insignificance—Webster and his Brother have also opened proposals and are already printing twice in each week.<sup>5</sup>—It is the sincere wish of our Friends that some Person would set himself down here and disconcert these White Livers by publishing an impartial paper—I beleive if it was attempted it would be attended with good consequences—could Smith prevail on Greanleaf<sup>6</sup> to send one of his Journeymen to set up a printing office here I beleive he would meet with Encouragement. . . .

1. RC, Yates Papers, NN. Lansing did not include the place of writing on this letter, but internal evidence reveals that it was written from Albany, where Lansing lived. Lansing addressed the letter to Yates “to the care of the post Master” in Poughkeepsie. Since Yates was a member of Congress, the letter was sent “Free.”

2. The reference is to an item printed in the no longer extant *Albany Journal* of 28 January. Three days later the *Albany Gazette* stated that “The report in the Journal of Monday, that the Convention of Massachusetts had rejected the Federal Constitution, wants confirmation.”

3. The *American Herald* and *Boston Gazette*, both Antifederalist newspapers, were printed on 21 January.

4. Some time in late January or in early February, Federalist printers Thomas Claxton and John Babcock moved their *Northern Centinel* from Lansingburgh to Albany, and from 11 February to 14 April they published it as the *Federal Herald*. The paper was then returned to Lansingburgh. (See “Note on Sources,” RCS:N.Y., Vol. 1, lxiii–lxiv.)

5. On 26 January Charles R. Webster, the printer of the *Albany Gazette*, and his brother George established the *Albany Journal* as a semiweekly, but in about two months time it became a weekly.

6. Antifederalist leader Melancton Smith and the *New York Journal's* Thomas Greenleaf.

## A Citizen

### Hudson Weekly Gazette, 31 January 1788

Mr. Stoddard, I thought the enemies of our new system of government, would have offered some substantial reasons for withholding their assent, and not have indulged us with visionary prospects in the regions of theory and hypothesis. It was presumed that the honourable and well informed body that offered the federal code for your consideration, would have escaped censure; but it was a vain presumption, it is now verified: they could not have avoided the envenomed shafts of

these Antifederal Gentry. They have just preserved the same line of conduct, with regard to our political affairs, as they have in the common occurrences of life. After our glorious struggle in the cause of liberty, we devised a method of crowning our efforts with glory—that of appointing the late provincial convention; men whose names are synonymous with virtue and freedom; incapable of offering any thing for our adoption, that would be detrimental to our liberty. One of that body<sup>(a)</sup> (let me not be understood to depreciate the rest by the distinction) demands every tribute that a grateful nation can bestow: the laurels that crowned his exertions during the war, have been augmenting since his return to private life: Is he not “The noblest work of God?” Can you, O ye ungrateful people, doubt the constitution you received at his hands? Can that breast harbour a single particle of alloy? Or, can any man be a villain possessed of so much perfidy, as to admit such an ungenerous sentiment a place in heart? We have found, sir, among the negatives to the constitution, a different set of objections; some have two sets, others more differing essentially from each other; full of falsehoods, absurdities and contradictions. They have certainly produced very indifferent pieces on the subject, but this cannot be wondered at—it is not so easy to write well, if men argue against truth and reason, as if they have both at their side. Let these men who are half made upon the subject, weigh this matter in their minds; read the pieces that have been written on both sides; and if candor and justice will decide, then they will say to those people, go, convene a meeting of your county—draw up your resolutions—subscribe them—send them to the press—go and be free.

(a) The President.<sup>1</sup>

1. George Washington, the President of the Constitutional Convention.

## **Brutus XI**

**New York Journal, 31 January 1788**

The nature and extent of the judicial power of the United States, proposed to be granted by this constitution, claims our particular attention.

Much has been said and written upon the subject of this new system on both sides, but I have not met with any writer, who has discussed the judicial powers with any degree of accuracy. And yet it is obvious, that we can form but very imperfect ideas of the manner in which this government will work, or the effect it will have in changing the internal police and mode of distributing justice at present subsisting in the respective states, without a thorough investigation of the powers of the judiciary and of the manner in which they will operate. This government is a complete system, not only for making, but for executing laws.

And the courts of law, which will be constituted by it, are not only to decide upon the constitution and the laws made in pursuance of it, but by officers subordinate to them to execute all their decisions. The real effect of this system of government, will therefore be brought home to the feelings of the people, through the medium of the judicial power. It is, moreover, of great importance, to examine with care the nature and extent of the judicial power, because those who are to be vested with it, are to be placed in a situation altogether unprecedented in a free country. They are to be rendered totally independent, both of the people and the legislature, both with respect to their offices and salaries. No errors they may commit can be corrected by any power above them, if any such power there be, nor can they be removed from office for making ever so many erroneous adjudications.

The only causes for which they can be displaced, is, conviction of treason, bribery, and high crimes and misdemeanors.

This part of the plan is so modelled, as to authorise the courts, not only to carry into execution the powers expressly given, but where these are wanting or ambiguously expressed, to supply what is wanting by their own decisions.

That we may be enabled to form a just opinion on this subject, I shall, in considering it,

1st. Examine the nature and extent of the judicial powers—and

2d. Enquire, whether the courts who are to exercise them, are so constituted as to afford reasonable ground of confidence, that they will exercise them for the general good.

With a regard to the nature and extent of the judicial powers, I have to regret my want of capacity to give that full and minute explanation of them that the subject merits. To be able to do this, a man should be possessed of a degree of law knowledge far beyond what I pretend to. A number of hard words and technical phrases are used in this part of the system, about the meaning of which gentlemen learned in the law differ.

Its advocates know how to avail themselves of these phrases. In a number of instances, where objections are made to the powers given to the judicial, they give such an explanation to the technical terms as to avoid them.

Though I am not competent to give a perfect explanation of the powers granted to this department of the government, I shall yet attempt to trace some of the leading features of it, from which I presume it will appear, that they will operate to a total subversion of the state judiciaries, if not, to the legislative authority of the states.

In article 3d, sect. 2d, it is said, “The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of

the United States, and treaties made, or which shall be made, under their authority, &c.”

The first article to which this power extends, is, all cases in law and equity arising under this constitution.

What latitude of construction this clause should receive, it is not easy to say. At first view, one would suppose, that it meant no more than this, that the courts under the general government should exercise, not only the powers of courts of law, but also that of courts of equity, in the manner in which those powers are usually exercised in the different states. But this cannot be the meaning, because the next clause authorises the courts to take cognizance of all cases in law and equity arising under the laws of the United States; this last article, I conceive, conveys as much power to the general judicial as any of the state courts possess.

The cases arising under the constitution must be different from those arising under the laws, or else the two clauses mean exactly the same thing.

The cases arising under the constitution must include such, as bring into question its meaning, and will require an explanation of the nature and extent of the powers of the different departments under it.

This article, therefore, vests the judicial with a power to resolve all questions that may arise on any case on the construction of the constitution, either in law or in equity.

1st. They are authorised to determine all questions that may arise upon the meaning of the constitution in law. This article vests the courts with authority to give the constitution a legal construction, or to explain it according to the rules laid down for construing a law.—These rules give a certain degree of latitude of explanation. According to this mode of construction, the courts are to give such meaning to the constitution as comports best with the common, and generally received acceptance of the words in which it is expressed, regarding their ordinary and popular use, rather than their grammatical propriety. Where words are dubious, they will be explained by the context. The end of the clause will be attended to, and the words will be understood, as having a view to it; and the words will not be so understood as to bear no meaning or a very absurd one.

2d. The judicial are not only to decide questions arising upon the meaning of the constitution in law, but also in equity.

By this they are empowered, to explain the constitution according to the reasoning spirit of it, without being confined to the words or letter.

“From this method of interpreting laws (says Blackstone) by the reason of them, arises what we call equity;” which is thus defined by Gro-

tius, "the correction of that, wherein the law, by reason of its universality, is deficient; for since in laws all cases cannot be foreseen, or expressed, it is necessary, that when the decrees of the law cannot be applied to particular cases, there should some where be a power vested of defining those circumstances, which had they been foreseen the legislator would have expressed; and these are the cases, which according to Grotius, *lex non exacte definit, sed arbitrio boni viri permittet.*"

The same learned author observes, "That equity, thus depending essentially upon each individual case, there can be no established rules and fixed principles of equity laid down, without destroying its very essence, and reducing it to a positive law."<sup>1</sup>

From these remarks, the authority and business of the courts of law, under this clause, may be understood.

They will give the sense of every article of the constitution, that may from time to time come before them. And in their decisions they will not confine themselves to any fixed or established rules, but will determine, according to what appears to them, the reason and spirit of the constitution. The opinions of the supreme court, whatever they may be, will have the force of law; because there is no power provided in the constitution, that can correct their errors, or controul their adjudications. From this court there is no appeal. And I conceive the legislature themselves, cannot set aside a judgment of this court, because they are authorised by the constitution to decide in the last resort. The legislature must be controuled by the constitution, and not the constitution by them. They have therefore no more right to set aside any judgment pronounced upon the construction of the constitution, than they have to take from the president, the chief command of the army and navy, and commit it to some other person. The reason is plain; the judicial and executive derive their authority from the same source, that the legislature do theirs; and therefore in all cases, where the constitution does not make the one responsible to, or controulable by the other, they are altogether independent of each other.

The judicial power will operate to effect, in the most certain, but yet silent and imperceptible manner, what is evidently the tendency of the constitution:—I mean, an entire subversion of the legislative, executive and judicial powers of the individual states. Every adjudication of the supreme court, on any question that may arise upon the nature and extent of the general government, will affect the limits of the state jurisdiction. In proportion as the former enlarge the exercise of their powers, will that of the latter be restricted.

That the judicial power of the United States, will lean strongly in favour of the general government, and will give such an explanation



to the constitution, as will favour an extension of its jurisdiction, is very evident from a variety of considerations.

1st. The constitution itself strongly countenances such a mode of construction. Most of the articles in this system, which convey powers of any considerable importance, are conceived in general and indefinite terms, which are either equivocal, ambiguous, or which require long definitions to unfold the extent of their meaning. The two most important powers committed to any government, those of raising money, and of raising and keeping up troops, have already been considered, and shewn to be unlimited by any thing but the discretion of the legislature.<sup>2</sup> The clause which vests the power to pass all laws which are proper and necessary, to carry the powers given into execution, it has been shewn, leaves the legislature at liberty, to do every thing, which in their judgment is best.<sup>3</sup> It is said, I know, that this clause confers no power on the legislature, which they would not have had without it<sup>4</sup>—though I believe this is not the fact, yet, admitting it to be, it implies that the constitution is not to receive an explanation strictly, according to its letter; but more power is implied than is expressed. And this clause, if it is to be considered, as explanatory of the extent of the powers given, rather than giving a new power, is to be understood as declaring, that in construing any of the articles conveying power, the spirit, intent and design of the clause, should be attended to, as well as the words in their common acceptation.

This constitution gives sufficient colour for adopting an equitable construction, if we consider the great end and design it professedly has in view—there appears from its preamble to be, “to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and posterity.” The design of this system is here expressed, and it is proper to give such a meaning to the various parts, as will best promote the accomplishment of the end; this idea suggests itself naturally upon reading the preamble, and will countenance the court in giving the several articles such a sense, as will the most effectually promote the ends the constitution had in view—how this manner of explaining the constitution will operate in practice, shall be the subject of future enquiry.<sup>5</sup>

2d. Not only will the constitution justify the courts in inclining to this mode of explaining it, but they will be interested in using this latitude of interpretation. Every body of men invested with office are tenacious of power; they feel interested, and hence it has become a kind of maxim, to hand down their offices, with all its rights and privi-

leges, unimpaired to their successors; the same principle will influence them to extend their power, and increase their rights; this of itself will operate strongly upon the courts to give such a meaning to the constitution in all cases where it can possibly be done, as will enlarge the sphere of their own authority. Every extension of the power of the general legislature, as well as of the judicial powers, will increase the powers of the courts; and the dignity and importance of the judges, will be in proportion to the extent and magnitude of the powers they exercise. I add, it is highly probable the emolument of the judges will be increased, with the increase of the business they will have to transact and its importance. From these considerations the judges will be interested to extend the powers of the courts, and to construe the constitution as much as possible, in such a way as to favour it; and that they will do it, appears probable.

3d. Because they will have precedent to plead, to justify them in it. It is well known, that the courts in England, have by their own authority, extended their jurisdiction far beyond the limits set them in their original institution, and by the laws of the land.

The court of exchequer is a remarkable instance of this. It was originally intended principally to recover the king's debts, and to order the revenues of the crown. It had a common law jurisdiction, which was established merely for the benefit of the king's accomptants. We learn from Blackstone, that the proceedings in this court are grounded on a writ called *quo minus*, in which the plaintiff suggests, that he is the king's farmer or debtor, and that the defendant hath done him the damage complained of, by which he is less able to pay the king. These suits, by the statute of Rutland, are expressly directed to be confined to such matters as specially concern the king, or his ministers in the exchequer. And by the *articuli super cartas*, it is enacted, that no common pleas be thenceforth held in the exchequer contrary to the form of the great charter: but now any person may sue in the exchequer. The surmise of being debtor to the king being matter of form, and mere words of course; and the court is open to all the nation.<sup>6</sup>

When the courts will have a president [i.e., precedent] before them of a court which extended its jurisdiction in opposition to an act of the legislature, is it not to be expected that they will extend theirs, especially when there is nothing in the constitution expressly against it? and they are authorised to construe its meaning, and are not under any controul?

This power in the judicial, will enable them to mould the government, into almost any shape they please.—The manner in which this may be effected we will hereafter examine.

1. Blackstone, *Commentaries*, Book I, Introduction, section II, 61–62.
2. See “Brutus” I, V–X, *New York Journal*, 18 October, 13, 27 December, and 3, 10, 17, 24 January (RCS:N.Y., 106–8, 410–16, 466–73, and above).
3. See “Brutus” I, V, *New York Journal*, 18 October and 13 December (RCS:N.Y., 106–8, 410–16).
4. See *The Federalist* 33, *Independent Journal*, 2 January (CC:405).
5. See “Brutus” XII, *New York Journal*, 7 February (III below).
6. Blackstone, *Commentaries*, III, chapter IV, 45. The Statute of Rutland (1282) and the Articles upon the Charters (1300) were both adopted during the reign of Edward I. “Brutus” amplifies a charge made by “Centinel” I, Philadelphia *Independent Gazetteer* on 5 October. “Centinel” noted that “Every person acquainted with the history of the courts in England, knows by what ingenious sophisms they have, at different periods, extended the sphere of their jurisdiction over objects out of the line of their institution, and contrary to their very nature; courts of a criminal jurisdiction obtaining cognizance in civil causes” (CC:133, p. 333). For a criticism of “Centinel,” see “Aristides” (Alexander Contee Hanson), *Remarks on the Proposed Plan of a Federal Government . . .* (Annapolis, 1788 [Evans 21131]) (CC:490, p. 535, at note 6).

**II.**  
**THE NEW YORK LEGISLATURE**  
**CALLS A CONVENTION**  
**11 January–1 February 1788**

**Introduction**

On 3 December 1787, Governor George Clinton issued a proclamation announcing that, “pursuant to a law,” the legislature would meet on 1 January 1788 in Poughkeepsie (*New York Packet*, 11 December, Mfm:N.Y.). It took ten days to obtain quorums in both houses. By this time, five states had ratified the Constitution and five others had called conventions. In November the Rhode Island legislature had rejected a motion to call a convention. On 9 January, the convention in neighboring Connecticut ratified the Constitution and on that same day the convention in neighboring Massachusetts convened. The results in the Massachusetts Convention, people felt, would affect what the New York legislature would do about calling a convention.

The printers of the *New York Journal* and the *Daily Advertiser* both made plans to publish the debates and proceedings of the legislative session. On 14 January Francis Childs of the *Advertiser* acknowledged “that the Task he has imposed on himself, of attending the Legislature for the purpose of taking down in Short-Hand their *DEBATES* and *PROCEEDINGS*, which are to be regularly transmitted and published in this Paper, will be attended with difficulty, and must subject him to *considerable Expence*:—but, relying on the Patronage of his Fellow-Citizens, he has cheerfully entered upon the Undertaking—trusting that he will meet with such Encouragement as may enable him every year to *continue* this Useful and Important Information.” Thomas Greenleaf in the *Journal* on 3 January reported that he had “made such an arrangement as he flatters himself will enable him to communicate the earliest, and most important intelligence of the proceedings of that honorable body—intelligence that shall be divested of every kind of prejudice, and by which he hopes to give universal satisfaction.” Two weeks later Greenleaf reported that “Nothing has transpired from the house of assembly, at Poughkeepsie, other than is inserted this day.—The *important* proceedings of the hon. the legislature shall, from time to time, be communicated through the channel of this paper, with faithfulness, the editor having established a correspondence for the purpose.”

No one knew exactly what to expect from New York's legislature. James Madison reported that the legislators were "much divided" on the question of calling a ratifying convention—the Assembly seemed supportive but the Senate appeared opposed (to George Washington, 20 January, below). In New York City Walter Rutherfurd predicted "warm work" in Poughkeepsie (to John Rutherfurd, 8 January, I above), while Samuel Blachley Webb felt confident that a convention would be called, but he supposed that the Antifederalists "will be for delaying its meeting to as distant a period as possible" (to Joseph Barrell, 13 January, I above). Albany lawyer Richard Sill pessimistically reported that Federalists "doubted . . . whether we shall have a Convention called by a Legislative Act, the opposition are determined to make their first stand here" (to Jeremiah Wadsworth, 12 January, I above).

Whatever the outcome, New Yorkers of "every class" sensed the momentousness of the occasion (*New York Journal*, 3 January, below). Without a convention to consider the Constitution, some Federalists felt as if "Anarchy stares us in the face" (*New Jersey Journal*, 5 December, CC:Vol. 2, p. 458).

The role to be played by Governor George Clinton was also unclear. Massachusetts delegate to Congress Samuel A. Otis ominously reported from New York City that "Gr: Clinton setts of[f] for Poughkeepsie this morning to put his machinery in motion" (to Elbridge Gerry, 2 January, CC:404). About to leave for the legislature himself, Lewis Morris, Sr., wrote his son that "we have some warm advocates" for the Constitution "and a very great many against it, the Governor at the head of the Latter" (to Lewis Morris, Jr., 13 January, I above). Walter Rutherfurd wrote that the governor "does not oppose the Constitution in his legislative capacity, yet is open and diligent against it" (to John Rutherfurd, post-18 January, Mfm:N.Y.).

On Friday, 11 January, Governor Clinton sent messages to both houses requiring them to attend a joint session in the Assembly chamber to receive his speech. In addition to addressing the legislature, the governor turned over several documents that he had received since the last legislative session, including the report of the Constitutional Convention, the 28 September resolution of the Confederation Congress requesting the states to call ratifying conventions, and the 21 December letter Clinton had received from Robert Yates and John Lansing, Jr., explaining their opposition to the Constitution and their reasons for leaving the Constitutional Convention early. The governor continued his neutral public stance saying that "From the Nature of my Office . . . it would be improper for me to have any other Agency in the

Business than that of laying the Papers . . . before you for your Information.” Two weeks later each house responded to the governor’s speech saying that the accompanying documents would “claim our most serious and deliberate consideration.”

On 12 January Clinton left Poughkeepsie for New York City. He left New York City to return to Poughkeepsie on 24 January. During the interim, on 22 January, the legislature elected delegates to Congress. Federalist Egbert Benson and Antifederalist Abraham Yates, Jr., were reelected, but the remaining three incumbents (Antifederalists John Haring, John Lansing, Jr., and Melancton Smith) were replaced by three Federalists (Alexander Hamilton, Leonard Gansevoort, and Ezra L’Hommedieu). Attributing the Federalist triumph to Benson’s influence in both houses and to Clinton’s absence, Charles Tillinghast believed that the appointment of Hamilton was “a very considerable point gained over the opponents to the new Constitution, as his election holds up an idea of the approbation of the Legislature respecting his late Conduct in *General Convention*, which, no doubt, will be made a handle of by the *federalists* and, I think, it also implies an *indirect* censure on Mr. Judge Yates & Mr Lansing” (to Hugh Hughes, 27–28 January, I above).

Not until 31 January did the Assembly consider calling a convention. Previously on 16 January, Senate Antifederalists proposed a bill calling for new oaths of allegiance and of office. The oath of office for legislators was “so framed as that they should Swear never to consent to any Act or thing which had a *tendency* to destroy or *Alter* the present *constitution of the state*.” Because of the small number of senators present, Federalists, led by Philip Schuyler, delayed consideration of this bill until 26 January. After a long debate, “the objectionable clause” was struck out by a vote of nine to six after Antifederalists “were driven to the necessity of letting the cat out of the bag.—by undirectly avowing that the Clause was intended to Militate and operate against the proposed new constitution” (Philip Schuyler to Stephen Van Rensselaer, 27 January, I above). Later in the Assembly, Federalists proposed to strike out the provision in the oaths bill swearing allegiance “to the State of New-York, as a free and independent State,” and to substitute in its place allegiance “to the United States of America.” This amendment was defeated 36 to 9 on 6 February and the oaths act passed on 8 February.

A year earlier, on 28 February 1787, when the legislature considered appointing delegates to the Constitutional Convention, Abraham Yates, Jr., had proposed in the state Senate that the Constitutional Convention should not approve any measures “repugnant to or inconsistent with

the constitution of this State.” Yates’s motion failed when Senate President Pierre Van Cortlandt broke a 9 to 9 tie by voting against the measure. (See RCS:N.Y., 513.)

Contrary to expectations, there seemed to be no legislative opposition to the call of a convention. Much debate, however, occurred over how the convention would be called and what the convention ought to be authorized to do. Antifederalist assemblymen, led by Cornelius C. Schoonmaker of Ulster County and Samuel Jones of Queens County, proposed that the resolutions calling a convention be prefaced with a preamble or recital indicating that the Federal Convention had exceeded its authority by reporting “a new Constitution” that would “materially alter” New York’s constitution and state government “and greatly affect the rights and privileges” of all New Yorkers. Federalists opposed this attempt and advocated that the new form of government should be presented to the people without “the inference . . . that the Legislature disapproved of the measures of the Convention.” Furthermore, Federalists argued, the legislature ought not to consider the merits of the Constitution—“the only question” was whether the Constitution should “be submitted to the people” in convention. After considerable debate, the Assembly rejected any derogatory statement about either the Constitutional Convention or the Constitution. The Assembly also rejected a motion from Samuel Jones allowing the proposed convention to have a “free investigation, discussion, and decision,” which was understood to be an attempt “to introduce the Idea of *Amendment*” (From Egbert Benson, 1 February, below).

The Assembly then by a majority of two on 31 January passed resolutions calling a convention to meet at the courthouse in Poughkeepsie on 17 June 1788. Counties and cities could elect the same number of delegates allotted them for the Assembly. The distant date alarmed some Federalists, who felt that it betrayed the legislature’s “bad grace” (Joseph Barrell to Samuel Blachley Webb, 20 February, below). The election of delegates would begin on 29 April and continue until completed, but for no more than five days. For the first time ever, the state’s constitutional property qualifications required for suffrage were suspended, thereby allowing all free adult male citizens to vote for convention delegates. As was the case with Assembly elections, cast ballots were to be placed in special containers and sealed, to be opened by authorized canvassers four weeks later. Convention delegates to be paid by the state would receive the same pay as assemblymen. At the same time that New Yorkers voted for convention delegates, qualified freemen could also vote for assemblymen and for one-third of the state’s senators. The Senate approved the Assembly’s resolutions by a vote of

11 to 8 on 1 February. On 2 February the Assembly ordered its clerk to procure 500 copies of its resolution with the Senate's concurrence (Evans 45311) "and cause the same to be distributed in the several counties of this State."

### **New York Journal, 3 January 1788<sup>1</sup>**

Yesterday sat out upon their journey for the SEAT of GOVERNMENT of the state of New-York (Poughkeepsie) his Excellency the GOVERNOR, accompanied by Richard Varick, and Robert<sup>2</sup> Benson, Esquires.—The honorable the legislature, pursuant to his excellency's proclamation, bearing date December 3, were to have convened in that town, on Tuesday last. This meeting of the legislature is conceived by every class of people to be the most important one that the state of New-York has ever experienced since the first establishment of its sovereignty and independence, before whom, the momentous subject of the new federal constitution is to be discussed, and before whom, doubtless, its merits will be fully and impartially investigated. As this business will be greatly interesting to the public at large, not only of this state, but of every other in the union, the editor has made such an arrangement as he flatters himself will enable him to communicate the earliest, and most important intelligence of the proceedings of that honorable body—intelligence that shall be divested of every kind of prejudice, and by which he hopes to give universal satisfaction.

1. Reprinted: *Pennsylvania Journal*, 9 January. Excerpts were printed in seven newspapers by 7 February: Mass. (2), N.J. (1), Pa. (2), N.C. (1), S.C. (1). A brief report of the governor's departure from New York City appeared in the *Daily Advertiser*, 4 January (Mfm:N.Y.). His arrival in Poughkeepsie on the evening of 3 January was reported in the *Daily Advertiser*, 8 January (Mfm:N.Y.).

2. Robert Benson was clerk of New York County. Perhaps the *New York Journal* meant to refer to Egbert Benson.

### **New York Journal, 8 January 1788**

By private accounts from Poughkeepsie, we hear, that it was expected there would be a house, in the general assembly, by *this day*. Thus, the period fast approaches, wherein the impatient curiosity of all ranks of politicians will be fully satisfied, respecting the fate of the proposed constitution, in this state.

### **Assembly Proceedings, Friday, 11 January 1788 (excerpt)<sup>1</sup>**

. . . A message from his Excellency the Governor, by his private Secretary, that his Excellency requires the immediate attendance of this House in the Assembly chamber.



Mr. Speaker left the chair, and with the House attended accordingly. . . .

1. *Assembly Journal* [9 January–22 March 1788] (Poughkeepsie, 1788), 6 (Evans 21314).

### Senate Proceedings, Friday, 11 January 1788 (excerpt)<sup>1</sup>

. . . A message from his Excellency the Governor (by his private Secretary) was received, requiring the attendance of the Senate in the Assembly chamber.

The President [Pierre Van Cortlandt] accordingly left the chair, and with the Senate, attended his Excellency. . . .

1. *Senate Journal* [11 January–22 March 1788] (Poughkeepsie, 1788), 4 (Evans 21315).

### Governor George Clinton: Speech to the New York Legislature Poughkeepsie, 11 January 1788

The governor's speech was printed in the *Daily Advertiser* and *New York Journal* on 14 January. The *Journal* prefaced its printing: "On Friday, the House of Assembly having forty-eight members present, and the Hon. the Senate a full quorum to proceed on business, his Excellency the Governor made a SPEECH to both houses of legislature, a copy of which having been immediately communicated by a friend, and correspondent, is as follows, viz." The *Journal* printed the speech again on 17 January, the Thursday issue which "had a more general Circulation in the Country, than that of any other day in the Week." The speech was reprinted in six New York newspapers: *New York Morning Post*, 15 January; *New York Packet*, 15 January; *Independent Journal*, 16 January; *Country Journal*, 16 January; *Albany Gazette*, 17 January (evening supplement); and *Hudson Weekly Gazette*, 24 January. It was also reprinted in sixteen out-of-state newspapers by 21 February: Mass. (2), R.I. (2), Conn. (5), Pa. (3), Va. (1), S.C. (2), Ga. (1). Six more out-of-state newspapers reprinted the passage on the Constitution by 7 February: Mass. (2), Conn. (3), Md. (1).

The text of Clinton's speech printed immediately below is taken from a manuscript version signed by George Clinton in the Clinton Papers in the New-York Historical Society. The speech as printed in the *New York Journal* and the *Daily Advertiser* differs in punctuation, capitalization, and paragraphing. (About twice as many newspapers reprinted the *Journal* version.) Slightly different versions of the speech appear in the Assembly and Senate journals.

#### GENTLEMEN of the SENATE and ASSEMBLY

It being essential to the welfare of our Confederacy that a Representation in the national Council should be maintained without Intermision, and as the Term for which the Delegates from this State were elected is expired, you will perceive the necessity of proceeding to an immediate new appointment.

GENTLEMEN,

The Requisition for the federal Services of the Current Year also claims your early Attention. I have full Confidence that the same Spirit which has invariably influenced the Legislature of this State will induce you to a cheerful and effectual Compliance with every Measure founded on the National Compact, and necessary to the Honor and Prosperity of the Union—.

It will appear from the Act of Congress and other Papers on this Subject, that the Supplies, required for the common Treasury are principally to arise from the Arrears due on former Requisitions. Advantages will therefore result from the punctuality of past payments as a greater proportion of the Resources of the State may now be applied to the relief of our own Citizens. To assist you in making the necessary Arrangements I shall cause to be laid before you Estimates of the public Debt with the Receipts and Expenditures since the Conclusion of the War abstracted from the Treasurers Annual Audited Accounts by which you will be particularly informed of the present State of our Treasury.

It gives me great pleasure to inform you that the Jurisdiction Line between the Commonwealth of Massachusetts and this State, which has been so long a Subject of Controversy and Attended with much inconvenience and Distress to the Borderers, is at length finally adjusted, And that the boundary Line between this State and the Commonwealth of Pennsylvania is also completed. The Reports of the Commissioners employed in these respective Transactions accompanied with Maps of the Lines will be delivered to you in order that the proper directions may be given for their Authentication and Deposit, and for the final Liquidation and Settlement of the Expences which have attended these Services.

I shall leave with you the several official Communications which have been made to me in the Recess. With these you will receive the proceedings of the general Convention lately held in the City of Philadelphia, and an Act of the United States in Congress for their Transmission to the Legislatures of the different States. From the Nature of my Office you will easily perceive it would be improper for me to have any other Agency in this Business than that of laying the Papers respecting it before you for your Information.

GENTLEMEN,

It must afford the highest Satisfaction to observe that under the Blessing of Heaven Tranquility and good Order continue to prevail throughout the State and that by the Industry of the Citizens, the Country is in a great Measure recovered from the Wastes and Injuries of

War. The profuse Use however of Luxuries brought from abroad drains us of our Wealth, and is the source from which most of our present Difficulties proceed. I would therefore submit to the Wisdom of the Legislature, the propriety of limiting the Consumption of foreign Articles by encouraging the Manufacture of our own Productions as far as may be consistent with our Situation and a due Regard to beneficial Commerce.

GEO: CLINTON

Poughkeepsie, 11th. January 1788.

**Assembly Proceedings, Friday, 11 January 1788 (excerpt)<sup>1</sup>**

. . . his Excellency the Governor having retired, and the Honorable the Senate who also attended, having also retired, Mr. Speaker re-assumed the chair and reported to the House, that his Excellency had been pleased to make a Speech to the Legislature, and to deliver a copy thereof. The same being read, is in the words following, viz.

[Governor Clinton's speech appears in the Assembly Journal at this point.]

*Resolved*, That his Excellency the Governor's Speech be taken into consideration immediately, and the House proceeded to the consideration thereof accordingly.

*Ordered*, That his Excellency's Speech be forthwith printed.

*Resolved*, That a respectful Address be presented to his Excellency, in answer to his Speech.

*Ordered*, That a committee be appointed to prepare a draft of the said Address, and that Mr. Silvester, Mr. Jones and Mr. Benson, be a committee for that purpose.

*Ordered*, That the further consideration of his Excellency the Governor's Speech, and of the papers which accompanied the same, be committed to a committee of the whole House, and that the said committee proceed to the consideration thereof immediately.

The House then resolved itself into a committee of the whole House on his Excellency the Governor's Speech, and the papers which accompanied the same; and after some time spent thereon, Mr. Speaker re-assumed the chair, and Mr. James Livingston from the said committee [of the whole House], reported, that the committee had made some progress therein, and had directed him to move for leave to sit again. . . .

*Ordered*, That the said committee have leave to sit again.

1. *Assembly Journal*, 6-7.

**Senate Proceedings, Friday, 11 January 1788 (excerpts)<sup>1</sup>**

. . . [President Van Cortlandt] being returned, re-assumed the chair, and informed the Senate, that his Excellency the Governor had made a Speech to the Legislature, of which he had obtained a copy, which being read, is in the words following, viz.

[Governor Clinton's speech appears in the Senate Journal at this point.]

*Ordered*, That his Excellency's Speech, with the papers accompanying the same, be committed to a committee of the whole. . . .

The Senate resolved itself into a committee of the whole, on his Excellency's Speech, with the papers accompanying the same; after some time spent thereon, the President re-assumed the chair, and Mr. Haring from the committee reported, that it was the opinion of the committee, that a respectful answer be given to his Excellency's Speech, and that he was directed to move for leave to sit again; which report he read in his place, and delivered the same in at the table, where it was again read and agreed to by the Senate.

Thereupon *Ordered*. That Mr. L'Hommedieu, Mr. Yates and Mr. Haring, be a committee to prepare and report a respectful answer to his Excellency's Speech.

*Ordered*, That the committee have leave to sit again.

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

1. *Senate Journal*, 4–5.

**Assembly Proceedings, Tuesday, 15 January 1788 (excerpt)<sup>1</sup>**

Mr. Silvester, from the committee appointed to prepare and report the draft of a respectful address to his Excellency the Governor, in answer to his Speech, reported, that the Committee had prepared a draft accordingly, and he read the draft in his place, and delivered the same in at the table, where the said draft was again read.

*Ordered*, That the same be committed to a committee of the whole House.

The House then resolved itself into a committee of the whole House, on the said draft, and after some time spent thereon, Mr. Speaker re-assumed the chair, and Mr. Sands from the said committee, reported, that the committee had gone through the said draft, and made an amendment, which he was directed to report to the House; and he read the report in his place, and delivered the same in at the table, where it was again read, and agreed to by the House.<sup>2</sup>

*Ordered*, That the said draft, as amended, be engrossed. . . .

1. *Assembly Journal*, 10.

2. A report of the Assembly proceedings (including the text of the response to the governor's speech) was printed in the *Daily Advertiser*, 21 January. For the response to the governor's speech and the newspaper reprintings of it, see the Assembly Proceedings, Saturday, 26 January, and note 2 (below).

### **Lansingburgh Northern Centinel, 15 January 1788<sup>1</sup>**

Extract of a letter from a gentleman in Poughkeepsie to his friend in Albany, dated Jan. 10.

“It is with inexpressible satisfaction I inform you, that there is a great probability of a majority of the assembly of this state being in favor of the new constitution.—Cato<sup>2</sup> and the Rough-Hewer<sup>3</sup> are both here, using their utmost endeavours to create jealousy among the people—but, happy for the state, the people well know from what principle their extreme anxiety proceeds—their conduct has given ocular demonstration to the world, that self-interest, the basest motive that can disgrace a statesman, is all they have in view.”

1. Reprinted in the *Daily Advertiser*, 28 January, and in seven newspapers outside New York state by 25 February: Conn. (3), Pa. (2), S.C. (2). The first sentence only appeared in the *Maryland Journal*, 5 February.

2. Governor George Clinton.

3. Abraham Yates, Jr.

### **Senate Proceedings, Wednesday, 16 January 1788 (excerpt)<sup>1</sup>**

. . . Mr. L'Hommedieu, from the committee for that purpose appointed, reported an answer to his Excellency the Governor's Speech, which he read in his place, and delivered the same in at the table, where it was again read, and agreed to by the Senate. Thereupon

*Ordered*, That the same be engrossed. . . .

1. *Senate Journal*, 8.

### **James Madison to George Washington New York, 20 January 1788 (excerpt)<sup>1</sup>**

. . . The operation of such an event [i.e., rejection of the Constitution by the Massachusetts Convention] on this State may easily be foreseen. Its Legislature is now sitting and is much divided. A majority of the Assembly are said to be friendly to the merits of the Constitution. A majority of the Senators actually convened are opposed to a submission of it to a Convention. The arrival of the absent members will render

the voice of that branch uncertain on the point of a Convention. The decision of Massachusetts either way will involve the result in this State. . . .

1. RC, Washington Papers, DLC. Printed: CC:464. Madison wrote similar letters to Edmund Randolph and Tench Coxe on the same day (Rutland, *Madison*, X, 398–99; XII, 480–81).

### **Assembly Proceedings, Saturday, 26 January 1788 (excerpt)<sup>1</sup>**

The engrossed address to his Excellency the Governor, in answer to his speech, was read, and is in the words following, viz.<sup>2</sup>

To his Excellency GEORGE CLINTON, Esquire, Governor of the State of New-York, General and Commander in Chief of all the militia, and Admiral of the navy of the same.

The respectful address of the Assembly, in answer to his Excellency's speech.

WE the representatives in Assembly, being persuaded that a constant representation in the national council, is indispensable to the welfare of the confederacy, we have therefore proceeded to an immediate new appointment of Delegates to represent this State in Congress.

Your Excellency may be assured that the requisition for the foederal services of the current year, shall be complied with as far as the abilities of the State will admit; and we are happy to find that the present demands on us, are principally for the arrears due on former requisitions, as we shall thereby have it more in our power, to provide for the relief of our own citizens.

With peculiar pleasure we receive from your Excellency, the information that the several boundary lines between this State, and the respective Commonwealths of Massachusetts and Pennsylvania, are finally adjusted and completed. The communities interested, are now wholly relieved from apprehensions of the evils incident to controverted territory or jurisdiction: And we shall make the requisite provisions for authenticating and preserving the reports of the Commissioners, and other documents of these transactions, and, for defraying whatever expences may have arisen in these beneficial services.

While, with your Excellency, we contemplate and approve the peaceable and orderly condition of the State, and with great satisfaction, perceive its recovery from the wastes of war; we also regret the prevalence of habits, opposed to that salutary mean of relief, œconomy: And we trust the inhabitants of these States will discern the propriety of refraining from the use of foreign, and affording every encouragement to the manufacture of our own productions.

The several communications from your Excellency, are highly important and interesting, and therefore claim our most serious and deliberate consideration.

*Ordered*, That Mr. Speaker subscribe the said address, on behalf of the House.

*Ordered*, That the said address be presented to his Excellency by the whole House.

*Ordered*, That Mr. Harison and Mr. N. Smith, wait on his Excellency the Governor, and request to be informed when he will be pleased to be attended by this House with their respectful address.

Mr. Harison reported, that pursuant to the order of the House, Mr. N. Smith and himself had waited on his Excellency the Governor, to know when he would be pleased to be attended by this House with their respectful address, and that his Excellency had been pleased to appoint Monday next, at twelve of the clock, for that purpose. . . .

1. *Assembly Journal*, 41–42.

2. The Assembly's answer to the governor's speech was printed in the *Daily Advertiser*, 21 January, and reprinted in the *New York Morning Post* and *New York Packet*, 22 January; *Independent Journal*, 23 January; *Hudson Weekly Gazette*, 31 January; and *Virginia Norfolk and Portsmouth Journal*, 13 February.

### Senate Proceedings, Saturday, 26 January 1788 (excerpt)<sup>1</sup>

. . . The engrossed answer to his Excellency's speech, was read, and agreed to.

*Ordered*, That the same be signed by the President, in behalf of the Senate.

*Ordered*, That Mr. Floyd and Mr. Townsend, wait on his Excellency the Governor, to know when and where he will be pleased to receive the Senate, with their answer to his speech.

The answer of the Senate to his Excellency's speech, is in the words following, viz.<sup>2</sup>

The answer of the SENATE of the State of New-York, to the Speech of his Excellency George Clinton, Esquire, Governor of the said State, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same.

*SIR*. Fully impressed with the necessity of maintaining a constant Representation in the National Council, the Legislature proceeded at an early day to the appointment of a Delegation for the present year.

Sensible of the obligation of a strict adherence to the National compact in all its parts, the requisition for the Fœderal services of the current year, will claim our earliest attention: It affords us real satisfaction to learn, that from the arrangements of the national finances, this

State will experience those benefits, which it had reason to expect from its exertions on former occasions; this satisfaction is increased by the reflection, that it will afford the Legislature an opportunity of applying a considerable portion of the resources of the State, to the diminution of its own debt.

We contemplate with real pleasure the advantages which must necessarily result from a final adjustment of the jurisdiction lines between this State and the Commonwealths of Massachusetts and Pennsylvania. Measures have already been adopted for the authentication and deposit of the reports and proceedings of the Commissioners who have been engaged in that important transaction, and provision will be made for liquidating and discharging the expences which have accrued in those services.

The several official communications which your Excellency has been pleased to lay before us, will claim the attention due to their importance.

The tranquillity and good order which pervade this State, is a blessing for which our most grateful acknowledgments are due to Heaven. To this blessing we may in a great measure attribute that spirit of industry, so prevalent in our fellow citizens; and which we assure your Excellency our best endeavours will be exerted to continue and extend, by discountenancing every superfluous consumption of foreign commodities, so detrimental to the true interest of the State.

By order of the Senate,  
PIERRE VAN CORTLANDT, President.

Senate Chamber, Jan. 26th, 1788.

1. *Senate Journal*, 15.

2. The Senate's answer to the governor's speech was printed in the *Albany Gazette*, 31 January, and reprinted in the *New York Packet*, 1 February; *Independent Journal*, 2 February; *Pennsylvania Herald*, 5 February; *Maryland Journal*, 12 February (excerpts); and the May issue of the *Philadelphia American Museum*.

### **Philip Schuyler to Stephen Van Rensselaer Poughkeepsie, 27 January 1788<sup>1</sup>**

Last evening Mr Gansevoort<sup>2</sup> deliverd me Your favor of the 23d Instant,—

Mr. John Livingston<sup>3</sup> left this on the 19th or 20th Instant and has not yet returned, It was not doubted but that he absented himself expressly to be out of the way at the Election for delegates [to Congress].<sup>4</sup>—I fear that family [i.e., the Livingstons] are going to throw themselves into the Scale of our Opponents, and this fear arises from some observations which have been made by men of Judgement on John's conduct since the present meeting and on that of Tillotson,<sup>5</sup>



however as this [is] still only Suspicion not reduced to certainty.—consider this as not to be communicated even to our most confidential friends.—As soon as he returns I shall converse with him on the Subject you mention, and try to bring him to an explicit determination, and advise you of the result,—

A Bill had been brought into the senate at an Early day by Mr. Haring.<sup>6</sup>—The ostensible purport of which was to new model the Oath of Allegiance and the other Oaths of Office, It contained however an Oath for the Members of both houses besides the Oath of Allegiance, so framed as that they should Swear never to consent to any Act or thing which had a *tendency* to destroy or *Alter* the present *constitution of the state* this bill was taken up about ten days ago, but postponed on motion of mine founded on the thinness of the house. It was yesterday resumed,—and the Objectional clause struck out after a pretty long debate, by 9 to 6—The favorers of the bill were driven to the necessity of letting the cat out of the bag,—by undirectly avowing that the Clause was intended to Militate and operate against the proposed new constitution<sup>7</sup>—

I will carry the papers to the printers which you enclosed me, and Shall send Genl Renselaer<sup>8</sup> one of the subscription papers—

1. RC, Accession no. 17353, N. Schuyler, Van Rensselaer's father-in-law, was in Poughkeepsie attending the state legislature as a senator from the Western District.

2. Probably Leonard Gansevoort, an Albany County delegate to the state Assembly.

3. John Robert Livingston (1755–1851), a brother of Chancellor Robert R. Livingston, represented Albany County in the state Assembly, 1786–87, and Columbia County, 1788, 1789–90, 1800–1801. He was a state senator from the Eastern District, 1792–96. Livingston had probably left for Congress in New York City, where he was secretary to the president of Congress, a position he had held since 1786.

4. On 22 January the legislature elected five delegates to Congress. (See the introduction to this section, above.)

5. Thomas Tillotson (1751–1832), Robert R. Livingston's brother-in-law, was a Rhinebeck physician. During the Revolution, he was hospital physician and surgeon in the Continental Army, 1780–83. He represented Dutchess County in the state Assembly, 1788, 1789–90, and the Middle District in the state Senate, 1791–99. Tillotson represented the Middle District in the Council of Appointment, 1791–92, and was secretary of state for New York, 1801–6, 1807–8.

6. John Haring (1739–1809), an Orange County lawyer, was a member of Congress, 1774, 1785–87; first judge of the Orange County Court of Common Pleas, 1778–88; a member of all four Provincial congresses, 1775–77; a state senator from the Middle District, 1781–89; a member of the Council of Appointment, 1782–84; and a Rockland County delegate to the state Assembly, 1806. Haring voted against ratification of the Constitution in the New York Convention in July 1788.

7. For the oaths act, see the introduction to this section (above).

8. Robert Van Rensselaer (1740–1802) was a state militia colonel, 1775–80, and a brigadier general, 1780–83. He represented Albany County in all four Provincial congresses, 1775–77, and in the state Assembly, 1777–79, 1780–81. The subscription paper mentioned by Schuyler was perhaps for the book edition of *The Federalist*.

**Assembly Proceedings, Monday, 28 January 1788 (excerpt)<sup>1</sup>**

. . . Mr. Speaker then left the chair, and with the House attended his Excellency the Governor, with their respectful address, according to his appointment, and being returned, he re-assumed the chair, and reported that the House had attended his Excellency the Governor with the address, and that his Excellency had been pleased to return an answer thereto, and to deliver him a copy of the answer, which being read, is in the words following, to wit.

*Gentlemen*, Be pleased to accept my cordial thanks for your polite and respectful address.

I am happy to find that you concur in sentiment with me, respecting the several matters submitted to your consideration, and I receive with pleasure your assurances, that they will meet with the attention due to their importance.

GEO. CLINTON.

Poughkeepsie, Jan. 28, 1788. . . .

1. *Assembly Journal*, 44.

**Senate Proceedings, Monday, 28 January 1788 (excerpt)<sup>1</sup>**

. . . The President proceeded with the members of the Senate, to wait on his Excellency the Governor, with their answer to his speech, and being returned, re-assumed the chair, and informed the Senate, that upon his delivering the answer of the Senate, his Excellency was pleased to make a reply, of which he obtained a copy, which was read in the words following, viz.<sup>2</sup>

*Gentlemen*, Permit me to tender you my sincere thanks for your polite and obliging answer.

The alacrity with which you have engaged in the business of the session, and the just sense you entertain of the different matters submitted to your consideration, afford me the highest satisfaction.

GEO. CLINTON.

Poughkeepsie, Jan. 28, 1788. . . .

1. *Senate Journal*, 16.

2. Governor Clinton's reply was printed in the *Albany Gazette*, 31 January, and reprinted in the *New York Packet*, 1 February, and *Independent Journal*, 2 February.

**Assembly Proceedings, Tuesday, 29 January 1788 (excerpt)<sup>1</sup>**

. . . Mr. James Livingston, from the committee of the whole House, on his Excellency the Governor's speech, and the papers which accompanied the same, reported, as the opinion of the committee, that the

letter from James Wadsworth to his Excellency the Governor, of the 18th of June last, and the act of Congress of the 12th of July last, relative to pensioners, be referred to the Auditor to report thereon to this House; that the committee had made some further progress in his Excellency's speech, and the papers accompanying the same, and had directed him to move for leave to sit again.

*Ordered*, That the said committee have leave to sit again. . . .

1. *Assembly Journal*, 46.

### **Newspaper Report of Assembly Proceedings**

**Tuesday, 29 January 1788<sup>1</sup>**

On motion of Mr. Benson, the House went into a Committee on the Governor's Speech, and the papers accompanying the same,

Mr. James Livingston in the Chair.

They were severally examined, and the proper orders taken on them; the consideration of the Letter from the Secretary of Congress, the Resolve of Congress, and the New Constitution, were made the order of the day for Thursday.

The Committee then rose and reported the same.

1. *New York Morning Post*, 7 February. Reprinted: *New York Journal*, 8 February.

### **Newspaper Report of Assembly Proceedings**

**Tuesday, 29 January, and Thursday, 31 January 1788<sup>1</sup>**

On Tuesday last, the hon. House of Assembly, took into consideration the Governor's Speech and Papers accompanying the same, when Mr. Benson brought forward certain propositions relative to the Federal Constitution, which he submitted to the House—the consideration of these propositions was made the order of the day for Thursday; on which day the consideration of the same was resumed—Mr. Schoonmaker, moved for an amendment to the recital—debates arose thereon—on calling for a division, the amendment was lost—Mr. Jones then moved for an amendment to the first resolution, which was negatived, 29 to 23—The House then went thro' the propositions of Mr. Benson, and agreed to same—On the day following the Senate passed a resolution of concurrence.

It would most certainly be an unfair criterion to test the sense of the Legislature by the divisions which were taken in the proceedings relative to the calling a Convention, as all these divisions were respecting the *manner*, and not the *expediency* of the measure—both Houses being fully in opinion that the Constitution ought to be submitted to the people.

1. *Albany Journal*, 4 February.

**Assembly Proceedings, Thursday, 31 January 1788 (excerpt)<sup>1</sup>**

The House resolved itself into a committee of the whole House, on his Excellency the Governor's speech, and the papers which accompanied the same; and after some time spent thereon, Mr. *Speaker* re-assumed the chair, and Mr. James Livingston from the said committee, reported, that when the committee came to the proceedings of the General Convention lately held in the city of Philadelphia, and the act of the United States in Congress, for their transmission to the Legislatures of the different States, Mr. Benson made a motion, in the words following, viz.

"Whereas the United States in Congress assembled did, on the twenty-eighth day of September last, unanimously resolve, 'That the report of the Convention of the States lately assembled in Philadelphia, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention, made and provided in that case.' Therefore

"*Resolved*, as the sense of this committee, that the said report, with the said resolutions and letter accompanying the same, be submitted to a Convention of Delegates to be chosen by the people of this State."

That Mr. Schoonmaker then made a motion,<sup>2</sup> as an amendment, that the recital to the resolution contained in the motion of Mr. Benson, be struck out, and the following recital substituted in the stead thereof, viz.

"Whereas the Senate and Assembly of this State, at their last session, appointed Delegates to meet such Delegates as might be appointed on the part of the other States respectively, on the second Monday of May then next, and now last, at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and to the several Legislatures, such alterations and provisions therein, as should, when agreed to in Congress, and confirmed by the several Legislatures, render the Fœderal Constitution adequate to the exigencies of government and preservation of the Union. And whereas Delegates from several of the States in the Union, met in the month of May last, at Philadelphia, for the purpose aforesaid, and have reported their proceedings to the United States in Congress assembled. Whereupon Congress on the 28th day of September last, did unanimously resolve, 'that the report of the Convention of the States lately assembled in Philadelphia, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates, chosen in each State by the people thereof, in conformity to the resolves of the Convention, made

and provided in that case.['] And whereas the said Convention of the States, instead of revising and reporting alterations and provisions in the Articles of Confederation, have reported a new Constitution for the United States, which if adopted, will materially alter the Constitution and Government of this State, and greatly affect the rights and privileges of the people thereof."

That debates arose thereon, and the question being put on the motion of Mr. Schoonmaker, it passed in the negative, in the manner following, viz.

F O R T H E N E G A T I V E [27].

Mr. Winant,	Mr. Van Ingen,	Mr. Hedges,	Mr. Brooks,
Mr. Niven,	Mr. Arndt,	Mr. Osborn,	Mr. John Livingston,
Mr. Silvester,	Mr. Gordon,	Mr. Sands,	Mr. Lewis,
Mr. Gansevoort,	Mr. Tillotson,	Mr. Low,	Mr. Harison,
Mr. Paterson,	Mr. Powers,	Mr. Verplanck,	Mr. Havens,
Mr. <i>Speaker</i> ,	Mr. P. Cantine,	Mr. Sickels,	Mr. Winn.
Mr. Van Orden,	Mr. Benson,	Mr. Younglove,	

F O R T H E A F F I R M A T I V E [25].

Mr. Jones,	Mr. Tearse,	Mr. Webster,	Mr. Graham,
Mr. Carman,	Mr. Baker,	Mr. Savage,	Mr. Wisner,
Mr. Taulman,	Mr. D'Witt,	Mr. Schoonmaker,	Mr. Clinton,
Mr. J. Smith,	Mr. Gilbert,	Mr. Cantine,	Mr. Tompkins,
Mr. Doughty,	Mr. Strang,	Mr. Bruyn,	Mr. N. Smith,
Mr. Wyckoff,	Mr. Frey,	Mr. Bloom,	Mr. Drake,
			Mr. Clark.

That Mr. Jones then made a motion, as a farther amendment to the motion of Mr. Benson, that to the resolution contained in the motion of Mr. Benson, the following words be added, viz. "for their free investigation, discussion and decision;" that debates arose thereon, and that the question being put on the motion of Mr. Jones, it passed in the negative, in the manner following, viz.

F O R T H E N E G A T I V E [28].<sup>3</sup>

Mr. Winant,	Mr. Van Orden,	Mr. P. Cantine,	Mr. Sickels,
Mr. Niven,	Mr. Van Ingen,	Mr. Benson,	Mr. Younglove,
Mr. J. Smith,	Mr. Arndt,	Mr. Hedges,	Mr. Brooks,
Mr. Silvester,	Mr. Graham,	Mr. Osborn,	Mr. John Livingston,
Mr. Gansevoort,	Mr. Tillotson,	Mr. Sands,	Mr. Lewis,
Mr. Tearse,	Mr. Powers,	Mr. Low,	Mr. Harison,
Mr. <i>Speaker</i> ,	Mr. Savage,	Mr. Verplanck,	Mr. Winn.

## F O R T H E A F F I R M A T I V E [23].

Mr. Jones,	Mr. Paterson,	Mr. Schoonmaker,	Mr. Clinton,
Mr. Carman,	Mr. D'Witt,	Mr. Cantine,	Mr. Havens,
Mr. Taulman,	Mr. Gilbert,	Mr. Bruyn,	Mr. N. Smith,
Mr. Doughty,	Mr. Strang,	Mr. Bloom,	Mr. Drake,
Mr. Wyckoff,	Mr. Frey,	Mr. Wisner,	Mr. Clark.
Mr. Baker,	Mr. Webster,	Mr. Tompkins,	

That the question being then put, on the motion of Mr. Benson, it was agreed to by the committee; that the committee had agreed to other resolutions on the subject, which they had directed him to report to the House, and that they had made further progress in his Excellency the Governor's speech, and the papers accompanying the same, and had directed him to move for leave to sit again.

*Ordered,* That the said committee have leave to sit again.

The said resolutions of the said committee being read, were agreed to by the House; and thereupon the House entered into the following resolution, viz.<sup>4</sup>

WHEREAS the United States in Congress assembled, did on the 28th day of September last, unanimously resolve, "That the report of the Convention of the States lately assembled in Philadelphia, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention, made and provided in that case." Therefore

*Resolved,* as the sense of the Legislature, that the said report, with the said resolutions, and letter accompanying the same, be submitted to a Convention of Delegates to be chosen by the people of this State—that it be recommended to the people of this State, to choose by ballot, Delegates to meet in Convention for the purpose aforesaid—that the number of Delegates to be elected, be the same as the number of members of Assembly from the respective cities and counties—that all free male citizens of the age of twenty-one years, and upwards, be admitted to vote, and that any person of that description be eligible—that the election be held on the last Tuesday in April next, at the same respective places where the elections for members of Assembly shall be held, and be continued by adjournment from day to day until the same shall be completed, not exceeding five days—that the inspectors who shall inspect the election for members of Assembly, be also inspectors of the election for Delegates—that the inspectors do also appoint two clerks, each of whom shall keep a poll-list of the electors for Delegates—that the inspectors do provide a box to receive the ballots for Delegates—that the poll books or lists shall after due examination and

correction, be signed by the inspectors attending at the closing of the poll, and the clerks who shall have kept the same poll-books respectively, and then the box containing the ballots for Delegates, shall be opened, and the ballots therein contained, taken out, and without being inspected shall, together with the poll-books or lists for Delegates, be immediately put up under cover and enclosed, and the enclosure bound with tape, and sealed in such manner as to prevent its being opened without discovery; and the inspectors present at the closing of the poll, shall then put their seals, and write their names upon the same enclosure, and one of the inspectors then present, to be appointed by a majority of them, shall deliver the same enclosure, so sealed up as aforesaid, to the clerk of County, without delay, who shall carefully preserve and keep the same unbroken and unopened, until the meeting of the persons who are to canvass and estimate the ballots therein contained, when he shall deliver the same enclosure unbroken and unopened to them—that the persons authorised by law to canvass and estimate the votes for members of Assembly, do also immediately after they shall have canvassed and estimated the votes to be taken at the elections to be held on the last Tuesday in April next, for members of Assembly, proceed to open the said enclosures containing the ballots for Delegates, and canvass and estimate the votes taken for Delegates, and when and as soon as they shall be able to determine upon such canvass or estimate, who by the greatest number of votes shall have been chosen for Delegates for the city or county, they shall determine the same, and thereupon without delay, make and subscribe with their own proper names and hand-writing, the requisite number of certificates of such determination, and cause one to be delivered to each of the persons so elected a Delegate, and that the said election and canvass, shall in every other respect not herein provided for, be conducted in like manner as is provided for by law, for holding elections for members of Assembly—that the Delegates so to be chosen, do meet in Convention at the Court-house in Poughkeepsie in the county of Dutchess, on the third Tuesday of June next—that the clerks of the Senate and Assembly, do forthwith after the Convention shall have assembled, deliver to them copies of the said report, and of the letter and resolutions which accompanied the same, to Congress, and of the said resolution of Congress—that the Delegates be allowed the same wages as the members of Assembly, and that it will be proper for the Legislature, at their next meeting, to provide for the payment thereof.

*Ordered,* That Mr. Gordon deliver a copy of the preceding resolution to the Honorable the Senate, and request their concurrence to the same. . . .

1. *Assembly Journal*, 47–49. The resolution calling the state convention was printed independently with minor differences in three New York newspapers—*Daily Advertiser*, 4 February; *Albany Journal*, 4 February; and *Country Journal*, 5 February. The version in the *Daily Advertiser*, 4 February, was reprinted in the *New York Morning Post*, *New York Journal*, and *New York Packet* all on 5 February. On the eve of the elections, the *New York Journal*, 30 April, reprinted the resolution again with this prefatory note: “The following Resolve of the Legislature, respecting ELECTIONS, is republished, by desire, that every one interested might have an Opportunity to refresh his Memory by a second Perusal of its most important Parts.” Outside New York, the *Daily Advertiser* version was reprinted thirteen times by 5 March: Conn. (2), N.J. (2), Pa. (5), Md. (2), Va. (1), S.C. (1). The *Country Journal*, 5 February, version was reprinted in the *Hudson Weekly Gazette*, 7 February. The *Albany Journal*, 4 February, version omitted a section of the resolution and substituted a bracketed statement in italic: “Here follows the directions contained in the election law, relative to the manner of conducting the election.” This version ended with the transmittal of the resolution from the Assembly to the Senate, the Senate’s concurrence, and the Senate’s order to return the concurrent resolution to the Assembly. The resolution was also printed as a broadside along with the Assembly’s minutes of 1 February indicating the Senate’s concurrence and a statement that the text was “An Extract from the Minutes,” attested by Assembly clerk, John McKesson (Evans 45311).

2. According to Egbert Benson, Schoonmaker introduced his amendment with a new recital “supported by Mr. [Samuel] Jones.” See From Egbert Benson, 1 February 1788 (below).

3. According to the Assembly debates reported in the *Daily Advertiser*, 12 February (immediately below) the negative vote on Jones’s amendment totalled twenty-nine votes. James Gordon was reported voting negative in the *Advertiser* but is not recorded as voting in the Assembly proceedings.

4. The proceedings to this point, with minor variations, were printed in the *Country Journal*, 19 February, and the *New York Journal*, 21 February. A concluding paragraph in the *New York Journal* states: “(The purport of this resolve was, that the constitution be submitted to a convention of delegates, to be chosen by ballot; the same number of members, in the same manner, at the same time chosen, and to be allowed the same wages as the members for the house of assembly this year, viz. on the 3d Tuesday of April next; the convention to set at Poughkeepsie, on Monday the 17th June.)” The Boston *American Herald*, 6 March, reprinted the *New York Journal’s* account ending with the roll calls.

## Newspaper Report of Assembly Debates

Thursday, 31 January 1788<sup>1</sup>

Agreeable to the order of the day, the House went into a Committee of the whole on the subject of calling a Convention, &c.

Mr. James Livingston, Chairman.<sup>2</sup>

The letter from the Secretary of Congress covering the New Constitution, and the resolve of Congress, were read.

Mr. Benson, who had on Tuesday mentioned certain propositions which he should bring forward, now produced the same; which was to call a Convention in the precise mode recommended by Congress. He did not know however what number the Convention should consist of,



but supposed, if they were as numerous as the members of Assembly, that it would be sufficient.

Mr. Schoonmaker made a motion to strike out the following recital from Mr. Benson's motion: [Egbert Benson's recital to the resolutions appears at this point] and in the room thereof to insert [Cornelius Schoonmaker's substitute recital appears at this point].

Mr. Benson wished that the reasons might be given why the one recital should take [the] place of the other? There was good reason to support the first, it was according to the resolution of Congress, and in the mode recommended by the Convention. Indeed he supposed the latter must be followed by another set of resolutions. It was impossible to agree that this recital should precede the resolution offered, as it would be a flagrant violation of common sense. One was by no means a consequence of the other. He wished therefore that the resolutions which were intended to follow might make their appearance. The gentleman he was certain never intended that the one should precede the other. It was not proper to bring matters forward by piece-meal; the resolutions ought to be exhibited, that the business might come fairly before the Committee.

Mr. Schoonmaker informed the Committee that he had not prepared any resolutions. It was sufficient reason for bringing it forward, that it appeared to him necessary. It was certainly a proper one, as it was a state of facts. It informed the people that the Convention had altered the Confederation in such a manner, as greatly to affect their rights, and that it would produce a material change in the Government, which could have but two consequences, the one good, and the other bad. These points were necessary for the people to know, that they might determine for themselves. He had no resolution to bring forward; he had only that recital which was to lay before the people a state of facts not to be contradicted. He did not however wish it to be understood, that he would agree to the resolutions which had been brought in.

Gen. Gordon<sup>3</sup> thought the Committee were out of order; it was the usual mode of doing business, that the resolutions should be first agreed to and then the recital.

Mr. Jones believed that the Committee were in order; it was not a Bill that they were to determine on. He differed from the gentleman who had first spoke on this occasion. It appeared to him that the recital which was proposed, was an exceeding proper one; it in the first instance recited the substance of the resolution by which the Delegates to the Convention had been appointed; in the second, it was in the very words of Congress; and in the third, it was a statement of facts,

which though they do not consist of written testimony, were nevertheless true; he asserted that the Constitution recommended by the Convention, would materially affect the rights of the people; and whether for the better or worse, was not now to be determined. The resolution which in his opinion should follow, would be, "That the papers, &c. be submitted to the people." He could see no reason why they should not.

Sir, said he, the gentleman asks, why this mode of submitting it to the people, and the reasons of bringing forward this recital? With his leave, he thought he could not have taken an accurate view of the business. When the Members of the General Convention were elected, they were authorised only to amend the Confederation and make such provisions and alterations therein, as when confirmed by the United States in Congress assembled, and the respective Legislatures, would be more adequate for the preservation of the Union. It was notorious, he said, that Congress did not think they had power to confirm it, nor did they: they had only recommended it to be submitted to the people.<sup>4</sup> And ought we not, said he, with it to inform the people the grounds on which the Convention have proceeded? That they had gone beyond their powers, and instead of amending the Confederation, had framed a new Constitution. But, had it contained nothing but what Congress could have confirmed, it was still the duty of the Legislature to submit it to the people, who are the sovereign of the land; it was they only who could decide upon it; and to them he was willing to refer it, for their adoption or rejection, as they saw fit.

Mr. Benson would certainly agree, that it should be submitted to the public; this was intended by his proposition. But it ought not to go to them in such a way, as to carry any influence with it. As the motion for amendment stood, it would certainly go from the Legislature with a very dangerous influence. He averred that it would be holding up a very odious idea, as it would say that the Convention had gone beyond their authority. All that the Legislature had to do, was to submit the Constitution to the people, without making any question, whether the Convention had exceeded their authority or not. There was no good could arise from a long detail of the Resolutions, &c. But it was throwing an odium on the members of the Convention, to say that they had gone beyond their powers. He conceived the Legislature were to have no other agency in the business, than merely to comply with the recommendations of Congress. Let the people receive it in the same manner as it had come from Congress. If these things were not intended to give an influence to the business, why were they brought forward?

He repeated it again, that the only motive could be to give it an odious impression. This business, he said, had proceeded so far now, that it would avail but little to take this distinction.

Mr. Harrison<sup>5</sup> said he felt himself interested on the present great and important subject. All seemed to be agreed on the grand point, submitting the proposed Constitution to the people; and it should go to them uninfluenced. Let us, said he, examine the propositions now before us. Those brought in by the Hon. Gentleman [Egbert Benson], and which were mentioned by him a few days since, were impartial, and contained no reflections on any men or any measures. It was not necessary to say any thing about the Confederation, whether it had been revised, amended or altered. And the recital of the propositions comported with the resolution and intention of Congress; this was sufficient reason to let it stand, was there no other. To take up the recital proposed as an amendment, these not only called upon the Legislature to set forth the resolution appointing the delegates, but to declare that the Convention had exceeded their powers; the inference from this would be, that the Legislature disapproved of the measures of the Convention. For his part, he thought it would be improper to enter into a discussion of the merits of the Convention. It must be conceded, he said, that the Federal Government which had barely existed for some time past, was not in a variety of instances, equal to national purposes. The Legislature viewing this, recommended a revisal of it. If in the course of revisal, alterations were necessary, every one of these alterations must more or less affect the rights of the people. For if the revisal of the present Confederation did not contain new powers; what good end could be answered by it? But whether the Convention did right or wrong, was immaterial to the Legislature; the only question before the Committee, was, should it be submitted to the people? And if this was agreed to, ought it not to go to them uninfluenced? They, when assembled in Convention, will take up the business in all its stages; they will see whether their General Convention exceeded their powers or not, and being fully informed, will best decide whether they have, or have not acted for the good of the community. It was sufficient for the Legislature to lay it before the people, that Congress had recommended it, and it ought to go from them in the very express terms in which they had received it. He should therefore vote against the amendment.

Mr. Jones declared that he had no intention to throw any odium on the Convention, or the New Constitution. The recital was a simple detail of facts, which no one could deny; he did not see how this was throwing an odium, and the consequence drawn from them, would be

committing this business to the people. By the appointment of the Delegates, they were to amend the Confederation, and make such alterations and provisions therein, as when ratified by Congress and the different Legislatures would render the same adequate to the exigencies and preservation of the Union. Now, said he, Congress did not conceive that they had power to ratify this business, they therefore sent it to the State Legislatures;<sup>6</sup> we having received it, and being without any authority to decide, must submit it to the people; but should not also the circumstances attending it go to the people? He thought it ought to go to them without any influence from the reasoning of any men; and for this purpose every possible information should be communicated. But he did not see how any possible odium could be drawn from it, as the recital contained in the first instance, a simple narration of facts, and that it materially affected the rights and liberties of the people, no man could deny. He should vote for the amendment.

Mr. Benson was persuaded that the amendment was intended to cast an odium either on the Delegates, or the New Constitution. The gentleman last on the floor had declared, that it was brought forward without any intention. On such an interesting occasion as this, he said, the gentleman must excuse him if he did not take his mere declaration. He would not be contented with any man's declarations; he would examine the facts, and the conduct of the gentlemen; and he could not but be persuaded, that the design of the amendment was to throw an odium on the business—could there be any other reason given for it? It was more or less a reflection on a man to send him to do a piece of business, when, on his return, he was told, Sir, you have gone beyond your authority. With respect to the powers of the Convention, it was immaterial to the Assembly; but he would at the same time observe, that he did not admit the assertion to be true. He (said, he well remembered that he was in Congress when the resolution for calling a Convention was passed by that Honorable body; and he knew it was the sentiment of every gentleman present, except one or two who were silent, and whose opinions were unknown, that the Convention would have the power to amend, and to *alter* the Confederation.)<sup>7</sup> But he wished not to go into the merits of this great question now—it was unnecessary. He repeated it again, he said, that he was persuaded there was an intention either to prejudice the mind of the people, or to make the Constitution odious. Congress had not thought it necessary to tell the Legislatures what resolutions, &c. &c. had been previous to this business; they knew that every man of information in the United States was possessed of the facts; and that, independent of this, it would be improper to give any coloring to the business.

Mr. Schoonmaker said, however odious it might appear to the gentleman, the proposition was still before the Committee. He could say, that it was not his intention to throw any odium on the Constitution, or any gentlemen of the Convention. When he drew the amendment, he confined himself, he said, to a recital of facts, which he had submitted to the Committee. He insisted that it was the right of the people to be informed of all the proceedings; many people were not acquainted with the circumstances; they ought to be informed that it affected their privileges, and would materially affect the Constitution of the State. When they had these facts before them, they could judge for themselves.

While Mr. Schoonmaker was still speaking, and declaring the purity of his motives, and asserting that he contended for the liberties of the people, Mr. Benson rose and said, that the purity of the motives, and the intention of the amendment, were very evident from a resolution at the foot of it. (This was a resolution expressing the disapprobation of the Legislature to the New Constitution.) And tho' it was crossed, it was still expressive of the original design.

Mr. Jones rose. He thought it very unfair to infer any thing from what had been scratched out.

Mr. Benson contended that it was perfectly fair. He did not know what was meant by certain characters coming forward, and making declarations that they had no bad designs, when he had in his hand evidence of their original intentions. People, he said, did not suddenly change their minds on a subject of such magnitude, as the one before the Committee. He repeated it that it was perfectly fair, and if he had any other circumstances to bring forward, he should certainly do it; they were at liberty to examine into his motives and into his conduct. Gentlemen had said that they were contending for the rights and liberties of the people; was he not also contending for the rights of the people? When, therefore, persons came forward as the pretended Champions of the People, it was proper to examine into the purity and integrity of their motives. If the business was sent to the people in the plain simple state in which it came from Congress, it would be the most impartial mode, and most productive of public good.

Mr. Jones regretted that the gentleman should make the debate personal. He asked if it was right—if it was reasonable—and whether the Committee would permit it? He could enumerate many particulars; he could tell what passed, and what was the opinions of people; it would lead to a discussion that would have no end. He did not know what was meant by being a Champion; it was true he had seconded the motion; he had done this, because he thought it was right.

Here the gentlemen were going on, when the Committee was called to order.

Mr. Harrison then rose to speak a few words. He thought that the amendment was improper, because it tended to influence the minds of the people. With regard to the first recital, he thought it must appear to the Committee to be a proper one. It comported with the recommendation of Congress, and was plain and simple. Gentlemen had said, that it was necessary to inform the people; but what were they to be informed of? They were acquainted with every circumstance as fully as the Legislature. The presses had been replete with elegant and well written essays, and this subject publicly discussed in every quarter of the Union. Why then should the resolutions be incumbered with long and unnecessary recitals? He hoped, therefore, that the Committee would reject the amendment, as unnecessary and improper.

A division was then called on the amendment.

*Affirmative.* Messrs. Jones, Carman, Taulman, J. Smith, Doughty, Wyckoff, Tearse, Baker, De Witt, Gilbert, Strang, Frey, Webster, Savage, Schoonmaker, J. Cantine, Bruyne, Bloom, Graham, Wisner, Clinton, Tompkins, N. Smith, Drake, Clarke.

*Negative.* Messrs. Winant, Niven, Sylvester, Gansevoort, Patterson, Speaker, Van Ingen, Arent, Gordon, Tillotson, Powers, P. Cantine, Benson, Hedges, Osborn, Sands, Low, Verplank, Sickles, Younglove, Brooks, John Livingston, Lewis, Harrison, Havens, Winn, Van Orden.

Affirmative	25
Negative	<u>27</u>
Majority	2

Mr. Jones then made a motion to amend the first resolution, by adding "for their free investigation, discussion, and decision."

Mr. Benson wished to know the reason for this motion.

Mr. Jones said it was submitted to the people by the resolution, but it did not say for what purpose.

Mr. Benson supposed that whenever any thing was submitted to a man, it was for his free investigation, discussion, and decision; to add these words would be a reflection on Congress; it would appear as if they had sent to the States a vague and undefined resolution, which the Assembly of New-York were obliged to explain and amend. He insisted that it was wrong, and confining the resolutions to the very words of the recommendation of Congress, was the only way in which the New Constitution ought to be submitted to the people. The amendment was of the same import with the one the Committee had rejected, and he trusted that they would reject this one also.

Question was called for.

*Affirmative.*—Messrs. Jones, Carman, Taulman, Doughty, Wyckoff, Baker, Patterson, De Witt, Gilbert, Strang, Fry, Webster, Schoonmaker,

J. Cantine, Bruyne, Bloom, Wisner, Clinton, Tompkins, Havens, N. Smith, Drake, Clarke.

*Negative.*—Messrs. Winant, Niven, J. Smith, Sylvester, Gansevoort, Tearse, Speaker, Van Orden, Van Ingen, Arnet, Gordon, Tillotson, Powers, Savage, P. Cantine, Benson, Hedges, Osborn, Graham, Sands, Low, Verplank, Sickles, Younglove, Brooks, John Livingston, Lewis, Harrison, Winn.

Affirmative	23
Negative	29
Majority	5 [6]

The blanks then were filled up and the resolution agreed to as published in our paper of the 4th instant.

1. The Assembly debates were printed in the *Daily Advertiser*, 12 February, and reprinted in the *New York Morning Post*, 13–14 February; *Albany Gazette*, 21 and 28 February; and *Country Journal*, 26 February. See also note 7 (below).

2. James Livingston (1747–1832) represented Tryon and then Montgomery County in the Assembly from 1784 to 1788, 1789 to 1791. From 1775 to 1781, Livingston was the colonel commanding the First Canadian Regiment of volunteers in the Continental Army. In 1787 he was deputy to the Superintendent of Indian Affairs for the Northern Department.

3. James Gordon (1739–1810), a native of Northern Ireland, emigrated to America in 1758, returned to Northern Ireland in 1773, and the next year again returned to America. A mill owner and a resident of Ballston, he represented Albany County in the state Assembly, 1777–81, 1784, 1786–88, 1789–90, and the Eastern District in the Senate, 1798–1804. Gordon was also a member of the U.S. House of Representatives, 1791–95. During the Revolution, Gordon was a lieutenant colonel in the New York militia. Later he attained the rank of general.

4. For the debate in the Confederation Congress over the transmittal of the Constitution to the states, see RCS:N.Y., 55–57, CC:95 and CDR, 321–53.

5. Richard Harison (1747–1829), a 1767 graduate of King’s College (Columbia), was a wealthy New York City lawyer, who had had loyalist leanings during the Revolution. He served in the state Assembly 1788–89; as U.S. attorney for the District of New York, 1789–1801; and as recorder for New York City, 1798–1801. He voted for ratification of the Constitution in the state Convention in July 1788.

6. See note 4 (above).

7. The text in angle brackets was reprinted in the Charleston *City Gazette*, 7 March, with the word “Confederation” changed to “constitution.” This text was prefaced: “In the course of a debate in the house of assembly of New York, on the question for calling a convention of the people, Mr. Benson replying to an insinuation, that the late convention had exceeded their powers.”

### Senate Proceedings, Friday, 1 February 1788<sup>1</sup>

A message from the Honorable the Assembly, by Mr. Gordon, was received, with the following resolution, for concurrence, viz.

[The Assembly resolution of 31 January was printed at this point.]

The said resolution having been read, and the report of the Convention with the letter and resolutions accompanying the same to Congress, with the resolution of Congress thereon, being also read.

Mr. Duane moved that the Senate should concur with the Honorable the Assembly in their said resolution. Thereupon

Mr. Yates moved that the said resolution be committed to a committee of the whole; debates arose thereon, and the President having put the question, it was carried in the negative, in manner following, viz.

F O R T H E N E G A T I V E [12].

Mr. Townsend,	Mr. Vanderbilt,	Mr. Hoffman,	Mr. Floyd,
Mr. Haring,	Mr. Van Ness,	Mr. Philip Schuyler,	Mr. Morris,
Mr. Peter Schuyler,	Mr. L'Hommedieu,	Mr. Duane,	Mr. Lawrance.

F O R T H E A F F I R M A T I V E [7].

Mr. Yates,	Mr. Humfrey,	Mr. Williams,
Mr. Swartwout,	Mr. Hopkins,	Mr. Parks,
		Mr. Russell.

The said resolution being then read through by paragraphs, Mr. Yates moved that the further consideration thereof be postponed; debates arose, and the President having put the question thereon, it was carried in the negative, in manner following, viz.

F O R T H E N E G A T I V E [10].

Mr. Townsend,	Mr. L'Hommedieu,	Mr. Duane,
Mr. Peter Schuyler,	Mr. Hoffman,	Mr. Floyd,
Mr. Vanderbilt,	Mr. Philip Schuyler,	Mr. Morris,
		Mr. Lawrance.

F O R T H E A F F I R M A T I V E [9].

Mr. Yates,	Mr. Haring,	Mr. Van Ness,
Mr. Swartwout,	Mr. Hopkins,	Mr. Parks,
Mr. Humfrey,	Mr. Williams,	Mr. Russell.

The question being then put on Mr. Duane's motion for concurring with the Honorable the Assembly in their resolution, it was carried in the affirmative, in manner following, viz.

F O R T H E A F F I R M A T I V E [11].

Mr. Townsend,	Mr. Vanderbilt,	Mr. Philip Schuyler,	Mr. Morris,
Mr. Haring,	Mr. L'Hommedieu,	Mr. Duane,	Mr. Lawrance.
Mr. Peter Schuyler,	Mr. Hoffman,	Mr. Floyd,	

F O R T H E N E G A T I V E [8].

Mr. Yates,	Mr. Humfrey,	Mr. Williams,	Mr. Parks,
Mr. Swartwout,	Mr. Hopkins,	Mr. Van Ness,	Mr. Russell.



Thereupon *Resolved*, That the Senate do concur with the Honorable the Assembly, in their preceding resolution.

*Ordered*, That Mr. Duane deliver a copy of the preceding concurrent resolution, to the Honorable the Assembly.

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

1. *Senate Journal*, 20–21.

### **Newspaper Report of Senate Debates**

**Friday, 1 February 1788<sup>1</sup>**

This day the SENATE took into consideration the RESOLUTION of the HOUSE of ASSEMBLY for calling a CONVENTION—after it was read,

Mr. Yates moved to have it committed.

This motion was opposed by Mr. Duane, who alledged that it was not the usual mode of treating resolutions of the Assembly: he asked for what purpose it should be committed: no amendments could be made; they must either be agreed to, or rejected; and it would be proper to do this in the House.

Mr. Williams did not see why the House should not go into a Committee on this business.

Mr. Yates thought that it should be committed; indeed it was part of the business already committed with the Governor's Speech. His intention was to deliberate on it freely; and to send it to the people in a proper manner.

Mr. Duane replied that the resolutions should be considered as a proposition coming before the Senate unconnected with the Governor's Speech. When it was decided on, if rejected, the gentleman could bring forward such propositions as he thought proper.

Mr. Yates said as it was a matter of great consequence, and ought to be well considered; he hoped it would be committed.

Mr. Lawrence<sup>2</sup> saw no reason for committing these resolutions, they were not sent to the Senate for amendment; they must either be agreed to or rejected: for what purpose then should it be committed? Was the House competent to judge of the resolution? he could say he was; and he believed every member present was. Why then should it be delayed by being committed? What was the object of it? Were any propositions intended to be brought forward, it could as well be done in the House, as in the committee. It was not the business of the House to enter into the merits of the Constitution; it was foreign to their duty. No one was opposed to calling a Convention; and the Legislature should send this business to the people uninfluenced.

Mr. Williams was not tenacious about committing it. His object was to give it a due consideration, as being a matter of the greatest importance that ever came before the Senate. He would agree that the proposed Constitution should be submitted to the people; they were to determine whether it should be adopted or not; and as the Legislature had only to say in what manner it should go to them, it might be necessary to take time to consider of the proper mode; therefore he wished it might be postponed for a day or two: it was a matter of too great moment to be buried.<sup>3</sup>

Mr. Yates thought it would be proper to read all the resolutions on which the Convention had been founded; and to examine whether the powers given the Convention, were adequate to the framing this Constitution.

Mr. Duane, from his acquaintance with the rules and customs of the House, declared, that the motion for commitment was unprecedented; while he had had the honor of a seat in that body, he had never known an instance of a resolution of the Assembly being committed. Was it necessary to do so? He imagined that every man's mind was made up on this great question; the papers had been long enough before the Legislature. Sir, said he, is there any difficulty with respect to the decision? Is there a man among us so hardy as to say that the people shall not have an opportunity of judging for themselves? In such case, would not the Legislature exhibit a high stretch of arbitrary power? And instead of being the guardians, they would be the tyrants of the people. The Senate are not to judge of the merits of the Constitution; the business they have to decide on, is simply a resolution, describing the mode in which it must go to the people. Congress, sensible that it should go uninfluenced to the people, had sent it to the different State Legislatures, and it was the duty of our Legislature to send it in the same language to the people. This was the proposition before the House, and it required that respect should be paid to it. If, said he, the gentleman chuses to take up the subject in its greatest latitude, we are ready to meet any of his objections; and to shew that the conduct of the Convention was prudent and proper. It had been said that there was no necessity for hurrying this business; he did not wish to precipitate it; it was not his temper. He asked if there was a man of any information on the Continent, who did not know all the facts in the possession of the Legislature? They were not to be surprised by any thing the Legislature could do. Would any man say that it should not go to the people? And sending it to them, should it not be in a plain, simple way? And was not the proposition as plain and as simple as that 2 and 2 make 4? He said inconveniencies might arise from delay; but

still, if any good and substantial reasons could be urged for it, he would have no objections. Was it to be supposed that ever since the reading of the Governor's Speech, and the papers that accompanied it, when gentlemen knew what would come before the House, that they had not had an opportunity to make up their minds? Men who had waited till this time, must have extraordinary patience indeed. Sir, said he, what will be the alternative if we refuse to send this Constitution to the people? We then decide on the merits of it ourselves; and who ever gave us this power?—With respect to committing it, if there were any objections to be made, or any new propositions to be brought forward, it could as well be done in the House as in the committee.

Mr. Williams said, as this resolution was only handed to the Senate this morning, he thought postponing it for a short time could not be unreasonable; with respect to committing it he was not tenacious.

General Schuyler said he should have no objections to postpone, only that an Honorable Member was under the necessity of leaving the House to-morrow.

Mr. Williams regretted that he should be compelled to give his vote, because an Honorable Member was under the necessity of leaving the House.

Mr. Hopkins<sup>4</sup> confessed that the resolution was not according to his opinion. One of his objections was against having the election for delegates on the same day, as the election of Representatives; he did not see why it should be drove through the House; could it not be postponed till the Honorable gentleman's return?

Gen. Schuyler did not see in what manner it was drove; every man he believed had made up his mind, and was now as ready to decide as he would be at a future time.

Mr. Williams would only contend for the mode; he agreed that it ought to go to the people.

Mr. Hopkins mentioned another objection to the resolution, it gave liberty to every male inhabitant to vote for delegates; this was a point that required time for consideration.

Mr. Lawrence wished that one question might be disposed of, before another was proposed. One wanted to commit it; another to postpone it, and a third had objections to the resolution. The business ought to go regularly forward.

Mr. Duane was extremely hurt, that this resolution should occasion so much debate, and meet with such opposition: He confessed that he felt himself much interested; he conceived that his countrymen were entitled to the privilege of judging for themselves on this important occasion; to them it should be committed; let them dispose of it as they

pleased. It appeared very strange to him, that on the reading of this resolution, a motion should be immediately made for committing it, without any good reason being shewn why the customary rules of the House should be broken. He asked, if it was not proper to go into the consideration of the resolution by paragraphs? The Honorable gentlemen opposed to it, might then state this objection, and he had no doubt but that they could be fully answered. If gentlemen after spending this day on the subject, were dissatisfied, it would then be the proper time to make a motion for postponing it.

Mr. Yates said he had no objections to letting it go to the people, but he wished it to go to them properly, he wanted a little [time] to consider about it, as he had mentioned before he wished the business to be properly stated; the people should know the delegates went beyond their powers, and it would be right to give a comparison of their proceedings with the powers under which they acted. The people should be told that they have not amended, but made a new system. He did not think it was necessary for the Gentleman to work himself into a passion, and make a noise about tyrants, &c. Should we not, said he, go into a Committee and read all the papers, on which this business is founded: and if we find them faulty, ought we not to say so to our constituents; this is my opinion. It may be that gentlemen have made up their minds. Sir, there is not a step towards this business that I ever agreed to; nor is there a sentence in it that I ever will agree to. Sir, said he, I would be for rejecting it altogether; and I would consider it as a piece of blank paper, only that the other States have let it go to the people; he would therefore consent that it should go to them as a mere matter of expediency.

Mr. Duane, was very unhappy that his stile and manner of expression, should draw on him the censure of so able a judge and master of eloquence, as that learned gentleman; for the future, he should pattern after him. But he would confess that he felt interested. What was it that was proposed by committing or delaying it? Was it to throw any light on the subject? What mighty discovery could the Senate make? He had a great respect for the House, but he did not suppose, that all the wisdom of the State was collected there; and if a fair part was to be acted, it ought to go to the people, uninfluenced. It was they who should decide whether the Convention had exceeded their powers or not. Let whatever decision on its merits take place here, the people will not abide by it. He was ready to maintain and to prove, that the Convention had not exceeded their powers. But, Sir, said he, this is not a question to be decided here; every man has a right to judge for himself; people out of doors are as well informed as we are; they are not hood-

winked; do they want us to open their eyes by the miracle of our wisdom? This subject has been canvassed with diligence, by all ranks of Americans; the papers have abounded with the most clear and important discussions; and there is no resolution, no new thing that the Senate can hand them. Taking up the objections of the Honorable gentleman, would take up time, and produce a discussion of the merits of the Constitution. But for this point he was prepared, and flattered himself, that he could give satisfactory and proper answers to any objections the Honorable Member could make.

Gen. Floyd<sup>5</sup> thought that the question for committing the resolution should be determined.

A division was then taken on the motion of Mr. Yates:

*For committing.* Mr. Yates, Mr. Swartwout, Mr. Humphrey, Mr. Hopkins, Mr. Williams, Mr. Parks, Mr. Russel [7].

*Against it.* Mr. Townsend, Mr. Haring, Mr. Peter Schuyler, Mr. Vanderbilt, Mr. Van Ness, Mr. L'Hommedieu, Mr. Hoffman, Mr. Philip Schuyler, Mr. Duane, Mr. Floyd, Mr. Morris, Mr. Lawrence [12].

Mr. Williams then made a motion for postponing the question on the Resolution, but that it should be gone through by paragraphs without any question.

Mr. Haring observed that whenever a matter of importance came before the Senate it was not unusual to postpone it; with respect to himself he declared he was not prepared to vote. It would be immaterial whether it was decided that day or three days afterwards.

Mr. Yates moved for a postponement.

Mr. L'Hommedieu<sup>6</sup> thought if there were any objections to the Resolutions, they ought to be made known in the first stage of the business. To what purpose would it be to postpone the Resolution, unless the objections were first known?

Mr. Williams wished the motion for postponement might be waved, till the Resolution had been gone through.

Mr. Duane said, that gentlemen gave as a reason for postponing, that they had not made up their minds. If there was any information they wanted, the only way was to go into the consideration of the Resolutions by paragraphs, and to hear what could be advanced in support of them.

Mr. Williams thought it would be right to go into the consideration, that the House might have an opportunity of hearing the remarks of the Hon. Member who was going away.

Mr. Yates did not think that so much could have been said in this stage of the Resolution: he only wanted time to consider of it; he would agree to postpone the matter till the Hon. gentleman could return

again. It seems, says he, by the Resolution, that the election is to be on the same day as the general election. Will not this create confusion?

Mr. L'Hommedieu said it would be proper to consider this objection, when this Resolution was properly taken up.

Mr. Morris thought it strange that a gentleman should want to postpone it who had declared his mind made up on the subject. For what does he want time? If he has any new propositions to make, why are they not now brought forward?

Mr. Yates replied, that he only wanted the Constitution to go properly to the people.

Mr. Lawrence could see no reason for postponing this business without an examination; would it not be better to hear what could be said? Certainly much information might be acquired from a discussion. He supposed that the gentleman who was for postponing it, as he had said he was willing to wait some time, no doubt would willingly postpone it for ever. He believed there was no gentleman present who wanted to precipitate the business. If, after going into the consideration of the resolutions, and examining them fairly, any Member should say that he could not conscientiously vote, he should have no objection to give him further time. Therefore he thought the House had better consider it by paragraphs.

Mr. Humphrey<sup>7</sup> said, it was proposed to go into the Resolutions by paragraphs; if this was done, they must either be agreed to or rejected. There was no amendments to be made. There must another Resolution then originate. Perhaps if time was taken, reasons might be given why it should be agreed to, and he might not vote against it. He was not prepared to vote.

Mr. Duane said it was true that the Resolutions could not be amended; and that they must either be agreed to or rejected; but it could be taken up by sentences, and if any gentleman had objections, they might be answered.

Mr. Hopkins wished to have all the Resolutions read before this was taken up.

General Schuyler thought the House had better debate it, and then the question for postponing might be put.

It was then agreed to go through the Resolutions before this question was put.

The Resolutions, &c. appointing Delegates to the General Convention were then read.

Mr. Yates said that this Resolution appointed the Convention for the sole and express purpose of revising the Confederation. He had a book at home which contained some resolutions, he should fetch it with him

the next time he came to the Senate. Our constituents, said he, ought to know this, that they may have all the information necessary for their decision. With respect to the new scheme, he would consider it as a blank, and send it out not as a matter of right, but as an expedient. If those who were authorised to do one thing, and then did a contrary one, the latter was no way binding.

Gen. Schuyler said the gentleman's observations contained no information; every one knew the Resolutions on which the Convention had been called. They had been published in all the papers on the continent.

Mr. Duane wished the gentleman would bring forward all the information he had, and make all his objections. He flattered himself he could remove them. He had no objection to go on as broad a scale as he pleased.

Mr. Yates looked upon a discussion of the Constitution untimely after the Resolution was gone through; he should move to have it postponed.

Mr. Duane wished the gentleman to remember, that he had time now to bring forward his books, &c. that no excuse might afterwards be made for delaying it.

Mr. Yates said he was obliged to the gentleman; he was very good.

Mr. Duane hoped always to be good to him.

The House proceeded in the Resolutions; on coming to that part where all free males above 21 years are admitted to vote.

Mr. Williams asked for information, whether any citizen of a neighbouring State who should be 24 hours in this State, would not be entitled to a vote?

Mr. Lawrence thought that part of the Resolution was proper, as the Constitution proposed would affect all the free citizens of the State; the Legislature should not therefore deprive any man from a Representation. Under the Constitution of the State he believed a six months residence entitled a man to citizenship. Now to adhere strictly to this, might deprive a number of persons from being represented on a matter of the utmost importance to them. A man may have very lately come into the State; and should he not have a right of electing in a case so important? It ought to be extended on the broadest basis. It would be impossible to enumerate the inconveniencies that might arise, if this was to be defined. People who are passing through the State will not be considered as persons entitled to vote. But a man, being a citizen of another State, and just coming into this, as his place of future residence; it would be a hard case to deprive him of his vote. No objection to this could arise, if we went on a broad basis.

Mr. Williams did not wish it to be understood, that he would deprive any man of his right of voting.

Mr. Duane said, it was well understood what was meant by a citizen. He must by some means be attached to the State. No man coming from one State to another, would be immediately considered as a citizen, nor entitled to a vote. No difficulties, therefore, could arise on this head.

Mr. Williams said, the Constitution of the State declared who were to be considered citizens in voting for Members of the Legislature; in the present case, he thought it was a matter that ought to be explained; however, he was easily satisfied. He only wished the business to go to the people with all the necessary information.

Mr. L'Hommedieu remarked, that the intention of the resolutions before the House was, that it should go uninfluenced to the people; and all the information necessary for them would go with it.

Mr. Williams said, a person of influence on the borders of the State might hire 100 men to come into the State to work for him; could they not give him 100 votes?

Mr. Duane asked if there must not be some evidence of citizenship? The Inspectors could not take any man's vote without some knowledge of him. He must be a person under such circumstances, as will appear to them an evidence of citizenship. A person who comes from another State to stay in this State will be such. He thought it had better be left to the Inspectors, than for the Legislature, on an occasion like this, to interfere.

Mr. Williams was not tenacious about it. There would be danger of a thing of this kind in that part of the country he came from.

With respect to the day of election, Mr. Williams then objected; as being inconvenient, and likely to produce confusion.

Mr. L'Hommedieu thought it would be the best time that could be proposed; as the people would be together on that day, whereby the time, trouble and expence of a second meeting might be saved.

Mr. Williams agreed, if it could be done on the same day, that it would save expence; but would it not create confusion?

Mr. Duane said, it seemed to be an occasion that required a full meeting of the Electors; and there were pretty good reasons, he believed, why they ought both to be on the same day, as every gentleman, on reflection, would make this observation—that, in all probability, if one election was well attended, the people, being wearied with the first, would be inattentive to the second;—but if the resolution had specified different days, he would not move to have them both on one, though he believed it would give more ease to the people.

Mr. Hopkins said, that having the two elections on the same day, the Inspectors were liable to blunders, and to run into confusion.

Gen. Schuyler said, there would not be more business at this election, than when there was an election for Senators and Assembly. He be-



lieved there was no danger, but that the Inspectors would take proper care.

The resolutions having been gone thro',

Gen. Morris moved, That the Senate concur with the Assembly.

Mr. Yates moved to postpone it.

Mr. Duane said, there had been only a few objections made by one Hon. Member, and he seemed satisfied; he would therefore hope for a decision.

Mr. Williams said, if there were no amendments proposed, he could not see any reason why the House should not proceed to decide; for his part, he confessed that his objections had been fairly answered.

Mr. Yates said, he wanted a little time to consider. He had been heretofore that he could not immediately make any objections. His wish was, that it should be prefaced with the resolutions on which the Convention had been founded; that then it should be resolved, to recommend to the people, that if the new scheme was adopted, that then they should alter the Constitution of this State, &c. that his constituents may know how this matter has been carried on, and to apprize them of its consequences.

Gen. Schuyler asked, if the gentleman moved that as an amendment? If he did, he must first get rid of the resolution before the House.

Mr. Humphrey seconded the motion for postponing, because he thought a clear and open state of facts ought to be laid before the people, that they might be able to judge of the matter. The country were ignorant of these matters; the more explicit it went out, the better people would be able to determine. He wished time to be given for other resolutions to be prepared, which, if not agreed to, he supposed it would be proper to adopt those now before the House.

Gen. Schuyler said this reasoning did not apply to the motion just made, because if it was necessary, that certain resolutions should be prepared, the resolution before the House, must first be decided on: If it was rejected, the gentleman could then have an opportunity of bringing forward whatever he pleased.

Mr. Humphrey hinted, that if the decision was postponed till it could be seen whether a better resolution could not be framed, perhaps a number of the House might not vote against the resolution now before them.

Mr. Duane thought it his duty to answer every gentleman's objections. He wanted a preamble to it, but this could not be done. No amendments could be made; the Senate must either agree to, or reject it: And he called on the gentleman to bring forward the resolutions he wished.

Mr. Humphrey was not prepared for another resolution at present. He was willing that this matter should go to the people, but he was for giving them a state of facts. He did not wish it to appear, as if the Legislature had sanctioned it.

Mr. Duane said, that the gentleman did not differ with him in the grand point, that was to call a Convention, and now was the time to discuss the mode. Let the gentlemen suggest their reasons, why this, or any other preamble ought to be introduced; there was time enough for deliberation. If he understood the gentleman right, he wanted certain resolutions to be recited; now what information could this give to the people? Have not these resolutions been publicly discussed in all the papers of America? Are they not known to every man? He supposed the resolutions of the Assembly must be concurred to, unless some plausible reasons were shewn for postponing them. He believed that the majority of the House would agree, that this new Constitution, as it is called, ought to go to the people uninfluenced: And the gentlemen in the opposition ought to shew, that those resolutions would not send it out in that way. With respect to giving information on the subject, he did not conceive that it was in the power of the Senate; and yet this was a pretence for postponing. He believed it would tend more to the harmony of the House, if the resolution was agreed to as it stood. It could not be said to have been hurried, if the Senate passed it in one day; the Assembly had done so: And he had seen the Senate determine on many important resolutions in half an hour. If any gentleman had good reasons to offer, he would be glad to hear them.

Mr. Yates wished for the question for postponement; there was no necessity for going hastily into the business; the gentleman, he said, mentioned that resolutions had been passed in half an hour, but that was not sufficient reason for him to recommend the New Constitution.

Mr. Duane did not make such an expression, as a recommendation; what he had said, was to leave it to their Constituents; and as to hurrying, it was now early in the day (about 1 o'clock), the gentlemen might make all their objections, he was willing to wait six or eight hours to hear them.

Mr. Yates said, that that was held out to the people, and they not knowing much about it, might easily be deceived.

Mr. Duane regretted that he had to trouble the House so often. If giving the people leave to judge for themselves, was influencing them, it was strange doctrine indeed: He insisted that it was not recommending it; it was only putting it in their power to do as they pleased with it. And it appeared to him to be the duty of the Legislature to give them that opportunity. He asked, what was our situation at the present

time? Is it not deplorable, must not something be done? And he said, it had always been an opinion urged by that very gentleman, that the States ought to be united. This was intended by the New Constitution; and he was bold to say, that the Legislature had no right to hold it from the people. He wished the gentleman to state his objections; he should be ready to answer him.

Mr. Yates said it was a dangerous thing to go out, as if done by authority; he would send it to the people as a matter of expediency.

Mr. Williams agreed, that it should be postponed, and he would suggest an idea, whether the Convention to be called, should not have power delegated to them, to propose amendments; it was not known, as the matter stood at present, that nine States would agree to the new system. The present system, it was agreed on all hands, required something to be done; he therefore would be for giving further powers to the Convention.

Mr. Lawrence said it had been moved by one to postpone the business, that he might bring forward new resolutions and a new preamble; that the people might be able to judge if the Convention had exceeded their powers or not. Another wishes it to be postponed, because they are not to be invested with the power of making amendments. It appeared to him, that the reasons for postponing were insufficient. With respect to the first objection, that the people were not informed; on examination, it would be found, that all the history of the business, from first to last, has been for some time before them, and very freely and ably discussed. The Convention have sent this Constitution to Congress, Congress have sent it to the Legislature, and the Legislature must send it to the people, who will have all the facts before them that are necessary. If they think it necessary to go into a discussion, whether the Convention exceeded their powers or not; may they not do so? The Convention of the people will have this matter properly before them for discussion, and nothing that the Senate can say, will cast any real light on the business. (Mr. Yates then asked Mr. Lawrence to shew him the word *discussion*, in the resolution). He replied, that he had not said that it was in the resolution, but it was implied; as it was sent to them for their decision and determination, they certainly would discuss it. Why should we postpone it, said he, there has been no good reason given for it. It would be wrong for the Legislature to say one word about it. He should vote against postponing it.

Mr. Williams said that there were many people in the State ignorant of the Resolutions that he wanted to prefer to these now before the House. Many people in the State were too poor to take the newspapers, and too remote from the common opportunities of information. It

would therefore be best to postpone taking the question for concurrence.

On the question for postponing,

*For the Affirmative.*—Mr. Yates, Mr. Swartwout, Mr. Humphrey, Mr. Haring, Mr. Hopkins, Mr. Williams, Mr. Parks, Mr. Russell, Mr. Van Ness.

*For the Negative.*—Mr. Peter Schuyler, Mr. Vanderbilt, Mr. L’Hommedieu, Mr. Hoffman, Mr. Philip Schuyler, Mr. Duane, Mr. Floyd, Mr. Morris, Mr. Lawrence, Mr. Townsend.

Affirmative	9
Negative	10
Majority	<u>1</u>

On the question for concurring:

*For the Affirmative.* Mr. Townsend, Mr. Haring, Mr. Peter Schuyler, Mr. Vanderbilt, Mr. L’Hommedieu, Mr. Hoffman, Mr. Philip Schuyler, Mr. Duane, Mr. Floyd, Mr. Morris, Mr. Lawrence.

*For the Negative.* Mr. Yates, Mr. Swartwout, Mr. Humphrey, Mr. Hopkins, Mr. Williams, Mr. Van Ness, Mr. Parks, Mr. Russell.

Affirmative	11
Negative	8
Majority	<u>3</u>

1. The Senate debates were printed in the *Daily Advertiser*, 8 February, and reprinted in the *New York Morning Post*, 9, 11 February; *New York Journal*, 9, 12, 13 February; *Country Journal*, 12, 19 February; *Pennsylvania Packet*, 13 February; *Federal Herald*, 15 February (supplement), 25 February; and *Albany Journal*, 18, 23 February. The *Advertiser* on 4 February reported only the vote of the Senate concurring with the Assembly’s resolution followed by a paragraph stating: “On this important occasion, we attended in the Bar of the Senate Room, and collected the arguments of the gentlemen who spoke on both sides of the question:—As soon as they can be transcribed, they will be published, for the information and satisfaction of our readers.”

2. John Laurance (1750–1810), a native of England and a New York City lawyer, was judge advocate general in the Continental Army, 1777–82. He was a delegate to Congress, 1785–87; a state senator from the Southern District, 1788–89; a member of the U.S. House of Representatives, 1789–93; a judge of the U.S. District Court for New York, 1794–96; and a U.S. Senator, 1796–1800.

3. For Williams’ opinion that the Constitution should be submitted to the people (i.e., to a convention) “without either recommending or disapprobation,” see From John Williams, 29 January (I above).

4. David Hopkins (d. 1813) of Washington County came to New York from Rhode Island in 1772. He was clerk of the Black Creek District in 1784–85. He served in the state Assembly in 1778–85, 1792–93, 1795–96, 1798–99, 1800–1801; and in the state Senate for the Eastern District in 1786–89, 1809–12. He served on the Council of Appointment in 1786–87, 1788–89. He voted against ratification of the Constitution in the state Convention in July 1788.

5. William Floyd (1734–1821), a large landholder in Suffolk County and a militia major general, was a delegate to Congress, 1774–77, 1778–83 (signer of Declaration of Independence); a state senator for the Southern District, 1777–88; a member of the Council of Appointment, 1787–88; a member of the U.S. House of Representatives, 1789–91; and a presidential Elector, 1792, 1800, 1804.

6. Ezra L’Hommedieu (1734–1811), a Yale graduate (1754) and a Southold lawyer, represented Suffolk County in all four Provincial congresses, 1775–77. He was a member of the state Assembly, 1777–83; a delegate to Congress, 1779–83, 1788; a state senator for the Southern District, 1784–92, 1794–1809; a member of the Council of Appointment, 1784, 1798; and clerk of Suffolk County, 1784–1810, 1811–12.

7. Cornelius Humphrey (1735–1812), a judge of the Court of Common Pleas for Dutchess County, was a colonel in the militia during the Revolution. He represented Dutchess County in the Second and Third Provincial congresses, 1775–76, and in the state Assembly, 1781–85. He was a state senator from the Middle District, 1787–89.

### Assembly Proceedings, Friday, 1 February 1788<sup>1</sup>

A copy of a resolution of the Honorable the Senate, delivered by Mr. Duane was read, purporting that the Senate do concur with this House, in their resolution of yesterday, relative to a Convention to be chosen within this State by the people thereof, for the purposes in the said resolution mentioned.

Then the House adjourned until 10 of the clock to-morrow morning.

1. *Assembly Journal*, 50. The Senate’s concurrence was reported in the *Daily Advertiser* on 9 February (Mfm:N.Y.), and was reprinted in the *New York Journal*, 13 February, and the *New York Morning Post*, 15 February.

### From Egbert Benson

#### Poughkeepsie, 1 February 1788<sup>1</sup>

I am exceedingly obliged to You for Your Communication—Yesterday the Assembly here agreed to a Resolution for a Convention, to meet at this place on the 3d. Tuesday in June next—I introduced the Resolution, which was prefaced with reciting the Resolution of Congress of 28th. Sepr.—As an Amendt. to this, Mr. Schoonmaker, supported by Mr. Jones proposed a Recital stating that the Convention had exceeded their Powers by proposing a *new* instead of *amending* the old Form—The Amendment was negated by 27 against 25—Jones then proposed to add the Words “for their free Discussion Investigation and Decision” at the Close of the Resolution for submitting it to the People—The Design of this Amendment was to introduce the Idea of *Amendment* as to the new Constitution—On the Question whether Jones’s Proposition should be adopted 29 against, 23 for—The Resolution is to be sent to the Senate for Concurrence where I have no doubt it will succeed, but also by a *very* small Majority—From these Circumstances You may easily

form a Judgment of the State of Politics here—It was intended by some of the [Folks?] in Opposition to have attempted a Resolution for *disapproving* the new Constitution, and therefore not to submit it to the People—I beleive if the whole of the Party had had Nerves they would have made the Attempt, but some of the most prudent found *it would not do*—If the Senate agree to the Resolution, then *great* Politics will cease in the Legislature for the Remainder of the Session and we shall be occupied in passing *wholesome* Laws only for the good Government of the State—

1. RC, J. S. H. Fogg Autograph Collection, Maine Historical Society.

### Assembly Proceedings, Saturday, 2 February 1788<sup>1</sup>

*Ordered*, That the Clerk of this House procure to be printed, five hundred copies of the resolution of this House of the thirty first ultimo, and of the resolution of concurrence of the Honorable the Senate, relative to a Convention, and cause the same to be distributed in the several counties of this State.

Then the House adjourned until Monday next, at eleven of the clock in the forenoon.

1. *Assembly Journal*, 52. The *New York Journal*, 13 February, reported that 500 copies of the resolutions were ordered “printed, and distributed in the different towns of the state.” For the printed resolution, see Evans 45311.

### Samuel Jones, Jr., to Samuel Jones New York, 6 February 1788<sup>1</sup>

Dear Father,

Tho’ I have but a few moments to appropriate to writing, I cannot let the opportunity slip, without acquainting you with the welfare of Mama and the whole family, and expressing a cincere wish, that this may find [you] in the sam situation.—

No news from Poughkipsie! We neither hear from *you*, nor the papers of late.—True, there is a report that the legislature has called a convention; but we have few or none of the minutes.—It is repor[t]ed too that Mr. Benson, and yourself have had a Quarrel;<sup>2</sup> of the truth of this, I wish to be informed by the next.—

1. RC, Mss. Boxes, Jones Boxes, NHi. Samuel Jones, Jr. (1770–1853) entered Columbia College in 1786. After ill health forced him to leave Columbia, he graduated from Yale in 1790 and then studied law with his father.

2. For the disagreement between Jones and Egbert Benson, see *Pennsylvania Herald*, 9 February (below) and “Newspaper Report of Assembly Debates,” 31 January (above). See also a criticism of Jones by “Fabius,” in the *Albany Journal*, 11 February (Mfm:N.Y.).

**James Madison to George Washington**  
**New York, 8 February 1788 (excerpt)<sup>1</sup>**

. . . The Resolutions of New York for calling a Convention appear by the paper to have passed by a majority of two only in the House of Assembly.<sup>2</sup> I am told this proceeded in some degree from an injudicious form in which the business was conducted; and which threw some of the foederalists into the opposition. . . .

1. RC, Washington Papers, DLC. Printed CC:512.

2. On 4 February the *New York Journal* reported that a resolution calling a state convention had been passed by “a majority of TWO” in the Assembly (Mfm:N.Y.).

**Pennsylvania Herald, 9 February 1788 (excerpt)<sup>1</sup>**

A letter from New York, dated February 7, says, “This state has agreed to call a convention to meet at Poughkeepsie on Tuesday the 17th of June next; a very formidable opposition both in the senate and assembly—a majority of three in the senate, and two only in the assembly—tight work you will say—The honourable mr. Benson and mr. Harison spoke in the assembly, in favour of the new constitution—Samuel Jones, and some others, of the same body, against it—Mr. Benson as being very intimate with the governor, and, in fact, one of his family during the war, was supposed by well wishers to the constitution, to be against it—But this gentleman, with all the powers of eloquence, assisted by good sense and virtue, boldly came forward and declared himself in its favour; and run mr. jones so hard, that he called on the house (it is said) to protect him from personality—By this gentleman’s declaring himself in favour of the proposed system, the federal party up the country gain ground every day; he is a man of great influence in the upper part of this state—It is not in my power at present to give you the names of the members of assembly who voted for and against it.

“Mr. Duane and general Schuyler in the Senate exerted themselves in favour of the constitution; and upon taking the names, the votes stand thus—(see fourth page.) . . .”

1. *The Pennsylvania Packet*, also on 9 February, printed an extract of a letter from New York dated 6 February. The *Packet’s* version appears to have been taken from the same source as the *Herald*, but the *Packet’s* version contains several errors and omits a few phrases. The February issue of the Philadelphia *Columbian Magazine* reprinted the first two sentences of the *Packet’s* extract.

**Pennsylvania Gazette, 13 February 1788<sup>1</sup>**

What shall we say, observes a correspondent, to the conduct of the Minority in the Assembly and Senate of New-York, who, after having four

months to reflect upon the proposed constitution, yet desired to defer the submission of that important matter to the people. It is bold conduct, thus early after a struggle for liberty, for their new rulers to attempt to restrain the people from determining upon their own affairs.

1. Reprinted: *New York Morning Post*, 16 February; *Massachusetts Gazette*, 29 February.

**Joseph Barrell to Samuel Blachley Webb  
Boston, 20 February 1788 (excerpt)<sup>1</sup>**

. . . I hope by next week we shall hear that New Hamp. has adopted the Constitution and if we live long enough we shall hear New York has done so too. but the distant day they have appointed for the Convention shews they are not hearty: & I hate those that do a good thing with a bad grace—if the Devil had all Selfish men, I'm sure there would not be so [many] opposers to this Constitution. . . .

1. RC, Barrell Papers, Yale University.

**Providence United States Chronicle, 21 February 1788**

A late Letter from New-York says, “Our Assembly have *at last* agreed to call a Convention—The Circumstances attending this Affair are curious: The House of Representatives passed a Resolve for calling a Convention, and sent it up to the Senate—but there, by the Intrigue of two of the anti-federal Junto, the Vote was non-concurred.—Upon this a Committee was appointed to wait on the Senate, to inform them—that if *they* did not concur, the House of Representatives were determined to call a Convention by their own Vote. This resolute Conduct startled the Faction, and the Vote of Non-concurrence was re-considered—and a new One taken, by which they agreed to the Calling of a Convention—Yeas 11, Nays 8. The Delegates are to be chosen the third Tuesday in April, and they are to meet at Poughkeepsie on the 17th of June.”



**III.**  
**THE DEBATE OVER THE**  
**CONSTITUTION IN NEW YORK**  
**1 February–26 July 1788**

**Introduction**

*Newspapers*

By 1 February 1788, when the New York legislature adopted a resolution to call a state convention to consider the Constitution, five states had ratified the Constitution and every state except Rhode Island had called a state convention. The Massachusetts Convention was still in session and it narrowly ratified the Constitution on 6 February. The New Hampshire Convention met from 13 to 22 February, and, without taking a vote on the Constitution, it adjourned to a second session to meet on 18 June. Maryland's convention was scheduled to meet on 21 April, South Carolina's on 12 May, Virginia's on 2 June, New York's on 17 June, and North Carolina's on 21 July.

Between the Constitutional Convention's adjournment on 17 September 1787 and the New York Convention's ratification of the Constitution on 26 July 1788, the nature of the ratification debate in New York's newspapers—the most important sources of information and opinion—went through three phases.

(1) From mid-September 1787 to the end of January 1788, newspapers were inundated with essays that praised or criticized the Constitution in general terms and that discussed the politics of the ratification of the Constitution. These essays originated in New York or were reprinted from out-of-state newspapers. (For a discussion of this phase, see RCS:N.Y., 3–7.)

(2) During the thirteen weeks from 1 February through 3 May 1788, the close of the election for state Convention delegates, a substantial decline occurred in the number of original essays on the Constitution and the politics of ratification written in New York City, both Federalist and Antifederalist, with the notable exception of the thirty essays of the ongoing series of *The Federalist* signed by "Publius." In these same weeks, New York City's five newspapers (three dailies and two semi-weeklies) and a monthly magazine published only five other original Federalist essays, while the productivity of upstate newspapers increased—Albany's three newspapers published ten original Federalist

essays, Poughkeepsie's sole newspaper printed six, and Hudson's lone newspaper printed one. The output of the Albany newspapers was especially significant because more than half of the issues of those newspapers for the thirteen weeks are not extant. In New York City only twelve original Antifederalist essays were published (all by the *New York Journal*), while Albany's newspapers printed four such essays.

New York newspapers continued to reprint numerous essays on the Constitution from out-of-state newspapers, most particularly from Pennsylvania. They reprinted twenty-six Federalist essays and forty-four Antifederalist ones. As was the case throughout the entire debate over the ratification of the Constitution, the Antifederalist *New York Journal* was the dominant newspaper, while the most important Federalist newspapers were the New York *Daily Advertiser*, the New York *Independent Journal*, and the *New York Packet*. (See Appendices I and II below, for listings of the most important Federalist and Antifederalist essays printed and reprinted in New York's newspapers from 1 February through 26 July 1788. For a full discussion of New York's newspapers, see RCS:N.Y., Vol. 1, lvi–lxv.)

(3) From 5 May through the adjournment of the New York Convention on 26 July 1788, yet another significant decrease occurred in the number of original Federalist and Antifederalist essays on the Constitution, and an even more substantial decrease took place in the quantity of essays reprinted from other states. New York newspapers printed six original Federalist essays; additionally the final eight essays by “Publius” appeared in the second volume of the book edition of *The Federalist*. (See below for this book edition.) Ten Federalist essays were reprinted from outside the state. New York newspapers printed three original Antifederalist essays, while they reprinted six from other states.

The newspapers of New York, which since mid-September 1787 had printed a multitude of news reports about the Constitution and the politics of ratification in New York and the other states, placed even greater emphasis on such reports between 1 February and 26 July 1788. Most important, newspapers reported on the proceedings and debates of the two houses of the New York legislature in calling the state's convention (Part II above) and the preliminaries to and the proceedings and debates of the conventions of other states that met in February, April, May, and June. Led by the *New York Journal*, some newspapers complained or reprinted complaints about the stoppage of the delivery of newspapers from the Northern and Southern states—a stoppage that Antifederalists blamed on the Confederation post office. Newspapers reported on various New York City celebrations of the Massachusetts ratification of the Constitution, an event deemed critical for

New York; and they published accounts about the burning of the Constitution in Ulster County. Many newspaper items also speculated about the prospects of ratification in New York and other states. The columns of New York's newspapers contained large amounts of material concerning the elections of delegates to the New York Convention (Part IV below), and they reported and commented on the proceedings and debates in that body (Parts V and VI below). Newspapers printed accounts of the 4th of July celebrations throughout the state, including the "fracas" between Federalists and Antifederalists that occurred on that day in Albany. Newspapers also printed the preliminaries to as well as descriptions of the federal procession that was held in New York City on 23 July. (See Appendix III below, for a listing of the most significant New York printings and reprintings of events in New York and, most particularly, in other states.)

#### *Pamphlets*

Pamphlets played a significant role in the debate over the Constitution in New York. In the spring of 1788 New York printers published six partisan pamphlets on the Constitution—two Federalist and four Antifederalist. Five of the pamphlets were published prior to the elections of Convention delegates; only the Antifederalist "Federal Farmer's" *Additional Letters*, published on 2 May, appeared too late to be part of the elections campaign.

The two Federalist pamphlets appeared in mid-April. On 15 April Samuel and John Loudon, the printers of the *New York Packet*, published John Jay's "A Citizen of New-York," which, using conciliatory language, argued that the Constitution should be adopted without previous amendments. Jay suggested that any amendments thought to be necessary could be obtained after the Constitution went into effect. In Albany the Federal Committee published a pamphlet entitled *An Impartial Address* that responded to an Antifederalist broadside listing thirty-five objections to the Constitution. The Albany Anti-Federal Committee published two broadsides responding to their opponent's pamphlet. (For these four Albany items, all probably printed by Charles R. Webster, see IV, Elections, Albany County.) As the state elections approached, Webster also printed pamphlet editions of the Constitution and its accompanying documents in Dutch and German.

Two of the four Antifederalist pamphlets contained original essays, while the other two reprinted material from other states. All four of these pamphlets, printed without colophons, were probably published by Thomas Greenleaf of the *New York Journal*. The two original Antifederalist pamphlets were written by "A Plebeian" (perhaps Melancton

Smith) and by “Federal Farmer.” Both argued strenuously for amendments prior to ratification.

The two other Antifederalist pamphlets reprinted “A Columbian Patriot” from Massachusetts and a collection of items that included the first nine numbers of the “Centinel” essays from Philadelphia, the “Dissent of the Minority of the Pennsylvania Convention,” and Virginia Governor Edmund Randolph’s 10 October 1787 letter to the Speaker of the Virginia House of Delegates explaining why he had not signed the Constitution in the Constitutional Convention. The New York Federal Republican Committee ordered the printing of these two pamphlets, which the Committee then distributed throughout the state. (See “New York Federal Republican Committee Distributes Antifederalist Literature,” 6–22 April, below.) Only Jay’s pamphlet and “Federal Farmer” circulated outside of New York.

Lastly, *The Federalist* essays of “Publius” were published, both on subscription and for general sale, in two volumes. The first volume, which went on sale on 22 March, reprinted the first thirty-six essays. The second volume, which appeared on 28 May, reprinted numbers 37 to 77, while it printed essays 78 to 85 for the first time. New York City printers John and Archibald M’Lean published these two volumes.

### *Letters*

For four months after the Constitutional Convention adjourned, the extant private letters for the debate over the Constitution in New York are sparse, but that changed significantly. From about mid-January 1788 until the New York Convention ratified the Constitution on 26 July, there is an abundance of private correspondence from both Federalists and Antifederalists. Letter writers, both from New York and outside the state, included merchants, farmers, manor lords, lawyers, mill owners, financial speculators, former military men, delegates to Congress, foreign diplomats, and local, state, and Confederation officeholders.

Letter writers remarked upon the legislature’s difficulty in adopting a resolution calling a state convention to consider the Constitution. They reported on Massachusetts’ ratification of the Constitution and speculated about its impact on New York’s chances for ratification. Federalists praised the Massachusetts minority for agreeing to support the Constitution. Since the progress of ratification in other states whose conventions had not yet met was critical to New York’s prospects, correspondents speculated about the chances of ratification in those states, especially in the important state of Virginia. Letter writers also remarked on the prospects for ratification in the second session of the New Hampshire Convention scheduled to meet on 18 June.

Correspondents predicted how New York's counties would align on the Constitution and considered the influence that prominent individuals would have. Federalists were much concerned about Governor George Clinton who, although he did not make a public statement on the Constitution, was thought to be unalterably opposed to ratification without previous amendments. Correspondents commented on and compared the strengths and weaknesses of both Federalists and Antifederalists. Federalists believed that the Constitution would benefit New York economically since a strengthened central government could regulate commerce, promote manufactures and agriculture, and pay the public debt. Society would be less prone to such disturbances as Shays's Rebellion and to fiscal policies such as those of the "rogue" state of Rhode Island. Moreover, if New York did not ratify, the federal capital would be moved from New York City.

Albany County Antifederalists corresponded with their counterparts in New York City in an effort to establish an Antifederalist newspaper in the city of Albany, something not accomplished until after New York had ratified the Constitution. Antifederalists also sought cooperation in other states in obtaining previous amendments to the Constitution. Concerned about the conveyance of letters, Antifederalists sometimes avoided the post office and used couriers to transmit their letters.

In April both Federalists and Antifederalists, especially the latter, also distributed pamphlets and other printed literature as a means of enhancing their chances in the elections for state convention delegates and state legislators. Once the election results demonstrated that Antifederalists had elected an overwhelming majority of convention delegates, both sides began to plan their strategies for the New York Convention.

When South Carolina became the eighth state to ratify the Constitution, Federalists turned their attention to the second session of the New Hampshire Convention. Federalists believed that New Hampshire, one of three states whose conventions were slated to meet in June, would become the ninth state to ratify. Because nine states were needed to put the Constitution into effect among the ratifying states, the news of New Hampshire's ratification was critically important to the New York Convention meeting in Poughkeepsie. Therefore, Federalists established an express system to get the news of New Hampshire ratification to Poughkeepsie as soon as possible. Although New York Federalists believed that ratification by nine states was critical to their chances for ratification, they knew that adoption by Virginia, whose convention was also to meet in June, would have great influence on

New York's Convention. Hence, Federalists also created an express system between Virginia and New York. In late June and early July these two express systems conveyed the news of New Hampshire's and Virginia's ratifications to the New York Convention.

The number of private letters anticipating and commenting on the New York Convention probably exceeds that for the convention of any other state. Convention delegates and observers wrote most of these letters, some of which found their way into newspapers. During the New York Convention, Federalists and Antifederalists, particularly the former, corresponded with their counterparts in other states, especially Virginia whose convention was also in session between 2 and 27 June. New York Antifederalists prepared lists of amendments to propose in the state convention. Although Federalists knew they were outnumbered badly in the New York Convention, their leaders hoped to delay a final vote until the New York Convention might receive word of New Hampshire's and Virginia's ratifications. Federalists hoped that such news might gain them some converts among Antifederalist delegates. Federalists were also confident that their erudition and oratorical abilities would gain some support. Another Federalist strategy was a threat by New York's southern counties to secede from the state and join the Union if the New York Convention failed to ratify the Constitution. (See Part VI below, for the private letters on the New York Convention.)

Giles Hickory

New York American Magazine, 1 February 1788<sup>1</sup>

GOVERNMENT.

The important question I proposed to discuss in this number is this—"Whether, in a free State, there ought to be any distinction between the powers of the people or electors, and the powers of the Representatives in the Legislature." Or in other words, "whether the legislative body is not or ought not to be a standing convention, invested with the whole power of their constituents."

In supporting the affirmative of this question, I must face the opinions and prejudices of my countrymen; yet if we attend closely to the merits of the question, stripped of all its specious covering, we shall perhaps find more arguments in favor of this side, than we at first suspect.

In the first place, a Legislature must be the supreme power, whose decisions are laws, binding upon the whole State. Unless the Legislature is the supreme power, and invested with *all* the authority of the State, its acts are not laws, obligatory upon the whole State.<sup>2</sup> I am sensible that it is a favorite idea in this country, bandied about from one demagogue to another, that *rulers are the servants of the people*.<sup>3</sup> So far as their business is *laborious* and *embarrassing*, it implies a degree of servitude; but in any other view, the opinion is totally false. The people ought at least to place their rulers, who are generally men of the first abilities and integrity, on a level with themselves; for that is an odd kind of government indeed, in which, *servants* govern their *masters*. The truth is, a Representative, as an individual, is on a footing with other people; as a Representative of a State, he is invested with a share of the sovereign authority, and is so far a *Governor* of the people. In short, the collective body of Representatives is the collective sense and authority of the people; and so far are the members from being the *servants* of the people, that they are just as much *masters, rulers, governors*, whatever appellation we give them, as the people would be themselves in a convention of the whole State. But in the second place, the public good or safety requires that the powers of a Legislature should be co-extensive with those of the people. That a Legislature should be competent to pass any law that the public safety and interest may require, is a position that no man will controvert. If therefore it can be proved that the reservation of any power in the hands of the people, may at times interfere with the power of the Legislature to consult the public interest, and prevent its exercise, it must be acknowledged that such reservation is not only impolitic, but unjust. That a Legislature should have unlimited

power to do *right*, is unquestionable; but such a power they cannot have, unless they have all the power of the State; which implies an unlimited power to do *wrong*. For instance, suppose the constitution of any state to declare, that no standing army shall be kept up in time of peace; then the Legislature can not raise and maintain a single soldier to guard our frontiers, without violating the constitution. To say that new enlistments every year will save the constitution, is idle; for if a body of troops raised for thirty years is a standing army, then a body raised for twenty years, or for six months is a standing army; and the power to raise troops for a year, is a power to raise them at any time and maintain them for ever; but with the addition of much trouble and a load of expense. Since therefore there never was, and probably never will be a time, till the millenium shall arrive, when troops will not be necessary to guard the frontiers of States, a clause in a constitution, restricting a Legislature from maintaining troops in time of peace, will unavoidably disable them from guarding the public interest. That a power to raise and equip troops at pleasure, may be abused, is certain; but that the public safety cannot be established without that power, is equally certain. The liberty of a people does not rest on any reservation of power in their hands aside of<sup>4</sup> their Legislature; it rests singly on this principle, *a union of interests between the governors and governed*. While a Legislator himself, his family and his property are all liable to the consequences of the laws which he makes for the State, the rights of the people are as safe from the invasion of power, as they can be on this side heaven. This union of interest depends partly on the laws of property; but mostly on the *freedom of election*. The right of electing rulers is the people's prerogative; and while this remains unabridged, it is a sufficient barrier to guard all their other rights. This prerogative should be kept sacred; and if the people ever suffer any abridgment of this privilege, it must be their own folly and an irrecoverable loss.

Still further, I maintain that a people have no right to say, that any civil or political regulation shall be perpetual, because they have no right to make laws for those who are not in existence. This will be admitted; but still the people contend that they have a right to prescribe rules for their Legislature—rules which shall not be changed but by the people in a convention. But what is a convention? Why a body of men chosen by the people in the manner they choose the members of the Legislature, and commonly composed of the same men; but at any rate they are neither wiser nor better. The sense of the people is no better known in a convention, than in the Legislature.<sup>5</sup>

But admit the right of establishing certain rules or principles which an ordinary Legislature cannot change, and what is the consequence?



It is this, a change of circumstances may supersede the propriety of such rules, or render alterations necessary to the safety or freedom of the State; yet there is no power existing, but in the people at large, to make the necessary alterations. A convention then must be called to transact a business, which an ordinary Legislature can transact just as well—a convention differing from the Legislature merely in name and in a few formalities of their proceedings. But when people have enjoyed a tolerable share of happiness under a government, they will not readily step out of the common road of proceeding, and evils insensibly increase to an enormous degree, before the people can be persuaded to a change. The reservation therefore of certain powers may, by an imperceptible change of circumstances, prove highly pernicious to a State. For example. When the commons of England were first admitted to a share in the legislation of that kingdom, which was probably in the reign of Henry III, in 1265,<sup>(a)</sup><sup>6</sup> the representation was tolerably equal. But the changes in the population of different parts of the kingdom have destroyed all equality. The mode of election therefore should be reformed. But how shall it be done? If there is a constitution in that kingdom, which settles the mode of election, and that constitution is an act of the people, paramount to the power of the Parliament, and unchangeable by them, a convention of the people must be called to make an alteration which would be as well made in Parliament. This would occasion infinite trouble and expense.

But the danger is, that as an evil of this kind increases, so will the lethargy of the people, and their habits of vice and negligence. Thus the disease acquires force, for want of an early remedy, and a dissolution ensues. But a Legislature, which is always watching the public safety, will more early discover the approaches of disorders, and more speedily apply a remedy. This is not precisely the case with the British constitution, for it was not committed at once to parchment and ratified by the people. It consists rather of practice, or common law, with some statutes of Parliament. But the English have been too jealous of changing their practice, even for the better.<sup>7</sup> The idea of an *unalterable constitution* has had too much influence in preventing a reform in their representation.

But we have an example nearer home directly in point. The charter of Connecticut declares that each town shall have liberty to send *one* or *two* deputies to the General Court;<sup>8</sup> and the constant practice has been to send *two*. While the towns were few, the number of Representatives was not inconvenient; but since the complete settlement of the State, and the multiplication of the towns, the number has swelled the

Legislature to an unwieldy and expensive size. The house of Representatives consists of about 170 members.<sup>9</sup>—An attempt has been made, at several sessions, to lessen the representation by limiting each town to one Deputy.<sup>10</sup> A question arises, have the Assembly a right to lessen the representation? In most States, it would be decided in the negative. Yet in that State it is no question at all: for there is a standing law expressly delegating the *whole* power of *all* the freemen to the Legislature.<sup>11</sup> But I bring this instance to prove the possibility of changes in any system of government, which will require material alterations in its fundamental principles; and the Legislature should always be competent to make the necessary amendments, or they have not an unlimited power to do right.<sup>12</sup>

The distinction between the *Legislature* and a *convention* is, for the first time, introduced into Connecticut by the recommendation of the late convention of States, in order to adopt the new constitution. The Legislature of the State, without adverting to laws or practice, immediately recommended a convention for that purpose.<sup>13</sup> Yet a distinction between a *Convention* and a *Legislature* is, in that State, a palpable absurdity, even by their own laws; for there is no constitution in the State, except its laws which are always repealable by an ordinary Legislature; and the laws and uniform practice, from the first organization of the government, declare that *the Legislature has all the power, of all the people*. A convention therefore can have no more power, and differs no more from an ordinary Legislature, than one Legislature does from another. Or rather it is no more than a Legislature chosen for *one particular purpose* of supremacy; whereas an ordinary Legislature is competent to *all purposes* of supremacy. But had the Legislature of that State ratified or rejected the new constitution without consulting their constituents, their act would have been valid and binding. This is the excellence of the constitution of Connecticut, that the *Legislature* is considered as the *body of the people*; and the people have not been taught to make a distinction which should never exist, and consider themselves as *masters* of their *rulers*, and their power as paramount to the laws. To this excellence in her frame of government, that State is indebted for uniformity and stability in public measures, during a period of one hundred and fifty years—a period of unparall[el]ed tranquility, never once disturbed by a violent obstruction of justice or any popular commotion or rebellion. Wretched indeed would be the people of that State, should they adopt the vulgar maxim, that their rulers are their *servants*. We then may expect that the *laws* of those *servants* will be treated with the same contempt, as they are in some other States.<sup>(b)</sup>

But from the manner in which government is constituted, it is evident that there is no power residing in the State at large, which does not reside in the legislature. I know it is said that government originates in *compact*; but I am very confident, that if this is true, the *compact* is different from any other kind of compact that is known among men. In all other *compacts, agreements* or *covenants*, the assent of every person concerned, or who is to be bound by the compact, is requisite to render it valid and obligatory upon such person. But I very much question whether this ever takes place in any constitution of government.

Perhaps so far there is an *implied compact* in government, that every man consents to be bound by the opinion of a majority; but this is all a *supposition*; for the consent of a hundredth part of a society is never obtained.

The truth is, government originates in *necessity* and *utility*; and whether there is an implied compact or not, the opinions of the *few* must be overruled, and submit to the opinions of the *many*. But the opinions of a majority cannot be known, but in an Assembly of the whole society; and no *part* of the society has a right to decide upon a measure which equally affects the *whole*, without a consultation with the whole, to hear their arguments and objections. It is said that *all* power resides in the *people*; but it must be remembered, that let the supreme power be where it will, it can be exercised only in an *assembly of the whole State*, or in an *assembly of the representatives of the whole State*.

Suppose the power to reside in the people, yet they can not, and they have no right to exercise it in their scattered districts—and the reason is very obvious—it is impossible that the propriety of a measure can be ascertained, without the best general information, and a full knowledge of the opinions of the men on whom it is to operate.

By opinions here I would not be understood to mean, the various opinions formed on a view of a particular interest, for these opinions may be obtained by sending to each district and collecting instructions; but I mean the *opinions* of the *whole society*, formed on the *information* and *debates* of the *whole society*. These opinions can be formed no where but in a convention of the *whole state* or of their *representatives*. So far therefore are the people from having a power paramount to that of their representatives in Convention, that they can exercise no act of supremacy or legislation at all, but in a convention of the whole State by representatives.<sup>14</sup> Unless therefore, it can be proved that a *convention* so called, which is composed mostly of the same men as a Legislature, possesses some wisdom, power, or qualifications which a legislature *does not* and *cannot*, then the distinction is useless and trifling. A legislature is supposed to consist of men whom the people judge best qualified to

superintend their interests—a convention cannot be composed of better men—and in fact we find it generally composed of the *same men*. If therefore no act of sovereignty can be exercised but in an Assembly of representatives, of what consequence is it whether we call it a *Convention* or a *Legislature*? or why is not the assembly of the representatives of people, at all times a *Convention*, as well as a *Legislature*?

To me it appears that a distinction is made without a difference; but a distinction that will often prevent good measures, perpetuate evils in government, and by creating a pretended power paramount to the legislature, tend to bring laws into contempt.<sup>15</sup>

(a) This is the date of the first writs now extant, for summoning the Knights and Burgesses.

(b) *This detestable<sup>16</sup> error subverts the whole foundation of government. It resembles the practice of some Gentlemen in the country, who hire a poor strolling vagabond to keep a school, and then let the children know that he is a mere servant. The consequence is the children despise him and his rules, and a constant war is maintained between the master and his pupils. The boys think themselves more respectable than the master, and the master has the rod in his hand, which he never fails to exercise. A proper degree of respect for the man and his laws, would prevent a thousand hard knocks. This is government in miniature. Men are taught to believe that their rulers are their servants, and then are rewarded with a prison and a gallows for despising their laws.*

1. Written by Noah Webster, the editor of the *American Magazine*, this essay appeared in that magazine's January 1788 issue. Advertisements in the *New York Packet* and *New York Journal* on 1 February announced that the magazine was published on that day. In 1790 Webster reprinted this essay with significant additions and alterations in his book entitled *A Collection of Essays and Fugitive Writings. On Moral, Historical, Political and Literary Subjects* (Boston), 49–58 (Evans 23053). See notes 2, 4, 5, 7, 12, 14–16 (below) for significant differences in the two printings. The two printings also differ in spelling, punctuation, capitalization, and paragraphing.

2. In his *Fugitive Writings*, Webster inserted the following footnote at this point: “The first convention of deputies in a state, is usually designed to direct the mode in which future legislatures shall be cognized. This convention cannot abridge the powers of future legislatures, any further than they are abridged by the moral law, which forbids all wrong in general.”

3. The concept that power was derived from the people and that public officials were their servants was incorporated in most of the state constitutions or declarations or bills of rights.

4. In the *Fugitive Writings*, “aside of” was replaced by “paramount to.”

5. In his *Fugitive Writings*, Webster inserted the following footnote at this point: “The nominal distinction of *Convention* and *Legislature* was probably copied from the English; but the American distinction goes farther, it implies, in common acceptance, a difference

of *power*. This difference does not exist in G. Britain. The assembly of Lords and Commons which restored Charles II, and that which raised the Prince of Orange to the throne, were called *Conventions*, or *parliamentary Conventions*. But the difference between these Conventions and an ordinary Parliament, is merely a difference in the manner of assembling; a *Convention* being an assembly or meeting of Lords and Commons, on an emergency, without the King's writ, which is the regular constitutional mode of summoning them, and by custom necessary to render the meeting a *Parliament*. But the powers of this assembly, whether denominated a *Convention* or a *Parliament*, have ever been considered as coextensive and supreme. I would just remark further, that the impossibility of establishing perpetual, or even permanent forms of government, is proved already by the experience of two States in America. Pennsylvania and Georgia, have suffered under bad Constitutions, till they are glad to go thro the process of calling a new Convention. After the new forms of government have been tried some time, the people will discover new defects, and must either call a third Convention, or let the governments go on without amendment, because their Legislatures, which ought to have supreme power, cannot make alterations.—(1789.)”

6. In 1265, Simon de Montfort—in the name of the captive Henry III whose forces he had defeated at the Battle of Lewes—summoned two knights from each county and two burgesses from each borough. This was the first time that burgesses were called to sit in Parliament.

7. In his *Fugitiv Writings*, Webster inserted the following at this point: “All the writers on the English constitution agree, that any Parliament can change or amend every part of it; yet in practice. . . .”

8. The Connecticut charter of 1662 stated that the freemen of each place, town, or city could elect not more than two persons to represent them in the general meeting or assembly (Thorpe, I, 531).

9. The October 1787 session of the Connecticut House of Representatives had 171 members, with an overwhelming majority of the towns sending two delegates. The Connecticut Convention that ratified the Constitution in January 1788 had 174 delegates (RCS:Conn., 341–44, 536–39).

10. In 1786 and again in 1787 the Connecticut House of Representatives defeated a bill to reduce from two to one the number of representatives from each town. Some of the advocates of the bill also wanted the term of a representative increased from six months to one year.

11. The reference is to “An Act for constituting and regulating Courts; and appointing the Times and Places for holding the same.” This act declared that the Connecticut General Court or legislature had “the Supreme Power and Authority” in the state and that it could “deal and act in any other Matter that concerns the good” of the state (*Acts and Laws of the State of Connecticut, in America* [New London, 1784], 27–29 [Evans 18409]).

12. In his *Fugitiv Writings*, Webster added this footnote at this point: “In Pennsylvania, after the late choice of Delegates to Congress by the people, one of the Gentlemen sent his resignation to the President and Council, who refered it to the Legislature then sitting. This body, compozed of the servants of the people, I suppoze, solemnly resolved, that there was no power in the State which would accept the resignation. The resolv was grounded on the idea that the power of the people is paramount to that of the Legislature; whereas the people hav no power at all, except in choosing representatives. All Legislativ and Executiv powers are vested in their Representatives, in Council or Assembly, and the Council should have accepted the resignation and issued a precept for another choice. Their compelling the man to serve was an act of tyranny.”

13. For the Connecticut legislature's resolution of 17 October 1787 calling a state convention to consider the Constitution, see RCS:Conn., 363–71.

14. In his *Fugitiv Writings*, Webster inserted this footnote at this point: “In a democracy there can be no exercise of sovereignty but by suffrage: In England, where the people do not debate in a collective body, but by representation, the exercise of this sovereignty consists in the *choice of Representatives*.’ *Blackstone’s Com. b. 1. ch. 2*. This is the sole power of the people in America.” (For the quoted material, see Blackstone, *Commentaries*, Book I, chapter II, 170, 171. Webster should have inserted ellipses after the word “suffrage.”)

15. In his *Fugitiv Writings*, Webster added the following: “POSTSCRIPT.—This reasoning applies solely to the individual States, and not to the United States, before they were formed into a federal body. An important distinction must be observed between the *Constitution of a sovereign State*, and of *thirteen distinct sovereignties*. In a sovereign State, whatever they may suggest to the contrary, the voices of a majority are binding upon the minority, even in framing the first plan of government. In general, a majority of the votes of the *Representatives* in Legislature or Convention have been admitted as obligatory upon every member of the State, in forming and establishing a Constitution: But when the Constitution has been submitted to the people, as it is called, in town meetings or other small assemblies, the assent of every individual could not be expressly obtained; and the dissent of any number, less than half the freemen present, who might not be one half the whole number in the State, could not prevent the establishment of the government, nor invalidate the obligation of *every man* to submit peaceably to its operation. The members of a state or community, cannot *from necessity*, be considered as parties to a contract, where the assent of every man is necessary to bind him to a performance of the engagement. But the several States, enter into a negotiation like *contrary parties*; they agree that the assent of every individual State, shall be requisite to bind that State; and the frame of government, so agreed upon, is considered as a compact between independent sovereignties, which derives its binding force from the mutual and unanimous consent of the parties, and not merely from a necessity that the major part of the people should compel the rest to submission.

“But in this very compact, the States have resigned their independent sovereignty, and become a single body or state, as to certain purposes; for they have solemnly contracted with each other, that *three fourths* of their number may alter and amend the first compact. They are therefore no longer separate individuals and contracting parties; but they form a single State or body politic; and a majority of three fourths can exert every act of sovereignty, except in two or three particulars, expressly reserved in the compact.”

16. In his *Fugitiv Writings*, Webster changed “detestable” to “pernicious.”

**Publius: The Federalist 48 (James Madison)**  
**New York Packet, 1 February 1788**

Separation of powers difficult because the legislative branch in republics usurps powers of other branches of government. For text, see CC:492. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Publius: The Federalist 49 (James Madison)**  
**New York Independent Journal, 2 February 1788**

Amendments can be obtained by appealing to the people, but this method should not be used often. For text, see CC:495. For reprintings, see Appendix IV, RCS:N.Y., 547.

**John Jay to George Washington****New York, 3 February 1788 (excerpts)<sup>1</sup>**

... our Legislature has agreed to call a Convention—the opponents to the proposed Constitution are nevertheless numerous & indefatigable; but as the Ballance of abilities and Property is against them, it is reasonable to expect that they will lose ground as the People become better informed: I am therefore inclined to think that the Constitution will be adopted in this State; especially if our Eastern neighbours should generally come into the measure. our accounts, or rather Calculations from Massachusetts are favorable, but not decisive. . . .

The Influence of Massachusetts on the one Hand, and of Virginia on the other, renders their Conduct on the present occasion, very interesting—I am happy that we have as yet no Reason to despair of either.—Connecticut has acceded, and the Gazettes tell us that Georgia has done the same. a few Months more will decide all Questions respecting the adoption of the proposed Constitution. I sincerely wish it may take Place, tho' less from an Idea that it will fully realize the sanguine Expectations of many of its Friends, than because it establishes some great Points, and smooths the Way for a System more adequate to our national objects. Its Reputation & Success will I think greatly depend on the manner in which it may at first be organized and administered—but on this head we have no Reason to despond.

Mrs. Jay's Health which was a little deranged by her too kind attendance on me while sick, is again pretty well established. For my Part I have much Reason to be thankful, for altho a constant pain in my left Side continues to give me some, but no great Trouble, yet I am happy that my long and severe Illness has left me nothing more to complain of<sup>2</sup>—We are both obliged by your kind attention, & assure you & Mrs. Washington of our best wishes—

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington*, VI, 79–81. Jay is responding to Washington's 20 January letter, in which Washington stated, among other things, that "The decisions of New York and Virginia on this important subject [of ratifying the Constitution] are more problematical than any" other states (Abbot, *Washington*, VI, 49–50).

2. In mid-November 1787, Jay's illness temporarily ended his contributions to *The Federalist*.

**Publius: The Federalist 50 (James Madison)****New York Packet, 5 February 1788**

Danger of appealing too often to the people. For text, see CC:500. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Publius: The Federalist 51 (James Madison)  
New York Independent Journal, 6 February 1788**

System of checks and balances superior to a bill of rights in protecting liberty. For text, see CC:503. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Editors' Note  
The Importance of Massachusetts Ratification to New York  
6 February 1788**

Both Federalists and Antifederalists throughout the state of New York were deeply interested in the proceedings of the Massachusetts Convention because of the impact they believed Massachusetts ratification would have on the prospects for ratification in New York. Both groups kept in touch with their Massachusetts contacts, although Federalists were apparently more active than Antifederalists. For example, Federalists such as Virginia congressman James Madison, Confederation Secretary at War Henry Knox, and Confederation Postmaster General Ebenezer Hazard (all residing in New York City) were kept well informed, respectively, by Massachusetts Convention delegate Rufus King, Boston merchant Henry Jackson, and Congregationalist minister Jeremy Belknap. King also wrote to Knox, while Madison and Knox received letters from Nathaniel Gorham, another Massachusetts Convention delegate. Massachusetts congressman George Thatcher, also residing in New York City, received letters from several Convention members and Boston correspondents. National figures, like Madison and Knox, then disseminated the news they received throughout America. (For this correspondence, see RCS:Mass., Vols. 2 and 4, *passim*.)

Antifederalists obtained news from Elbridge Gerry, a former Massachusetts delegate to the Constitutional Convention who had been invited by the Massachusetts Convention to attend its debates and answer questions that might be put to him. Thomas Greenleaf of the *New York Journal* printed excerpts of letters from Boston correspondents to counteract Federalist statements about what had occurred in the Massachusetts Convention. (See Charles Tillinghast to Hugh Hughes, 27–28 January, and Melancton Smith to Abraham Yates, Jr., 28 January, [RCS: N.Y., 668, 669, 672]; and *New York Journal*, 28 January [RCS:Mass., 1092n].) Antifederalists, in turn, wrote to correspondents in Boston, causing Nathaniel Gorham to exclaim that some New York letters “have done damage” (to Henry Knox, 16 January, RCS:Mass., 730).

New York newspapers, particularly those in New York City, contained many reports on the proceedings and debates in the Massachusetts



Convention and speculations about the prospects of ratification in that body. (See above and below in this note for some examples. See also “Newspaper Printings and Reprintings of the Debates of the Massachusetts Convention,” RCS:Mass., 1145–51.)

Federalists believed that the ratification of the Constitution by Massachusetts was essential to the chances for ratification in New York, a state in which Antifederalists were a significant majority. Ebenezer Hazard said that New York’s “Conduct will be much influenced” by that of the Massachusetts Convention (to Jeremy Belknap, 11 January, RCS:Mass., 691). Virginia congressman Cyrus Griffin noted that, if Massachusetts rejected the Constitution, New York and Virginia would follow its example and “then farewell to a federal Government of the whole” (to Thomas FitzSimons, 13 January, RCS:Mass., 705). Samuel Blachley Webb wrote that if Massachusetts refused to ratify the Constitution, New York’s “antifederal Junto . . . will increase and come forward.” New York’s “political salvation,” Webb declared, depended on Massachusetts (to Joseph Barrell, 13 January, RCS:N.Y., 608). James Madison wrote that “either way” Massachusetts’ decision “will decide the voice” of New York (to Edmund Randolph, 20 January, RCS:Mass., 754. See also William Robinson, Jr., to John Langdon, 4 February, RCS:Mass., 849.). George Washington asserted that the opposition to the Constitution in New York would be invigorated if Massachusetts did not ratify (to James Madison, 5 February, RCS:Mass., 1096–97. See also Washington to Jonathan Trumbull, Jr., 5 February; and Joseph Jones to James Madison, 14 February, RCS:Mass., 1097, 1104.).

In the first three weeks of the Massachusetts Convention, New York Federalists were not optimistic about the chances of Massachusetts ratification. On 13 January Samuel Blachley Webb was disturbed that the Convention was “much divided” (to Joseph Barrell, RCS:Mass., 1087). Antifederalist Melancton Smith reported on 23 January that for the past few days New York City Federalists appeared “to despond with respect to Massachusetts.” Smith believed that if Massachusetts rejected the Constitution “it cannot go down, if they accept, every effort will be used to carry it through” (to Abraham Yates, Jr., RCS:N.Y., 638). A few days later Antifederalist Charles Tillinghast said that Federalists “have their *doubts*” whether Massachusetts would ratify (to Hugh Hughes, 27–28 January, RCS:N.Y., 668). And on 29 January Staats Morris lamented that “it is feared it [the Constitution] will not go down” (to Lewis Morris, Jr., RCS:Mass., 1092).

By this late date in January, however, Federalist newspapers and some prominent Federalists had become more optimistic, believing that the

tide in the Massachusetts Convention was turning in favor of the Constitution. On 30 January the *Independent Journal* reported “that the more the Constitution was canvassed, the brighter it shone.” The opposition, the *Journal* continued, was being won over “by the force of truth” (RCS:Mass., 1563). On 2 February the *Journal* noted that “a respectable majority” would be in favor of the Constitution when the vote on ratification was taken, and on the same day the *Daily Advertiser* reported that “there is a large majority in favor of the new Constitution” (RCS:Mass., 1094, 1095). On 5 February the *New York Packet* reported that the Antifederalist interest in the Massachusetts Convention “is declining” and that many Convention members, who had been deceived, were being convinced by the truth (RCS:Mass., 1578–79. See also *Daily Advertiser*, 11 February, RCS:Mass., 1102.).

John Jay wrote George Washington on 3 February that the accounts from Massachusetts were “favorable” (RCS:Mass., 1095). Philip Schuyler heard from his son-in-law Alexander Hamilton that the prospects for Massachusetts ratification “preponderate in favor of an Adoption of the new constitution” (to Stephen Van Rensselaer, 8 February, RCS:Mass., 1101). In another letter that Hamilton wrote to Schuyler, he said that he was “inclined to consider the favourable issue of things there [Massachusetts] as reduced to a certainty” (9 February, RCS:Mass., 1101).

Even some Antifederalists began to despair. Charles Tillinghast feared that the elite members of the Massachusetts Convention were, through intrigue, capable of turning the tide. Moreover, the Convention was meeting in the Federalist stronghold of Boston (to Hugh Hughes, 27–28 January, RCS:N.Y., 668). Melancton Smith also was concerned about the role of the Convention’s “*better sort*” of people and their power to influence others (to Abraham Yates, Jr., 28 January, RCS:N.Y., 672).

The Antifederalist *New York Journal*, however, did not lose heart. While other New York City newspapers were growing optimistic, the *Journal* reminded its readers on 31 January that the Massachusetts Convention would not get to a vote on the Constitution for another two to three weeks (RCS:Mass., 1093). On 11 February, before the *Journal* had received news that Massachusetts had ratified, it noted that a variety of letters had been received from Boston, some saying the Constitution would be ratified, others disagreeing. One set of letters, declared the *Journal*, nullified the other. The *Journal* informed its readers that they would know how the Massachusetts Convention decided the great question by the next post, which was scheduled for 13 February (Mfm:Mass., 701).

Once some New York and Massachusetts Federalists realized that the Massachusetts Convention was drawing to a close and that it would ratify the Constitution, they established an express system to get the news of Massachusetts ratification to New York. The Massachusetts Convention ratified the Constitution on 6 February, and the express got the news to Albany on 9 February. The inhabitants of New York City received the news by the regular "eastern mail" on 13 February. (For a full discussion of the express and the arrival of news of Massachusetts ratification in New York, see "New York City Celebrates Massachusetts Ratification of the Constitution," 13, 14, and 16 February 1788, below.)

Once Massachusetts had ratified, New York Federalists became convinced that New York would ratify the Constitution. Seth Jenkins, the mayor of Hudson, said that Massachusetts ratification would have "the greatest weight" in the state (to Philip Schuyler, 14 February, Mfm: N.Y.). Samuel Blachley Webb rejoiced that Massachusetts ratification would make the "most powerfull impression on all the States" which had not yet considered the Constitution (to Joseph Barrell, 17 February, RCS:Mass., 1641). Collin McGregor thought that Massachusetts ratification would convert New York Antifederalists "because it is endless to persist when so powerful a portion of the Continent have acceded" (to Neil Jamieson, 18 February, below). Peter Elting, a New York City alderman, reported that Massachusetts ratification "Ocasioned great Joy" among New Yorkers because "our State will be influenced" by that state's action (to Peter Van Gaasbeek, 27 February, IV below, New York County Election). And an unidentified New York City resident wrote that "The decision of your State must fix the business—The few antifederalists in our city are coming about under the cloak of the terms annexed to the ratification [i.e., the recommendatory amendments], which shows much wisdom in those who devised the conciliatory measure" (*Massachusetts Centinel*, 27 February, below).

John Howard of Smithtown, N.Y., probably best summed up the feelings of New York Federalists when he wrote a friend that "I cannot suppress the satisfaction I feel on the conduct of the Massachusetts-convention. I am charmed with the behavior of the minority, and am even constrained to love gentlemen of anticonstitutional principals. Their conduct was manly and generous, and will ever redound to the honor of that state" (to George Thatcher, 27 February, below. For more on the reaction of New Yorkers to the conduct of the minority of the Massachusetts Convention, see "New York Celebrates Massachusetts Ratification of the Constitution," 13, 14, and 16 February, below.).

For more on the importance of Massachusetts ratification to New York, see "New York and the Massachusetts Convention's Amendments to the Constitution," 6 February (immediately below).

**Editors' Note**  
**New York and the Massachusetts Convention's**  
**Amendments to the Constitution**  
**6 February 1788**

On 9 January 1788 the Massachusetts Convention met in Boston. Because of the state's prominence, Federalists believed that the rejection of the Constitution by Massachusetts would be fatal to the plan. In particular, they believed that Massachusetts would have a significant impact on two of its neighbors—New Hampshire and New York. Writing from New York City, Virginia delegate to Congress James Madison declared that “The decision of Massts. in either way, will decide the voice of this State” (to Edmund Randolph, 20 January, RCS:Mass., 754). Samuel Blachley Webb worried that should Massachusetts “reject it we are ruined, on them depends every thing, every Fedral Man in this City looks up” to Massachusetts “for our political salvation” (to Joseph Barrell, 13 January, RCS:N.Y., 608). On the other hand, Philip Schuyler wrote that if Federalists were victorious in Massachusetts, “I believe we shall have little contest here” (to Stephen Van Rensselaer, 8 February, Mfm:N.Y.).

After debating the Constitution for about three weeks in the Massachusetts Convention, Federalist leaders realized that they could not carry a motion to ratify the Constitution. Consequently these leaders developed a strategy to propose recommendatory amendments to the Constitution—amendments that would not make the state's ratification conditional but that would be submitted to the first Congress under the Constitution for its consideration. Nathaniel Gorham explained the strategy to James Madison in a letter dated 27 January: “we shall loose the question—unless we can take of[f] some of the opposition by amendments—I do not mean those to be made the condition of the ratification—but recommendatory only—upon this plan I flatter myself we may possibly get a majority of 12 or 15—& not more” (RCS: Mass., 1552). To assure the Convention's acceptance of this plan, Federalist leaders enlisted the support of Governor John Hancock, president of the Convention. On 31 January Hancock submitted the proposed recommendatory amendments as his own, and the Convention ratified the Constitution on 6 February by a nineteen-vote margin (187 to 168).

Eight of the nine Massachusetts amendments dealt with structural matters. The first amendment revived part of Article II of the Articles of Confederation by stating that all powers not expressly delegated in the Constitution were reserved to the states (CDR, 86). The second

amendment stipulated the ratio of representation in the U. S. House of Representatives at 1:30,000 (as opposed to no more than 1:30,000) until the number of representatives reached 200. Other amendments restricted Congress' power to regulate congressional elections, restricted Congress' power to levy direct taxes, and prohibited Congress from erecting companies with exclusive advantages of commerce. The federal judiciary was to be altered. The U.S. Supreme Court should not have jurisdiction in cases between citizens of different states where the value was less than \$3,000, while such cases in federal inferior courts had to have a value of at least \$1,500. Jury trials in such cases should be guaranteed if either or both parties requested it, and no person should be tried for felonies unless first indicted by a grand jury. The ninth amendment provided that Congress should not consent that any federal officeholder accept a title of nobility from any foreign ruler or country (RCS:Mass., 1469-70).

In New York, Federalists tried to turn the Massachusetts amendments to their own advantage during the campaign to elect delegates to the state convention. In mid-April the Albany Federal Committee expressed the hope that the New York Convention might adopt some of the Massachusetts amendments. The committee also complimented the Massachusetts Convention for having "led the way in recommending amendments, which will be considered as standing instructions to their Representatives until Congress in their wisdom, meet the wishes of their constituents" (*An Impartial Address, to the Citizens of the City and County of Albany*, c. 20 April, IV below, Albany County Election). On 28 April a New York City election handbill, signed "Many Federalists," stated that "We are for adopting the constitution; but still we wish that they, who compose the convention, may propose amendments, after the manner of Massachusetts.—In this opinion, so far as we are able to collect it, are a large majority of our fellow citizens" (IV below, New York County Election). In Dutchess County, "A Friend to Good Government" dismissed the Massachusetts amendments as "trivial," declaring that "the spirits" of the amendments "are already contained in the Constitution" (*Country Journal*, 15 April, below).

Antifederalists also commented on the Massachusetts amendments. A correspondent in the *New York Journal*, 15 February, flattered himself "that it is the wish of every *honest* and *disinterested* citizen" of New York that their convention "may, when the new constitution is fairly and fully discussed, propose the same, and further amendments, if judged proper, to accompany their ratification; and that the constitution should not take place, unless those amendments were agreed to by the

first Congress under the new government” (Mfm:Mass. 726). In electing delegates to the New York Convention, “A Plebeian” advised New Yorkers to “place confidence” in men who favored adopting the Constitution with conditional amendments while distrusting “those who urge the adoption of a bad constitution, under the delusive expectation of making amendments after it is acceded to.” “A Plebeian” pointed to the Massachusetts amendments as evidence that Antifederalists throughout America wanted similar amendments to the Constitution—“they object to indefinite powers in the legislature—to the power of laying direct taxes—to the authority of regulating elections—to the extent of the judicial powers, both as it respects the inferior courts and the appellate jurisdiction—to the smallness of the representation, &c” (*An Address to the People of the State of New-York*, 17 April, below).

On 10 April the Albany Anti-Federal Committee, in a broadside for the elections to the state convention and legislature, attacked Federalists who “endeavor to prevail on the people, *first* to adopt it [the Constitution], and *afterwards* (like Massachusetts) *trust to a recommendation for future amendments.*” The committee asked: “Would it be prudent or safe for the people to surrender their dearest rights and liberties, *to the discretionary disposal of their future rulers? First* to make a *surrender* and *afterwards* ask for terms of *capitulation.*” The committee viewed the Constitution as “dangerous to the rights and liberties of the people, and which, if adopted without previous amendments will, in our opinion, terminate in slavery” (IV below, Albany County Election). On 2 May “A Spectator,” writing in the *New York Journal*, asserted that the new Congress under the Constitution had to adopt amendments, such as those proposed by the Massachusetts Convention, or it “will find it very difficult, and perhaps impossible, to put the new government in execution.” If amendments were not obtained, the government would, in less than twenty years, be “as arbitrary and despotick as that of the republic of Venice” (below).

The strategy of proposing recommendatory amendments with an unconditional ratification of the Constitution proved to be decisive. After Massachusetts set the example, six of the remaining seven states, including New York, followed suit. Without the tactic of recommendatory amendments, it is unlikely that the Massachusetts Convention would have ratified the Constitution or that the required nine states would have adopted the Constitution. Virginia Federalist Edward Carrington believed that “The decision of Massachusetts is perhaps the most important event that ever took place in America, as upon her in all probability depended the fate of the Constitution” (to Henry Knox, 13 March, RCS:Va., 491).

The Massachusetts Form of Ratification along with the nine proposed recommendatory amendments were reprinted throughout the country. In New York, this official document was reprinted in the *New York Journal*, 16 February, and the *Independent Journal*, 20 February, and in the February issue of the *New York American Magazine*. Hancock's unamended proposition with the nine proposed amendments was also widely reprinted, including in New York in the *Daily Advertiser*, 11 February; *New York Journal*, 11 and 14 February; *New York Packet*, 12 February; *Country Journal*, 19 February; and *Hudson Weekly Gazette*, 21 February.

### Fabius

#### Albany Gazette, 7 February 1788<sup>1</sup>

In February and March "Fabius," a supporter of the Constitution, wrote as many as nine essays that were published in Albany's three newspapers. The first of these nine essays was printed on 7 February in the weekly *Albany Gazette*, while the last appeared in the weekly *Federal Herald*, 17 March (below). The other seven essays were published in the semiweekly *Albany Journal* on 9 February (below), 11 February (Mfm:N.Y.), 16 February (not extant), 18 February (IV below, Albany County Election), 23 February (below), 25 February (not extant), and 1 March (not extant).

The non-extant essay of 16 February was referred to in a brief item criticizing "Fabius" that was printed in the *Albany Journal* on 18 February. (See "A Freeholder of the City of Albany," *Albany Gazette*, 21 February, note 1.) The items that probably appeared in the *Albany Journal* on 25 February and 1 March were referred to in the following statement that appeared in the *Journal* on 23 February: "Fabius, on the propriety of amendments to the New Constitution, and his second address to the Editor of the Albany Gazette, are under consideration." (On 23 February the *Albany Journal* had printed the other essay that had been addressed "To the Printer of the Albany Gazette.") The publication in the *Albany Journal* of these two essays addressed to the *Albany Gazette's* printer or editor was not unusual since Charles R. Webster was the publisher of the *Gazette*, while he and his brother George published the *Journal*. The preference for printing most of the essays in the *Albany Journal* was perhaps due to the fact that, as a semiweekly, the *Journal* had more space.

It is possible that "Fabius" published even more essays in the three Albany newspapers during February and March because sixteen of the thirty-four issues of these newspapers are not extant. For a criticism of "Fabius," see "A Freeholder of the City of Albany," *Albany Gazette*, 21 February (below).

#### To the PRINTER of the ALBANY GAZETTE.

SIR, With what an awful solemnity do we behold the hasty approaches of that dread day, when the citizens of America are to be declared miserable or happy, and, as a nation, powerful and respectable—or a few miserable, petty, faithless states. Tremendous alternatives indeed, to every honest mind!—To a question which so narrowly concerns us all, as the determination on the present proposed system of

federal government, none, I hope, not even the poorest wretch amongst us, will be indifferent; for truly, indifference is to betray our country and ourselves, and an indifference, but too commonly, is rewarded by cruelty and oppression.

These are times, in which above all others, men ought to look around them—When they consider the dark designs of a certain party, and the many misrepresentations and idle falsehoods which they have carefully circulated amongst them, in order to throw an obscuring cloud over the regions of truth and reason—well may we say, now or never is the time for Americans to reassert the rightful prerogative of human nature, to cast off the veil of ignorance and credulity, and to illuminate those regions which have been so artfully and magically darkened.—Ignorance and credulity, in state affairs, are infallibly the cause of oppression and every kind of destruction to a state.

But the question may be dubious with some, how this necessary interference is to be brought about, and that veil of ignorance to be cast off—To these I answer, by means of the LIBERTY OF THE PRESS.—Yes, sir, the inestimable privileges of the press—without which, no people can be really free—are the only effectual and proper means. By these, we communicate and inform each other, in a very extensive manner, so that we cannot be deceived. To these I now appeal: and I dare, all the assuming impudence, the corrupting wiles, the base insinuations—or, if they please, the criminal prosecutions of the democratic lords, to interrupt my progress. Strike, if they dare—Clearer heads and sounder hearts than theirs, are ready to oppose them—The shield of liberty is set up, and will ward off every blow. To you, Mr. Printer, in this business, is an agency allotted—Your office, as is mine, is wholly ministerial, and we are mutually bound, by the dictates of impartiality and truth. If there are two parties, it is true you must serve both—and all that is now required of you, is to do it without fear—Do your office, as I mean to do mine, with vigor and assiduity. But, sir, I almost think it an injustice done to you, after so many laudable proofs of your ingenuity and patriotism, to exhort you now in the cause of an offended people, or to do that glorious office with firmness and integrity; no doubt when the half expiring liberties of the people cry aloud for your assistance, terrors may be hung out to awe you, by the great ones—regard them not—they are the ensigns of men as cowardly as they are cruel.

This, sir, is but a prelude to a correspondence with you, and others, upon important subjects which concern us all—Hence my maxim is, to persevere or die.—*O, 'tis a glorious luxury! oppress for years beneath a load of wicked power, to heave it off indignant, and assert the dear, dear freedom*



*of a virtuous mind. Curse on the coward or perfidious tongue, who dares not even to kings avow the truth! Let traitors wrap them in delusive incense—on flattery, flattery heap—on falshood, falshood—Truth is the living liberal breath of heaven, that sweeps these fogs away, with all their vermin.*

1. Reprinted: *Hudson Weekly Gazette*, 14 February.

**New York Journal, 7 February 1788<sup>1</sup>**

FROM A CORRESPONDENT.

Dame America, *solus*, setting upon a sofa of thorns, in a musing posture, starts from her seat, in agony, and thus exclaims:—Oh! that the inability of my frame could have been remedied by less painful, or expensive medicines! methinks a gentle bitter would have sufficiently braced my nerves for all the purposes of national grandeur and respectability—but, alas! my sons, ye have made an apothecary's shop of my bowels; ye have administered to me such quantities of crude antimony, and mercurial doses, as I fear, greatly fear, ere their operations cease, my already emaciated and mangled CONSTITUTION will sink.—My bones! my sinews! oh, MASSACHUSETTS save me this cruel dose:—my hand maid, LIBERTY, flies me too! stop, I conjure thee; nor leave me thus, till my last expiring groan—then, GENTLE GODDESS, FLY TO THE WOODS!

1. Reprinted: Philadelphia *Freeman's Journal*, 13 February.

**Brutus XII**

**New York Journal, 7 February 1788<sup>1</sup>**

In my last,<sup>2</sup> I shewed, that the judicial power of the United States under the first clause of the second section of article eight, would be authorized to explain the constitution, not only according to its letter, but according to its spirit and intention; and having this power, they would strongly incline to give it such a construction as to extend the powers of the general government, as much as possible, to the diminution, and finally to the destruction, of that of the respective states.

I shall now proceed to shew how this power will operate in its exercise to effect these purposes. In order to perceive the extent of its influence, I shall consider,

First. How it will tend to extend the legislative authority.

Second. In what manner it will increase the jurisdiction of the courts, and

Third. The way in which it will diminish, and destroy, both the legislative and judicial authority of the United States.

First. Let us enquire how the judicial power will effect an extension of the legislative authority.

Perhaps the judicial power will not be able, by direct and positive decrees, ever to direct the legislature, because it is not easy to conceive how a question can be brought before them in a course of legal discussion, in which they can give a decision, declaring, that the legislature have certain powers which they have not exercised, and which, in consequence of the determination of the judges, they will be bound to exercise. But it is easy to see, that in their adjudications they may establish certain principles, which being received by the legislature, will enlarge the sphere of their power beyond all bounds.

It is to be observed, that the supreme court has the power, in the last resort, to determine all questions that may arise in the course of legal discussion, on the meaning and construction of the constitution. This power they will hold under the constitution, and independent of the legislature. The latter can no more deprive the former of this right, than either of them, or both of them together, can take from the president, with the advice of the senate, the power of making treaties, or appointing ambassadors.

In determining these questions, the court must and will assume certain principles, from which they will reason, in forming their decisions. These principles, whatever they may be, when they become fixed, by a course of decisions, will be adopted by the legislature, and will be the rule by which they will explain their own powers. This appears evident from this consideration, that if the legislature pass laws, which, in the judgment of the court, they are not authorised to do by the constitution, the court will not take notice of them; for it will not be denied, that the constitution is the highest or supreme law. And the courts are vested with the supreme and uncontrollable power, to determine, in all cases that come before them, what the constitution means; they cannot, therefore, execute a law, which, in their judgment, opposes the constitution, unless we can suppose they can make a superior law give way to an inferior. The legislature, therefore, will not go over the limits by which the courts may adjudge they are confined. And there is little room to doubt but that they will come up to those bounds, as often as occasion and opportunity may offer, and they may judge it proper to do it. For as on the one hand, they will not readily pass laws which they know the courts will not execute, so on the other, we may be sure they will not scruple to pass such as they know they will give effect, as often as they may judge it proper.

From these observations it appears, that the judgment of the judicial, on the constitution, will become the rule to guide the legislature in their construction of their powers.

What the principles are, which the courts will adopt, it is impossible for us to say; but taking up the powers as I have explained them in my last number, which they will possess under this clause, it is not difficult to see, that they may, and probably will, be very liberal ones.

We have seen, that they will be authorized to give the constitution a construction according to its spirit and reason, and not to confine themselves to its letter.

To discover the spirit of the constitution, it is of the first importance to attend to the principal ends and designs it has in view. These are expressed in the preamble, in the following words, viz. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution," &c. If the end of the government is to be learned from these words, which are clearly designed to declare it, it is obvious it has in view every object which is embraced by any government. The preservation of internal peace—the due administration of justice—and to provide for the defence of the community, seems to include all the objects of government; but if they do not, they are certainly comprehended in the words, "to provide for the general welfare." If it be further considered, that this constitution, if it is ratified, will not be a compact entered into by states, in their corporate capacities, but an agreement of the people of the United States, as one great body politic, no doubt can remain, but that the great end of the constitution, if it is to be collected from the preamble, in which its end is declared, is to constitute a government which is to extend to every case for which any government is instituted, whether external or internal. The courts, therefore, will establish this as a principle in expounding the constitution, and will give every part of it such an explanation, as will give latitude to every department under it, to take cognizance of every matter, not only that affects the general and national concerns of the union, but also of such as relate to the administration of private justice, and to regulating the internal and local affairs of the different parts.

Such a rule of exposition is not only consistent with the general spirit of the preamble, but it will stand confirmed by considering more minutely the different clauses of it.

The first object declared to be in view is, "To form a perfect union." It is to be observed, it is not an union of states or bodies corporate; had this been the case the existence of the state governments, might have been secured. But it is a union of the people of the United States considered as one body, who are to ratify this constitution, if it is

adopted. Now to make a union of this kind perfect, it is necessary to abolish all inferior governments, and to give the general one compleat legislative, executive and judicial powers to every purpose. The courts therefore will establish it as a rule in explaining the constitution. To give it such a construction as will best tend to perfect the union or take from the state governments every power of either making or executing laws. The second object is “to establish justice.” This must include not only the idea of instituting the rule of justice, or of making laws which shall be the measure or rule of right, but also of providing for the application of this rule or of administering justice under it. And under this the courts will in their decisions extend the power of the government to all cases they possibly can, or otherwise they will be restricted in doing what appears to be the intent of the constitution they should do, to wit, pass laws and provide for the execution of them, for the general distribution of justice between man and man. Another end declared is “to insure domestic tranquility.” This comprehends a provision against all private breaches of the peace, as well as against all public commotions or general insurrections; and to attain the object of this clause fully, the government must exercise the power of passing laws on these subjects, as well as of appointing magistrates with authority to execute them. And the courts will adopt these ideas in their expositions. I might proceed to the other clause, in the preamble, and it would appear by a consideration of all of them separately, as it does by taking them together, that if the spirit of this system is to be known from its declared end and design in the preamble, its spirit is to subvert and abolish all the powers of the state government, and to embrace every object to which any government extends.

As it sets out in the preamble with this declared intention, so it proceeds in the different parts with the same idea. Any person, who will peruse the 8th section with attention, in which most of the powers are enumerated, will perceive that they either expressly or by implication extend to almost every thing about which any legislative power can be employed. But if this equitable mode of construction is applied to this part of the constitution; nothing can stand before it.

This will certainly give the first clause in that article a construction which I confess I think the most natural and grammatical one, to authorise the Congress to do any thing which in their judgment will tend to provide for the general welfare, and this amounts to the same thing as general and unlimited powers of legislation in all cases.

(To be continued.)

1. For the conclusion of “Brutus” XII, printed in the *New York Journal* on 14 February, see below.

2. See “Brutus” XI, *New York Journal*, 31 January (RCS:N.Y., 680–86).

**Publius: The Federalist 52 (James Madison?)**  
**New York Packet, 8 February 1788**

House of Representatives: qualifications of electors and elected. For text, see CC:514. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Abraham Bancker to Evert Bancker**  
**Staten Island, 9 February 1788 (excerpt)<sup>1</sup>**

Dear Uncle,

. . . I perceive the Senate and Assembly of our State have agreed to a State Convention for the purpose of considering of the Constitution proposed by the Fœderal Convention—I am Sorry to find that the Measure met with so great an Opposition. Many of the Members appear to act upon a very contracted Scale, and from Sordid Motives; however their Endeavours may be well meant. But could they all have Seen the grand, the important Object, thro' the same Medium with myself, they would not have hesitated to give their cordial Assent to adopt Proposals, which, in my humble Opinion, form a Basis of good Government, and on which, our Existence as a Nation seems to depend. Washington the great, I trust is a Man, beloved of God; his Predictions are usually verified in the Event; his Councils are the production of sound Wisdom and the Emanations of a Heart glowing with Zeal, and, I hope not vainly blazing for his Country's Weal.<sup>2</sup> The Eyes of every good Citizen ought at this Crisis to be lifted to the Throne of God; their Arms to be extended, and their Voices to be raised, in sup[plication to?] the Deity for his Aid, and direction—while forming a System of Government, in which is involved the Interests and Safety of millions, now in Being, and of Generations yet unborn—The Family present their Love—

1. RC, Bancker Family Correspondence, NHi. This letter was endorsed as received on 13 February and as answered on 15 February.

2. Probably a reference to an extract of a letter written by George Washington to a fellow Virginia planter that first appeared in the *Maryland Journal* on 1 January. In this widely reprinted letter, Washington argued that calling a second constitutional convention to amend the Constitution would be “fruitless,” and the failure to adopt the Constitution would lead to “Anarchy.” He believed that the Constitution, despite its imperfections, should be ratified first and then amended, if thought necessary. It was necessary to ratify the Constitution, Washington argued, because “General Government . . . is really at an End” (CC:386–A). In New York, this letter was reprinted eight times by 27 March, with the five New York City newspapers reprinting it between 16 and 19 January (Appendix I, below).

**Fabius****Albany Journal, 9 February 1788<sup>1</sup>**

To the PRINTERS of the ALBANY JOURNAL.

*Gentlemen*, I have said the dread day was approaching when Americans were to determine, whether they would be miserable or happy—and though the fact be future, is still certain—certain it will be in its operation on the happiness or misery of millions not yet in existence. A consideration, which, laying aside our own immediate interests, ought warmly to engage our minds. To gain a competent information on the present state of our affairs, is a duty every citizen owes to his country: the difficulty is but small, though, I confess, the task is more interesting than pleasing.

Upon the present political state of America prevails a deadly gloom—On our shores, our cultivated lands, our forests and wide extended wastes, reigns an unspeakable stagnation; all is ruin, desolation and inquietude.—Horror strikes my imagination at its view, and presents me as a similitude an airy object—the wide extended mass of matter, brought into existence previous to the formation of this earthly globe: This bears its exact resemblance—The *c[h]aos*, that huge, unformed, irregular, inartless, ingested substance is the object—but *nullum simile est idem*<sup>2</sup>—the antifederal junto could have no parrallel there, in every thing else I affirm it to be an exact similitude—Thirteen states jumbled (not united) together—each a free will of its own, independent of the rest—a difference of situation, a difference of productions, and a difference of wills. Now all these differences considered, it is not difficult to conceive, that a wonderful deal of *discord* is the consequence. But, gentlemen, as the good of the whole is or ought to be promoted, and must be done by the wills of the whole, how can that be done where the wills of the whole cannot be determined, for want of a proper medium of power? The answer and the immediate consequence are the same—The good of the whole must be neglected—the contrary is undeniably impossible.

Thence it is, gentlemen, arises all this miserable confusion: Instead of being what we might be, united and respectable—we are foolishly detached and infamous: Instead of a large and extended trade—we are confined to a few particular countries, and that upon the most destructive and disadvantageous terms; indeed, as to a trade we have no will of our own, but are a common conveniency for every European nation, that pleases to trade with us: In short, gentlemen, there is not a cruel prohibition or a dishonorable restraint, that could be thought of, that has not been adopted, to check the American trade, and destroy the

spirits of our merchants—and alas! but too successfully have they been. Reflect but on the general distress of the merchants, the farmers, and indeed upon almost all ranks of persons—tender and insolvent acts in almost every state, denote a general bankruptcy, and almost every kind of national disaster.

But too shocking is the consideration, when we contrast those evils with the great and inestimable blessings of Providence to this unhappy country, in giving it so luxuriant a soil, rich and abundant in every needful article—a situation for interior commerce superior to any in the known world—its immense forests and its beds of ore. These are advantages that naturally encourage the farmer and the merchant, and consequently engage by far the largest class of citizens in these useful occupations, a circumstance that adds greatly to the calamity. Oppressed and injured as they now are, still they are our support—and what should we be did they flourish? The answer is, the reverse of what we now are.

Thus, gentlemen, are the blessings of heaven, which America might enjoy in a superior degree, foolishly wasted away—and, the want of proper federal powers, properly disposed of, the true spring of every evil.

Bad measures then we may consider as the cause of these disasters—and *bad* men, who were the adopters of them, as the objects of our censure.—Those men shall enjoy an important part of my attention, that we may know them and their motives,—that we may denounce vengeance upon them, discard them from our service, silence them forever. Already have they gone too far in deceiving a generous and credulous people—in the service of their own interests—it may not be improper to warn them to the use of a more cautious deportment, lest a storm of an unwelcome nature should overwhelm their projects, and leave them, what we have too long been, *the abandoned victims of the day*.

1. Reprinted: *Hudson Weekly Gazette*, 21 February.

2. Latin: No likeness is identical (Law).

**Publius: The Federalist 53 (James Madison or Alexander Hamilton)  
New York Independent Journal, 9 February 1788**

House of Representatives: annual versus biennial elections. For text, see CC:519. For reprintings, see Appendix IV, RCS:N.Y., 547.

**From William Constable  
New York, 10 February 1788 (excerpt)<sup>1</sup>**

... the New form of Government will be adopted I trust, if not a Civil War must ensue—Give us peace in our day O Lord is my prayer<sup>2</sup>—

if Commotions should take place I am almost too old to be concerned—I have 4 Children & in due time shall have some more—I must therefore look out; & should troubles actually take place I mean to go to the Ohio—where a Number of us have this Year taken up a quantity of Land on the Mouth of the Muskingam & shall commence making a settlement immediately—100 Men have just now taken up their march, & We supply them with provisions for 6 Months—by next Oppty. I will send you a full Accot. of our plan & Establishment.<sup>3</sup> . . .

1. FC, Constable-Pierrepoint Collection, Letterbook, 1782–1790, NN. This letter was addressed to “Dear Henry,” who has not been identified.

2. A paraphrase of “Give peace in our time, O Lord,” from the Anglican *Book of Common Prayer*, Morning Prayer, Versicles.

3. In October 1787 the Ohio Company, a group of New England speculators, purchased from Congress 1,500,000 acres of land in Ohio. On 1 January 1788 a group of forty-eight men, under the leadership of General Rufus Putnam of Massachusetts, left Hartford, Conn., and traveled to the mouth of the Muskingum River, where in early April they founded Marietta.

**Francis Silvester to De Witt Clinton**  
**Kinderhook, 12 February 1788 (excerpt)<sup>1</sup>**

Dear Friend.

. . . How are you affected about the new Constitution? pray let me know your Sentiments on this Subject—together with your Reasons—our Part of the State Seems very much divided about it. . . .

1. RC, De Witt Clinton Papers, NNC-RB. Silvester (1767–1845) and Clinton were 1786 graduates of Columbia College. Silvester then read law in his father’s office and became a lawyer in Kinderhook.

**Publius: The Federalist 54 (James Madison)**  
**New York Packet, 12 February 1788**

House of Representatives: the three-fifths clause and apportionment of representatives and direct taxes. For text, see CC:524. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Poor S——m**  
**New York Packet, 12 February 1788<sup>1</sup>**

Messrs. PRINTERS,

*Be pleased to publish the following observations on the times.*

Man is a querulous animal, and this life a checkquered scene, in which he is seldom contented with his lot, almost always complaining, and that of the times—the times are bad is the general complaint at present.



Een mans doodt,  
Is een aander mans broodt.<sup>2</sup>

Mr. Cook the late sexton of Trinity church, being asked how the times went, replied, "bad times, but few people died." He spoke the language the generality of mankind would speak, were they ingenuous. Interest renders them often unjustly discontented with the present, and at the expence of every social and humane principle, wish better times. It is allowed that some complaints may be well founded—let us consider those made at present.

Many of the late patriots cry the times are bad, yet the times were never better than during, and since the war, to those of them who have been enabled to accumulate large sums in public securities, most of which they have realized by the purchase of forfeited estates, or have lodged them in the treasury—or to those who in consequence of the revolution now enjoy lucrative employments.

Many of the adherents in principle to Great Britain and her government, who remained within the British lines during the late war, and have accumulated princely fortunes, inveigh against the American revolution and the present government, and cry the times are precarious and bad, although they bid fair to become the landholders of this State.

The times were never better than since the peace to the lawyers, usurers, brokers, vendue-masters, aldermen, sheriffs, constables, and the coiners of the present circulating coppers, yet they complain the times are bad, and money scarce.

Should New-York separate from the Union and assume a *sovereign independent government*, which God forbid, as wealth will often supersede the necessity of merit, some of the above persons may become the vizars, beglerbegs, beys, bashaws, hospedores, &c. &c. &c. of the kingdom.

There is nothing more common than to hear the farmers complain, although they have been blessed with excessive fine crops, they do not consider that when markets are low, they dare live the better themselves.

The times are bad indeed, cry the whig merchants and others, who have sunk their fortunes by the war, have no means to begin trade again; but must behold strangers and foreigners enjoy their former business, and the little of real estate they had left when they returned to town, sold for one third of its value, and becoming the property of others.

The times are bad, may cry the doctors from the general health that has prevailed in the city since the peace.

The times are bad cry the shop-keepers, especially in William-street, from the scarcity of money, and small profits on their goods, which will not support their high house-rents.

The times are bad cry the landlords, upon being obliged to fall their rents, and having many of their tenants running off—leaving the keys under the doors.

The times are bad cry the butchers and market people, money is scarce, meat and produce low.

The times are worse than ever we have knew them in this city, cry the actors at the play-house.

The times are bad, cry the tradesmen in general; very bad the shipwrights, not one vessel building.

The times are very bad, cry the carman, wood-sawyers, and laborers, there is no work.

The poor complain of hard times, charity is waxed cold, nay appears frozen by the late severe weather.

The young ladies cry bad times, but few marriages going forward.

The bachelors and young men reply the times are too bad to marry and support the extravagance of the modern females.

Such and the like are the complaints about the present times by individuals, influenced by particular interests: But the general complaints are, the times are bad; the present government of the United States defective; our respectability as a nation, almost lost; public credit of little value; money scarce; trade languishing, and discord staring us in the face. It must be allowed that the present are very serious times, and it behoves every one to consider them; least by our ungrateful return for blessings in times past, and present complainings, we irritate the Deity, and they become dreadful times to us; which certainly may be the case if we do not implore his kind interposition to keep us from discord; direct us that we may unitedly join our best endeavors with his blessing to mend the times, by adopting a form of government that will remove the most of those complaints—a *Constitution*, appearing to meet the divine approbation, and a token for farther good to us. If we receive it, from the many remarkable circumstances, that has contributed to its organization, and the success the adoption of it has met with already in many of the States, notwithstanding the opposition that has been made to it by self interested, obstinate, timorous or ignorant persons.

That success may attend the friends of the Constitution, and the times become better—is the wish of POOR S——m.

1. Reprinted: New Jersey *Brunswick Gazette*, 19 February. On 8 February the *Packet's* printer announced that "Poor S——m" would appear in the next issue of the paper.

2. Dutch: "One man's death, is another man's bread."

### **William North to Henry Knox**

**Albany, 13 February 1788<sup>1</sup>**

Dear General,

I received your favour this evening & before I opened it repaired to a club which is established here for hearing news, smoking tobacco, &

drinking grogg. As there were antifederalists in this body, I thought the paragraph in your letter respecting Sam Adams might be read with good Effect—accordingly I gave it to them with a little addition—last Sunday an express arrived here with the intelligence that Massachusetts had adopted the constitution with a majority of 19, I confess I had greater hopes.<sup>2</sup>

Last night the Antifedsts met here & appointed a Committee to manage the election for Convention—They use every art, & strain every nerve to gain their points—& if the Federalists do not exert themselves (which they never have done, nor ever will do sufficiently) they will be beaten.

The Governor fills up every post with Vagabonds—Gentlemen complain of him, but will not join against him—The Centinel, the farmers letters, & every other publication against the Constitution are scattered all over the County, while the federalist remains at New York, & not a single Piece (of which there are many more intelisible to the common people) is sent abroad.

Adieu my General, believe me to be Your friend & Servt

1. RC, GLC 2437, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, New York. North (1755–1836), a native of Maine and a son-in-law of James Duane, was an officer in the Continental Army during the Revolution. In 1776 he was a second lieutenant in Knox's regiment and in 1783 he was brevetted a major. Between 1784 and 1788 North was Inspector of the Army. North was a member of the New York Assembly, 1792, 1794–96, 1810, serving as speaker in 1795, 1796, and 1810. In 1798 he represented New York in the U.S. Senate. Knox (1750–1806), a native of Boston and a former bookseller, rose from the rank of colonel to that of major general in the Continental Army during the Revolution. In 1783 he helped found the Society of the Cincinnati. When Washington retired from the army, Knox became commander in chief and then served as Confederation Secretary at War from 1785 to 1789, and as U.S. Secretary of War from 1789 to 1794.

2. Perhaps a reference to the express between Boston and Albany that was established by Henry Van Schaack of Pittsfield at the request of Stephen Van Rensselaer of Albany County. (See "New York City Celebrates Massachusetts Ratification of the Constitution," 13, 14, and 16 February, below.)

**Publius: The Federalist 55 (James Madison?)  
New York Independent Journal, 13 February 1788**

House of Representatives: and knowledge of local circumstances. For text, see CC:525. For reprintings, see Appendix IV, RCS:N.Y., 547.

**New York City Celebrates Massachusetts Ratification of the  
Constitution 13, 14, and 16 February 1788**

The Massachusetts Convention convened on 9 January 1788, and on 6 February it ratified the Constitution 187 to 168. The celebrations touched off by

Massachusetts' ratification far exceeded those of the five states that had previously ratified. With the exception of the celebrations in Boston—Massachusetts' principal town, the site of the Convention, and a Federalist stronghold—the celebrations in New York City—also an overwhelmingly Federalist city—were the most impressive.

Since Massachusetts ratification was so important to New York, the news that the Massachusetts Convention had ratified was rushed to New York City and to towns on the Hudson River. (See "The Importance of Massachusetts Ratification to New York," 6 February [above].) So intent were some Federalists about relaying this news that they had even established an express system to do so. In early February Henry Van Schaack—a former New Yorker living in Pittsfield, Mass.—wrote Massachusetts Convention delegate Theodore Sedgwick informing him that Federalist Stephen Van Rensselaer of Albany County had asked him "to procure an Express at Boston" to carry, without delay, the news of Massachusetts ratification to Albany. In particular, Van Schaack wanted to know the size of the majority. He told Sedgwick that the New York legislature—scheduled to consider the calling of a state convention—had suspended its proceedings in order to await the action of the Massachusetts Convention. "In short," stated Van Schaack, "every thing depends on us [Massachusetts] about this important object" (4 February, RCS:Mass., 1577. For a passing reference to this express, see Van Schaack to Peter Van Schaack, 12 February, *ibid.*, 886. For another statement, this one by an Antifederalist, on the supposed impact of Massachusetts' action on the New York legislature, see Abraham G. Lansing to Abraham Yates, Jr., 23 January, RCS:N.Y., 637.).

On 9 February—eight days after the New York legislature adopted a resolution calling a state convention—the *Albany Journal* reported that "an express" (probably the one established by Van Schaack) had arrived in Albany with "the IMPORTANT NEWS" that the Massachusetts Convention had ratified the Constitution by a majority of nineteen (RCS:Mass., 1578n). On 13 February, Robert Livingston, Jr., after receiving this news at his Columbia County estate, informed James Duane that the news had not yet been verified, but he expected that it would be (13 February, Mfm:Mass. 711). (For what was possibly a bogus letter, dated 6 February from Williamstown, Mass., stating that the Massachusetts Convention had adopted the Constitution by "a large majority," see the *Albany Gazette*, 7 February, RCS:Mass., 1578n. For an earlier report indicating the Massachusetts Convention had not ratified, but had rejected the Constitution by three votes, see Abraham G. Lansing to Abraham Yates, Jr., 31 January, at note 2, and the *Albany Gazette*, 31 January, RCS:N.Y., 678, 679n.)

On 14 February the *New York Journal* informed its readers that on 13 February the Eastern mail had arrived "several hours earlier than usual, for the purpose of expediting the important intelligence of the ratification of the constitution by that state [Massachusetts], before it has been published in the Boston papers." Below this statement, under the heading "AUTHENTIC," the *New York Journal* printed an extract of a 6 February letter from a Convention member indicating that the Constitution was ratified at 5 P.M. on 6 February, by a vote of 187 to 168. The vote, declared the *Journal*, was accompanied by "amendments" that were in "no way interfering, with the ratification." The

*Journal* printed the amendments proposed by John Hancock on 31 January immediately below the letter extract (Mfm: Mass. 720. For these amendments, see “New York and the Massachusetts Convention’s Amendments to the Constitution,” 6 February, above. For other extracts of Boston letters of 6 February printed in New York City newspapers, see *Daily Advertiser*, 14 February, RCS:Mass., 1650–51.).

The stage that brought the Eastern mail that arrived on 13 February probably had as one of its passengers Rufus King, a Federalist delegate to the Massachusetts Convention, who had been keeping James Madison informed about the proceedings of the Convention. (For King’s arrival, see *Daily Advertiser*, 14 February, Mfm:N.Y.) Soon after King’s arrival in New York City, he discussed the Convention with Madison (Madison to George Washington, 15 February, RCS:Mass., 1701). The stage carrying the Eastern mail apparently also carried letters from Boston for both Ebenezer Hazard and Henry Knox that informed them that the Constitution had been ratified. Hazard considered Massachusetts ratification “as another Interposition of divine Providence in our favor.” (See Hazard to Jeremy Belknap, 13 February, and Knox to Robert R. Livingston, 13 February [Mfm:Mass. 709 and 710].)

Some New York City residents began celebrating the news of Massachusetts ratification almost immediately. On the evening of 13 February thirteen gentlemen, upon hearing the news while at George Rawson’s tavern on Water Street, drank thirteen “*impromptu*” toasts (*Daily Advertiser*, 15 February, RCS:Mass., 1639–40). The next morning “a number of gentlemen” met at Mrs. Cornelius Bradford’s Merchants’ Coffee House on Wall and Water streets, where at sunrise and at noon flags were raised that were inscribed “New Constitution, September 17th, 1787” and “Boston, February 6, 1788.” The “standard of the Union” was displayed at Fort George and “the American vessels in the harbor hoisted their colours.” At noon, “*six times thirteen guns*” were fired in honor of the six ratifying states; these guns were answered by “*thirteen guns*” from an East-Indian bound ship in the harbor (*New York Packet*, 15 February, and *Independent Journal*, 16 February, both below; and *New York Journal*, 15 February, RCS:Mass., 1640). According to Samuel Blachley Webb, “no Antifederalist’s shew their heads, many indeed have changed their sentiments” (to Joseph Barrell, 17 February, RCS:Mass., 1641).

The city’s “Constitutional Club,” of which Webb was possibly a member, organized a celebration dinner that took place at the Merchants’ Coffee House on 16 February. From seventy to more than eighty persons—composed of “a number of respectable Citizens,” several members of Congress, and the city’s mayor—enjoyed a dinner “which in (the true republican style) consisted of only two articles—Beef [steaks] and Salt Fish.” They also drank thirteen toasts “under the fire of Six Guns to each Toast” in honor of the six ratifying states. After the celebration ended, the celebrants were convinced that New York’s Antifederalists—for “their own reputation” and their state’s “welfare”—would imitate the “Patriotic Conduct of the Minority of Massachusetts.” (See Samuel Blachley Webb to Joseph Barrell, and to Catherine Hogeboom, both 17 February [RCS:Mass., 1641–42]; and the *Daily Advertiser*, 18 February; and *Massachusetts Centinel*, 27 February, both below.)

These celebrants had saluted the minority of the Massachusetts Convention because, following ratification, some members of the minority had addressed that body to the effect that they had been treated fairly, that they would support the Constitution, and that they would encourage their constituents to do the same. The acquiescence of these delegates was praised by Federalists throughout America. New York newspapers printed or reprinted brief items on the subject. One of the toasts that was drunk at the Merchants' Coffee House on 16 February was in honor of "the Patriotic Declarations" of both the Massachusetts and Connecticut minorities. (See *Daily Advertiser*, 18 February, below; Boston *Independent Chronicle*, 7 February, *Daily Advertiser*, 14 February, *Pennsylvania Gazette*, 12 March, and *Massachusetts Centinel*, 22 March [RCS:Mass., 1648, 1650–51, 1654–55, 1655–56].)

*New York Packet*, 15 February 1788<sup>1</sup>

In consequence of the intelligence from Boston, of the ratification of the Fœderal Constitution by the State Convention of Massachusetts, the Fœderalists of New-York, yesterday testified their joy on the pleasing event. At sun rise a standard of the United States was hoisted on the Coffee-house,<sup>2</sup> in which was inserted the following words—"The Constitution, September 17th, 1787." And at noon, another flag was displayed at the same place, in which was exhibited the figure of a pine tree, and these words—"February 9, 88. Boston." The standard of the Union was likewise displayed at the Fort, and the American vessels in the harbor hoisted their colours on the occasion.—At twelve o'clock, *six times thirteen guns* were discharged, in honor of the *six States* that have already ratified the Constitution, which were answered by *thirteen guns* from the ship *Jenny*, Capt. Thomson, bound for the East-Indies.<sup>3</sup>

The joy and satisfaction exhibited by a *great majority* of the inhabitants of New-York, on this auspicious event, will certainly convince our brethren in the sister States, that this State cherishes in her bosom, many virtuous citizens, who most ardently wish for a government calculated "to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

*New York Independent Journal*, 16 February 1788<sup>4</sup>

We are happy in having it in our power to communicate to our readers the authentic and agreeable intelligence, of the adoption of the New Constitution by the State of Massachusetts.

The friends of America will no doubt consider this event as a most propitious omen of the rising prospect of American greatness, when

they consider that a SIXTH State has already ratified a Constitution, which, in its formation, has employed the wisdom of the most distinguished patriots of the Thirteen States; and which, when candidly examined in all its parts, by the representatives of six of these States, has been found to be well calculated to promote unity, peace and harmony throughout the whole.

Upon the arrival of this agreeable intelligence in this City, the inhabitants in general discovered every appearance of heartfelt joy.—At sun-rise on Thursday, an elegant flag was hoisted at the Coffee-house, in which the following words were inserted, *The Constitution, September 17, 1787*. At noon another flag representing a Pine Tree, appeared at the same place, with these words, *Boston, February 9, 1788*. At twelve o'clock six times thirteen guns were fired, in honour of the six States that had already adopted the Constitution. A Union Flag was displayed at the Fort,<sup>5</sup> and the different vessels in the harbour discovered every appearance of rejoicing, by hoisting their flags.

When we consider that this constitution has in every State where it has been hitherto examined, been readily adopted, and that by a respectable majority, we have great reason to hope that the time is not far distant, when the Americans being represented by one general and permanent Government, will speedily rise to that dignity and consequence amongst the nations of the world, as must always attend a free, virtuous and powerful people.

*New York Daily Advertiser, 18 February 1788*<sup>6</sup>

On Saturday last, a number of respectable Citizens, celebrated at the Merchants' Coffee-house, the RATIFICATION of the NEW CONSTITUTION, by the State of Massachusetts. Several of the Honorable Members of Congress and the Mayor of the City,<sup>7</sup> did them the honor of partaking of their repast; which in (the true republican style) consisted of only two articles—Beef and Salt Fish. The general joy which was diffused over every countenance on this occasion, was a decisive proof, that the conduct of Massachusetts would ensure the Ratification of this excellent Constitution, not only in this, but every other State of the Union.

After dinner the following TOASTS were drank, under the fire of Six Guns to each Toast, in honor of those States which had adopted the Constitution.

1st. The Constitution—may it prove the solid fabric of American Liberty, Prosperity and Glory.

2d. The Federal Convention—may their Virtue, Wisdom and Firmness, be deeply engraven on the hearts of their countrymen.

3d. The State of Delaware.

4th. The State of Pennsylvania.

5th. The State of New-Jersey.

6th. The State of Connecticut.

7th. The State of Georgia.

8th. The State of Massachusetts.

9th. May the Patriotic Declarations of the Minorities of Connecticut and Massachusetts, serve as an example throughout the Union.

10th. The Friends of the Constitution throughout the States.

11th. The State of New-York—may it soon become an additional Pillar to the new Roof.<sup>8</sup>

12th. Union to the States, and confusion to the enemies of it.

13th. General Washington—may his Wisdom and Virtue preside in the Councils of his Country.

The utmost order and good humour prevailed throughout the whole of the entertainment; and about nine o'clock in the evening, the company broke up, under the impression, that those who had been opposed to the New Constitution in this State, would be convinced (after the candid and able discussion of it by their eastern neighbours) that their jealousies were ill-founded; and that their own reputation, as well as the welfare of the State, would be best promoted, by imitating the Patriotic Conduct of the Minority of Massachusetts.

*Massachusetts Centinel, 27 February 1788*<sup>9</sup>

*Extract of a letter from New-York, dated Feb. 17th.*

“On Wednesday, immediately on my getting the Saturday’s paper, containing the Grand Procession, and the particulars of the rejoicing in Boston, I went to the Coffee-House, where I read its pleasing contents to a very large and respectable number of citizens, who received the glad tidings, with three hearty cheers—The order of procession, and disposition of the day, is universally extolled here. Your minority have gained themselves immortal honour, by their honourable and candid behaviour. On Thursday the event was celebrated by a discharge of six times thirteen rounds of cannon, in honour of the six pillars that are reared. A flag was on Wednesday night displayed on the top of the Coffee-House, with the words *Constitution, September, 1787*, and a small flag in honour of Massachusetts, with the *Pine-Tree, Feb. 6th, 1787, Boston*. An invitation was given by the Constitutional Club to the members of Congress, and a number of citizens, who to the amount of 70, dined at the Coffee-House yesterday, on *Cod-Fish* and *Beef-Steaks*, in honour of Massachusetts. The toasts were accompanied by a discharge of six



rounds each, and Massachusetts drank in a bumper<sup>10</sup>—as also the glorious conduct of its minority. The decision of your State must fix the business—The few antifederalists in our city are coming about under the cloak of the terms annexed to the ratification, which shows much wisdom in those who devised the conciliatory measure. I make not the least doubt but by the latter end of June, I shall be able to announce to you the erection of our pillar in support of the new roof.”

1. Reprinted in the Albany *Federal Herald*, 25 February (minus the second paragraph), the *Hudson Weekly Gazette*, 28 February, and in twenty-three newspapers outside New York by 24 March: Vt. (2), N.H. (2), Mass. (8), R.I. (2), Conn. (6), Pa. (3). Four of the out-of-state newspapers omitted the second paragraph.

2. A reference to the Merchants' Coffee House (at the southeast corner of Wall and Water streets). It was operated by Cornelius Bradford and after his death in November 1786 by his widow. In 1774 and 1775 the Coffee House was one of the meeting places of New Yorkers opposed to British imperial policy, and during the 1780s merchants and others met there to organize the Bank of New York and to reorganize the Chamber of Commerce. The Coffee House was favored by such groups as the New York Manumission Society, the Masons, the Friendly Sons of St. Patrick, and the St. Andrew's Society.

3. On 29 February the *Daily Advertiser* reported that “Yesterday sailed the ship Jenny, Captain Thompson, for Canton, in China. On her departure, she saluted the city with a discharge of thirteen cannon, which was returned from the fort.” (See also *New York Packet*, 29 February, CC:Vol. 4, pp. 529–30.)

4. Reprinted in whole or in part in ten newspapers by 2 April: Pa. (4), Md. (2), Va. (3), N.C. (1).

5. A reference to Fort George, a dilapidated fort located on the tip of Manhattan Island on the Hudson River side. The fort was razed in 1789 by order of the state so that the land on which it stood could be used for the public and for the erection of a house for the President of the United States. The location of the fort is now known as Battery Park.

6. Reprinted in the *New York Morning Post* and *New York Packet*, 19 February, Albany *Federal Herald*, 25 February, *Country Journal*, 26 February, and in whole or in part in ten newspapers outside New York by 20 March: N.H. (1), Mass. (3), Conn. (1), Pa. (3), Md. (1), S.C. (1).

7. James Duane, who represented New York County in the state Convention, where he voted to ratify the Constitution in July.

8. For the metaphor of the pillars, which was originated by Boston newspapers, especially the *Massachusetts Centinel*, see RCS:Mass., 524–26, and CC:Vol. 3, 564–67. For the metaphor of the new roof, see “The New Roof” (Francis Hopkinson), *Pennsylvania Packet*, 29 December (CC:395).

9. Reprinted in whole in the Portland, Maine, *Cumberland Gazette*, 13 March, and in part in the *Salem Mercury*, 4 March, and the Springfield *Hampshire Chronicle*, 12 March.

10. A “bumper” is a glass filled to the brim with strong drink, especially for toasts.

### **Ebenezer Hazard to Jedidiah Morse New York, 14 February 1788 (excerpts)<sup>1</sup>**

... I am this Moment informed that Massa. has adopted the new Constitution, upon which I congratulate you. By the bye, will not this

Business of the new Constitution make so very material & important a Change in our Affairs & History, as to make it adviseable for you to postpone the Publication of your Book for *a few Months*? I say, a few months, for it can be no longer before it will be known whether the States generally will adopt the new Constitution, as the Convention which will meet latest is to sit (I think) in August. The Delay will render your Work *much more* complete, should this Event take Place, & the Event itself is of such Magnitude that it will form a new *Æra* in our history:—this Circumstance may make it proper to print the whole Constitution in your Geography:<sup>2</sup>—this Addition will make the work more useful & probably more saleable. For these Reasons I would advise to the Delay. . . .

P.S. “The Numbers” are copied from a News Paper.—A member of the Convention told me that *such* a Paper had been before that Body;—that it was not deemed *accurate*, but was thought to be as much so as could be expected in present Circumstances. It is curious, singular, & affecting, that the Slaves in the Southern States should be deemed equally numerous with *all* the Inhabitants of N. Hamp. Massa. & R. Island; & that they should make so great a Proportion as near  $\frac{1}{6}$  of all the Inhabitants of the Union.<sup>3</sup>—

1. RC, Morse Papers, NH. Morse (1761–1826), a native of Woodstock, Conn., and a 1783 graduate of Yale College, was a Congregational clergyman living in New Haven at this time. Morse was pastor of the First Congregational Church in Charlestown, Mass., 1789–1819. (See also note 2, below.)

2. Morse was expanding his *Geography Made Easy* . . . (New Haven, 1784 [Evans 18615]), the first geography published in the United States. Parts of Hazard’s letter omitted here were responses to questions that would assist Morse. In 1789 Morse published *The American Geography* . . . (Evans 21978).

3. “The Numbers” refer to population estimates for the states printed in the *Daily Advertiser* on 5 February that included the number of slaves in the Southern States (CC:Vol. 4, pp. 509–10).

## Brutus XII

New York Journal, 14 February 1788<sup>1</sup>

(Continued from last Thursday’s paper.)

This same manner of explaining the constitution, will fix a meaning, and a very important one too, to the 12th clause of the same section, which authorises the Congress to make all laws which shall be proper and necessary for carrying into effect the foregoing powers, &c. A voluminous writer in favor of this system, has taken great pains to convince the public, that this clause means nothing: for that the same powers expressed in this, are implied in other parts of the constitution.<sup>2</sup>

Perhaps it is so, but still this will undoubtedly be an excellent auxiliary to assist the courts to discover the spirit and reason of the constitution, and when applied to any and every of the other clauses granting power, will operate powerfully in extracting the spirit from them.

I might instance a number of clauses in the constitution, which, if explained in an *equitable* manner, would extend the powers of the government to every case, and reduce the state legislatures to nothing; but, I should draw out my remarks to an undue length, and I presume enough has been said to shew, that the courts have sufficient ground in the exercise of this power, to determine, that the legislature have no bounds set to them by this constitution, by any supposed right the legislatures of the respective states may have, to regulate any of their local concerns.

I proceed, 2d, To inquire, in what manner this power will increase the jurisdiction of the courts.

I would here observe, that the judicial power extends, expressly, to all civil cases that may arise save such as arise between citizens of the same state, with this exception to those of that description, that the judicial of the United States have cognizance of cases between citizens of the same state, claiming lands under grants of different states. Nothing more, therefore, is necessary to give the courts of law, under this constitution, complete jurisdiction of all civil causes, but to comprehend cases between citizens of the same state not included in the foregoing exception.

I presume there will be no difficulty in accomplishing this. Nothing more is necessary than to set forth, in the process, that the party who brings the suit is a citizen of a different state from the one against whom the suit is brought, & there can be little doubt but that the court will take cognizance of the matter, & if they do, who is to restrain them? Indeed, I will freely confess, that it is my decided opinion, that the courts ought to take cognizance of such causes, under the powers of the constitution. For one of the great ends of the constitution is, "to establish justice." This supposes that this cannot be done under the existing governments of the states; and there is certainly as good reason why individuals, living in the same state, should have justice, as those who live in different states. Moreover, the constitution expressly declares, that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." It will therefore be no fiction, for a citizen of one state to set forth, in a suit, that he is a citizen of another; for he that is entitled to all the privileges and immunities of a country, is a citizen of that country. And in truth, the

citizen of one state will, under this constitution, be a citizen of every state.

But supposing that the party, who alledges that he is a citizen of another state, has recourse to fiction in bringing in his suit, it is well known, that the courts have high authority to plead, to justify them in suffering actions to be brought before them by such fictions. In my last number<sup>3</sup> I stated, that the court of exchequer tried all causes in virtue of such a fiction. The court of king's bench, in England, extended their jurisdiction in the same way. Originally, this court held pleas, in civil cases, only of trespasses and other injuries alledged to be committed *vi et armis*.<sup>4</sup> They might likewise, says Blackstone, upon the division of the *aula regia*,<sup>5</sup> have originally held pleas of any other civil action whatsoever (except in real actions which are now very seldom in use) provided the defendant was an officer of the court, or in the custody of the marshall or prison-keeper of this court, for breach of the peace, &c. In process of time, by a fiction, this court began to hold pleas of any personal action whatsoever; it being surmised, that the defendant has been arrested for a supposed trespass that "he has never committed, and being thus in the custody of the marshall of the court, the plaintiff is at liberty to proceed against him, for any other personal injury: which surmise of being in the marshall's custody, the defendant is not at liberty to dispute." By a much less fiction, may the pleas of the courts of the United States extend to cases between citizens of the same state. I shall add no more on this head, but proceed briefly to remark, in what way this power will diminish and destroy both the legislative and judicial authority of the states.

It is obvious that these courts will have authority to decide upon the validity of the laws of any of the states, in all cases where they come in question before them. Where the constitution gives the general government exclusive jurisdiction, they will adjudge all laws made by the states, in such cases, void *ab initio*.<sup>6</sup> Where the constitution gives them concurrent jurisdiction, the laws of the United States must prevail, because they are the supreme law. In such cases, therefore, the laws of the state legislatures must be repealed, restricted, or so construed, as to give full effect to the laws of the union on the same subject. From these remarks it is easy to see, that in proportion as the general government acquires power and jurisdiction, by the liberal construction which the judges may give the constitution, will those of the states lose its rights, until they become so trifling and unimportant, as not to be worth having. I am much mistaken, if this system will not operate to effect this with as much celerity, as those who have the administration

of it will think prudent to suffer it. The remaining objections to the judicial power shall be considered in a future paper.

1. For the first part of this essay, see "Brutus" XII, *New York Journal*, 7 February (above).
2. See *The Federalist* 33 and 44, *Independent Journal*, 2 January, and *New York Packet*, 25 January (CC:405, 476).
3. See "Brutus" XI, *New York Journal*, 31 January (RCS:N.Y., 680–86).
4. Latin: with force and arms.
5. *Commentaries*, Book III, chapter IV, 42. For more on the establishment and operation of the royal court of *aula regia*, see *ibid.*, 37; and Book IV, chapter XXXIII, 409–11, 415.
6. Latin: From the beginning; from the first act; from the inception.

### A Countryman VI (Hugh Hughes)

*New York Journal*, 14 February 1788<sup>1</sup>

LETTERS from a Gentleman in DUTCHESS-COUNTY  
to his friend in NEW-YORK.

(Continued from this Register of the 22d ult.)<sup>2</sup>

DEAR SIR, The pamphlets which you sent me, I have read, and, agreeably to what I proposed, in my first letter, will offer you, by way of return, for your politeness and friendship, some of the observations which occurred to me, when I read them. Wherever you think me wrong, I beg your correction, when business permits; as I have nothing in view but the truth, and that I ever wish to avow, let who will be opposed to it.

Though I can not subscribe to the whole of the *Fœderal Farmer*; yet, I think he has great merit, and well deserves the thanks of his country. But, if I mistake not, he seems at the latter end of the 3d page and beginning of the 4th, to lay rather too much stress on Mr. Pope's maxim, which is, that, "that which is best administered, is best."<sup>3</sup> With the greatest deference for the *Fœderal Farmer*'s good sense, I beg leave to ask, whether this jingling maxim will not militate as much for the worst form of government, as for the best? From the candour which every where appears in his letters, I think, that I may venture to presume on his answering this question, if answered at all, in the affirmative. However, should I, in this, be wrong, I will as readily acknowledge the error, as ask the question. And, if so, what matter whether the form of government be good or bad, if it be but well administered? Besides, if Mr. Pope's mode of reasoning be just, why find fault with the constitution proposed, before it is put to the test; for who can tell, previous to its being administered, but it may, according to the poet's logic, be the best? Hence, does it not clearly appear how dangerous it is, to adopt the opinion or sentiments of any man, or number of men, however sanctioned by time, or the reputed wisdom, &c. of the author

or authors, without first thoroughly canvassing the principles, and considering the consequences?

Perhaps, to a theocracy or divine government; that is, a government instituted and administered by the immediate interposition of the almighty, the poet's maxim may, with more consistency, be applied. In which, whatever is of divine institution, or administration, is certainly best.

But, I believe it is not pretended by any body, unless it be by the mad doctor, in Philadelphia, that the proffered constitution is of divine descent;<sup>4</sup> or, if it be, it is rather too nearly related to the divine right of kings, to be worshipped by true republicans, who enjoy the proper use of their reason. Why then adopt that which may as readily lead to error, as to truth?

As the letter writer appears to be a gentleman of true philanthropy, as well as of a clear and comprehensive understanding, I am bound to believe, that it is something, which, from an early adoption, or much use, has become very familiar to him, and, that he did not, at the time, attend to all its consequences. Neither is this any thing uncommon, or peculiar to him, as it undoubtedly has gone through the hands of thousands, before his; and, I imagine, almost every person may, at times, discover something or other of the kind, the absurdity of which, either from much use, or an early adoption, as mentioned above, has become so familiar or sanctioned by custom and time, as not to excite attention, and that too often in spiritual as well as temporal concerns.

At the bottom of the 15th page and top of the 16th, are these words, "I wish the system adopted with a few alterations; but those, in my mind, are essential ones; if adopted without, every good citizen will acquiesce, &c."<sup>5</sup> On which, I wish the gentleman had either been more explicit, or silent; as, in the first case, his meaning would have appeared to more advantage, and, in the other, there would have been no necessity for any observation. For, when he says, "if adopted without, every good citizen will acquiesce," may it not imply, that, "every good citizen," ought, in duty, or of choice to "acquiesce," or that "every good citizen must of, or from, necessity "acquiesce?"

However, I imagine, that, from the epithet—"good citizen," the former construction may fairly be put on the phrase; that is, that it will, of course, be the duty or choice of *every good citizen to acquiesce*, even if the constitution should be adopted *without any alteration*.

Now, if this be truly the gentleman's meaning, and I can not, as I said above, at present, fairly put any other on it—I must deny his position. Nay, does not he, himself, tacitly deny it, when he says, that the alterations which he wished made, "are essential ones?" For, if *they are*

*really essential*, according to the true sense of the word, will it not be rather difficult to prove, that it is the duty of a good citizen to acquiesce, in the manner represented, in what is essentially wrong?

Should it be said, that no more is meant by the word "acquiesce," than "a peaceable submission," I then say, that there was no necessity for mentioning *the quality of the citizen*; it being as much the duty of a *bad citizen*, as a good one, to *acquiesce*, perhaps, more requisite to be inculcated to the bad, than the good. And, should the constitution be adopted *without being essentially amended*, I hold it to be the *indispensible duty of every citizen*, good and bad, *not to acquiesce in the devises and institutions of men, which are directly opposite, or repugnant, to the word of god*; but, *by all and every just and prudent means, continually endeavour to procure a reformation or amendment of every thing which is essentially wrong*.

In page the 18th, paragraph the 2d, it is said, "The senate is entirely on the federal plan,"<sup>6</sup> which to me appears somewhat singular, when each senator is to have one vote. Either I do not comprehend his meaning, or there is a mistake, which ought to be corrected, for, by the present confederation, which is a union of the states, not a consolidation, *all the delegates*, from a state, have but one vote, and in the state senate, which is on the plan of consolidation, *each* senator has a vote. In page 38, there is an expression, which does not seem to be altogether consistent with the general tenor of the whole, but, perhaps not worth your notice at this time.<sup>7</sup>

I ask your pardon for being so tedious on such a trifling affair, seemingly; yet viewed in all their consequences, they appear to me, to be of some import rightly to understand.

The fabulous story of Actæon and his hounds,<sup>8</sup> is too often verified in disputes of this sort. If I do not mistake, it frequently so happened, just before the revolution, as well as in the course of the war; and, I think, that I remember seeing several such complaints in the public prints, when you returned to the city, especially of Phocion,<sup>9</sup> who then pretended to be as zealous an advocate for the constitution of the state, as Publius is now for the new constitution, of which, in No. 38, he gives but a vague account of what is alluded to in the preceding paragraph, as well as the Federal Farmer.<sup>10</sup>

Not that I suppose the Federal Farmer to have been intentionally wrong. I do not, I assure you; and I beg, that he will not suspect me of it, let him be who he will, for who he is I know not. There are thousands of words and phrases made use of, and that by the most sensible men and best writers, which will not, in all constructions, bear a close examination; and, if that be the case with such characters as I have mentioned, there can be no doubt but you and he, should it be read by

him, may discover such in these very observations: but be that as it may, I expect you will readily agree with me that, it is absolutely requisite to weigh every sentiment of friend as well as foe, before we approve, in such momentous concerns, as these times afford.—

As remarkable as the Federal Farmer is for candour and fair reasoning, just so remarkable is the pamphlet, said to be written by P——h W——r, of Philadelphia, for a farrago of falshood and a want of reasoning.<sup>11</sup> But I know the man and his creed: I have several of his essays, &c. &c. He is a creature of M——’s and a child of the bank,<sup>12</sup> if I may be allowed the phrase. And, had it not been for the pernicious influence of that bank, persuaded I am, that the people of Pennsylvania would not have been precipitated, in the manner they have, into the measures lately adopted by them.

Is it not curious enough, that our common friend —— ——, should accuse any man of not being a fair reasoner,<sup>13</sup> when the very constitution itself, has not been effected by reason, but in direct opposition to it; and the adoption of it, in Pennsylvania, was carried in the same manner, only with more violence—the other more cunning. I am not entirely destitute of hopes, but that state may yet have another convention on the same subject. It cannot surely be possible, that the great body of the people, when they become fully informed of the *perfidious* advantage which has been taken of their confidence and credulity, by a few designing men, will patiently suffer themselves to be insulted by an aristocratical junto, and their adherents. No, I think, that they will spurn at the constitution, and the contrivers of it, in that state. And to my no small satisfaction, I observe, that the “Centinel” is perfectly competent, and willing to give them every information that their circumstances may require.<sup>14</sup>

The Federalist, as he terms himself, or Publius, puts me in mind of some of the gentlemen of the long robe, when hard pushed, in a bad cause, with a rich client. They frequently say a great deal, which does not apply; but yet, if it will not convince the judge nor jury, may, perhaps, help to make them forget some part of the evidence—embarrass their opponent, and make the audience stare, besides encreasing the practice.

The Daily Advertiser, of January 17th, contains an extract, which is said to be part of “A letter from the late illustrious president of the general convention, to his friend in Fredricksburgh, Virginia,”<sup>15</sup> but which, I do not believe to be his inditing, and for the following reasons:—That, neither the style nor composition, appears to be genuine; besides, several of the expressions are too positive and unguarded for



any man of common prudence, and much more so, for a person who has always been considered as eminent for that very qualification.

Had such a thing made its appearance in the course of the war, I believe, that the medium of its origination might have been much more rationally accounted for, than it now appears to be.

Some time since, I also observed a paragraph in one of the papers, but which, at present, I really cannot tell, intimating, that the president of the late general convention, had consented to serve as a member of the state convention, if chosen for one of the counties in Virginia.<sup>16</sup> This, I do not credit; for, though Mr. Wilson<sup>17</sup> and some others, consented to become the encomiasts and worshipers of *their own image*, can there ever be a possibility, that HE, who has given so many unequivocal proofs of his native diffidence and modesty, should now assume quite a contrary style and conduct. I will not believe it—it can never be. Indeed, I sincerely wish, that he had refused to quit his peaceful shade. Nor do I believe that he would again have taken on him a public character, had not a very influential combination been formed, in and by which, every engine has been set to work, and that for the sake of accomplishing the *grand desideratum* of Mr. Adams's nobility, the well-born of America, or the United States.<sup>18</sup>

But, to return to the extract, in which there are two periods, in the first paragraph, that prove too much (if they prove any thing) and, of course, amount to nothing, unless it be the writer's design. They are these:—“*And clear I am*, if another federal convention is attempted, that the sentiments of the members will be more discordant, or less accommodating than the last. In fine, they will agree upon no general plan.”<sup>19</sup>

Now, if it be *impossible* for all the people of the United States, to form another *single* convention which shall agree upon *any one kind of government* (and is not this the obvious import or meaning of the assertion) I should be glad to learn, how the ingenious contriver of this curious extract expected, that *thirteen*, or even *nine different* conventions should ever agree to adopt the constitution, unless he intended to apply his “ultima ratio”<sup>20</sup> to them?

Of late, I have observed several of these spurious extracts, paragraphs, &c. in the papers; but, as they were either anonymous, or the characters not of much consequence, I thought them unworthy of notice.—In this, I am impelled by duty.

I am, dear sir, Your most obedient, And very humble servant, A COUNTRYMAN.

1. Reprinted: Philadelphia *Independent Gazetteer*, 3 May. The *Gazetteer* changed the heading of this essay to read: “Letters from a Countryman in the State of New-York to his Friend in the City.” It also inserted the date 29 January 1788 below the heading. The draft of this essay, found in the Hugh Hughes Papers at the Library of Congress, also

includes this date (“January 29th. 1788”) in the dateline. The printed essay is more elaborate than the draft. The draft differs from the printed version in capitalization, spelling and abbreviations. Although the words in the draft and the printed version occasionally differ, the differences are stylistic, and the meaning is essentially the same. For a facsimile of the draft, see Mfm:N.Y.

2. See “A Countryman” V, *New York Journal*, 22 January (RCS:N.Y., 634–37).

3. See “Federal Farmer,” *Letters to the Republican*, 8 November, at note 2 and note 2 (RCS:N.Y., 208, 243n).

4. A reference to a speech by Philadelphia physician Benjamin Rush. On 12 December Rush told the Pennsylvania Convention that “he as much believed the hand of God was employed in this work [the Constitution], as that God had divided the Red Sea to give a passage to the children of Israel, or had fulminated the ten commandments from Mount Sinai” (CC:357 and RCS:Pa., 592–96).

5. See “Federal Farmer,” 8 November, at note 13 (RCS:N.Y., 219).

6. See “Federal Farmer,” 8 November, at note 15 (RCS:N.Y., 221).

7. The reference is probably to the “Federal Farmer’s” statement that, if the state conventions adopt the system, “I shall be perfectly satisfied.” (See “Federal Farmer,” 8 November, between notes 30 and 31, RCS:N.Y., 240.)

8. Actæon, a famous hunter, came upon Diana, the goddess of hunting while she was bathing. An angry Diana splashed water on Actæon, changing him into a stag. Whereupon, he was devoured by his own hunting dogs.

9. A reference to Alexander Hamilton who used the pseudonym “Phocion.” (See “Inspector” I, *Daily Advertiser*, 20 September, note 3, RCS:N.Y., 33.)

10. See Publius, *The Federalist* 39, *Independent Journal*, 16 January (CC:452, p. 384). This essay was number 38 in the newspaper, but number 39 in the pamphlet edition of *The Federalist* published on 22 March.

11. A reference to Federalist polemicist Pelatiah Webster of Philadelphia, who published two pamphlets in Philadelphia in the fall of 1787: *Remarks on the Address of Sixteen Members of the Assembly of Pennsylvania . . .* (Evans 20871); and *The Weaknesses of Brutus Exposed . . .* (Evans 20872). The first pamphlet appeared on 18 October, the second on 8 November. For the texts of these pamphlets, see CC:125–B, and CC:244. For more on the address of the sixteen members, see “New York Reprinting of the Address of the Seceding Members of the Pennsylvania Assembly,” 9–18 October 1787 (RCS:N.Y., 76–77), and for “Brutus,” see “Brutus” I, *New York Journal*, 18 October (RCS:N.Y., 103–15). In his draft, Hughes wrote out “Pelatiah Webster.”

12. A reference to Federalist leader Robert Morris of Philadelphia, a signer of the Constitution. In 1781 Morris had organized the Bank of North America, which was based in Philadelphia and which became a major issue in Pennsylvania politics in the 1780s. Pelatiah Webster wrote several essays supporting the bank in the mid-1780s. In his draft, Hughes wrote out “Morris’s.”

13. Instead of the blanks, Hughes wrote the initials “T. P.” in his draft, referring to Timothy Pickering. In a letter written to Charles Tillinghast on 6 December 1787, Pickering wrote that “The federal farmer is not a fair reasoner . . .” (CC:288–B, p. 193). Tillinghast had sent Hughes a copy of Pickering’s 6 December letter (RCS:N.Y., 669, 670, note 18).

14. For “Centinel,” a major Pennsylvania Antifederalist essayist, see “New York Reprinting of the Centinel Essays,” 17 October 1787–12 April 1788 (RCS:N.Y., 96).

15. For a description of and quotation from the extract of George Washington’s letter, see Abraham Bancker to Evert Bancker, 9 February, note 2 (above). For the text of the extract, see CC:386–A.

16. “A Countryman” refers to the following brief paragraph which appeared in the *Pennsylvania Gazette* on 21 November: “We hear that his Excellency General WASHINGTON has consented to represent the county of Fairfax, in Virginia, in the state convention of

that commonwealth, which is to take into consideration the new federal government.” This item was reprinted in eight New York newspapers between 24 November and 4 December (CC:Vol. 2, p. 456). No evidence exists that Washington ever consented to become a delegate to the Virginia Convention.

17. The reference is to James Wilson of Pennsylvania, a signer of the Constitution and a principal exponent of it. See “New York Reprinting of James Wilson’s 6 October Speech Before a Philadelphia Public Meeting,” 13–25 October 1787 (RCS:N.Y., 84–85).

18. Early in 1787 John Adams, the American minister to Great Britain, published in London the first of three volumes entitled *A Defence of the Constitutions of Government of the United States of America*. . . . This work was reprinted in America and circulated widely. Newspapers also reprinted extracts from the volume. The *Defence* was both praised and criticized. One of the criticisms was that Adams diminished the role of the people in government and gave too much prominence to the rich and wellborn. (See CC:16.)

19. See note 15 (above).

20. In the letter (see note 15, above), Washington stated that “If one State (however important it may conceive itself to be) or a Minority of them, should suppose that they can dictate a Constitution to the Union (unless they have the Power of applying the *ultima Ratio* to good Effect) they will find themselves deceived.”

**Abraham B. Bancker to Evert Bancker  
Poughkeepsie, 15 February 1788 (excerpt)<sup>1</sup>**

Hond. sir—

. . . the Accounts from Boston seem not to have much weight in the Federal Scale of Politicks as they appear to have Adopted the new proposed Constitution under certain Restrictions, and indeed there appears to be so great an Opposition in every Quarter that I am apprehensive the Wheels of Government will Move very heavy if at all—however I hope for the best, and in case our State should adopt it, I could wish no Jealousies to arise to dispose us to a separation from the Union, we are in my Opinion in a very critical Situation, and hope an Over Ruling Power will direct us to what may be the Salvation of our Country—The Stage is arrived and Capt. Connolly who takes Passage with it will deliver this—My last Accounts from home left my Family in tolerable Health I now Conclude with my Love to Papa Mama and Christopher with his family and Remain with sincere Regard

Hond. sir—Your Ever Affecte. & Dutiful Son

1. RC, Bancker Family Correspondence, NHi. This letter, addressed to his father Evert Bancker in New York City, was endorsed as received on 17 February and as answered on 20 February. Abraham B. Bancker (1754–1806), a resident of Kingston, was from 1784 to 1802 clerk of the state Senate, which was meeting in Poughkeepsie at this time. He was a lieutenant in the Continental Army and a commissary of prisoners during the Revolution. He was one of the two secretaries of the state Convention in 1788.

**Brockholst Livingston to William Livingston  
15 February 1788 (excerpt)<sup>1</sup>**

. . . I congratulate you on the good news from Massachusetts—I had many fears about the Event of their deliberations—Converts to the new

Constitution are daily making among us.—Altho some Counties are strongly antifederal—In Ulster they have burnt the Constitution accompanied with Coll. Hamilton in Effigy.<sup>2</sup>. . .

1. RC, Livingston Papers, MHi. The place of writing does not appear on the letter but the writer was a resident of New York City. Henry Brockholst Livingston (1757–1823), a lawyer and a 1774 graduate of the College of New Jersey (Princeton), attained the rank of lieutenant-colonel in the Continental Army during the Revolution and from 1779 to 1782 he was private secretary to John Jay, his brother-in-law, who was minister plenipotentiary to Spain. After the Revolution he dropped his first name and was known as Brockholst Livingston. He was an associate justice of the New York Supreme Court, 1802–6, and an associate justice of the U.S. Supreme Court, 1806–23. William Livingston (1723–1790), Brockholst's father, was a native of Albany, a graduate of Yale College (1741), and a lawyer. Before 1772, when he moved to New Jersey, Livingston was prominent in New York politics. He was a New Jersey delegate to Congress, 1774–76, the first governor of that state, 1776–90, and a delegate to the Constitutional Convention, where he signed the Constitution.

2. For more on the burning of the Constitution on 7 February, see “Reports of the Burning of the Constitution in Ulster County,” 23 February–12 April (below). None of the newspaper reports mentioned Alexander Hamilton's effigy.

### **Nathaniel Hazard to Mathew Carey**

**New York, 16 February 1788 (excerpt)<sup>1</sup>**

. . . Our prevailing State Politics are too narrow and antifederal, which must be principally ascribed to want of Information in the Mass of the People, who are perhaps more unlettered than those of any State on this Side of Maryland. The first Settlers were chiefly from Holland, and from various Causes not attached to Literature; add to this, large Tracts of our best cultivated Lands, were held by a few Individuals in extensive Manors, occupied by needy, dependant and illiterate Tenants; but by Confiscations and other Causes, many of these are already broken up into wholesome Freeholds; and our Laws since the Revolution, have effectually provided for the equitable and gradual Dissolution of such as remain possessed by Whig Citizens. . . .

1. RC, Edward Carey Gardiner Collection, Mathew Carey Papers, Phi. Hazard (1748–1798) was a 1764 graduate of the College of New Jersey (Princeton) and a prominent New York City merchant. Carey (1760–1839), a native of Ireland and a newspaper publisher there, arrived in Philadelphia in 1784. He published the *Pennsylvania Herald* from January 1785 to February 1787, and in February 1787 he founded the widely circulated monthly magazine, the *Philadelphia American Museum*. The deleted portions of this letter reveal that Hazard assisted Carey in the sales and distribution of the *American Museum*.

“L. S.”

**New York Daily Advertiser, 16 February 1788**

Mr. CHILDS, Many of your readers, through the channel of your paper, beg leave to request the author or authors of the *Centinel*, published at Philadelphia, would desist from pestering the good people of

these states with any more of their *antifederal* productions;<sup>1</sup> they had better wipe their pens in clean, rather than in dirty cotton. The convention of Massachusetts has ratified the Constitution of the United States, and it being expected that there will not be a dissenting state in the union, the effect of their feeble essays therefore ought to convince them of their laboring in vain, as much as their attempting to wash the Blackamoor white.

Yours, L. S.

1. See "New York Reprinting of the Centinel Essays," 17 October 1787–12 April 1788 (RCS:N.Y., 96).

### Conciliator, 16 February 1788<sup>1</sup>

For the daily patriotick Register

Mr. Printer—

I am very happy to find, since the Ratification of the proposed Constitution, and the amendments recommended by the Convention of the State of Massachusetts, has been published,<sup>2</sup> that many of the *cool* and *dispassionate* Citizens, but who have the welfare and happiness of their Country as much at heart, as the more ardent of either Party, are satisfied, that if the States, who are yet to determine on the important Question of the new Constitution, would take it up in a cool and deliberate manner, and make such *further* amendments as shall appear requisite and proper, and that their adoption, by the first Congress under the new Government be a condition in their Ratification, a very great majority of the People would feel themselves happy under the operation of the Government.

The great objects of national Concern, allowed by all, requisite for the due administration of the federal Government, to wit, the *Impost* and *general regulation of Commercial Matters*, being, generally, agreed on as proper and expedient to be vested in Congress, it is imagined that the *warm Partizans* in favour of the new System, will consent to relax a little, and meet their Brethren, who happen, altho' with *honest* intentions, to differ from them on some points, which they think not properly *secured* or *guarded* in the Constitution, on the ground of *Conciliation*, and as it is not the lot of mortals to think altogether alike in common concerns, much more on such an *important* one, as that of a *new form of Government*, it is expected that they will join their endeavours with those last mentioned, to recommend conciliating sentiments on the principle of *amendments* to the new Constitution, by which means, it is highly probable, that *anarchy* and *confusion* may be prevented, and *liberty*, *peace* and *happiness*, continued to the United States.

The Situation of the States is now truly *critical* and highly *dangerous*, and nothing but *wise* and *temperate* measures will restore *confidence* between a very *respectable* number of Citizens, as well of this State, as many

others in the Union, if not all, who differ in Sentiment on the Government in Question; it is therefore fervently to be wished, that some able and dispassionate Persons would come forward and convince both the advocates and opposers of the new System, of the absolute necessity and propriety of conciliation, on the important Subject. The writer of this, conscious of being actuated by the noblest motive, the good of his Country, will feel himself very happy, if he should be the means of inducing some one, more competent to the task of taking up this Subject in a more masterly and convincing manner, than he has done.—

1. MS, Lamb Papers, NHi. The draft of this unpublished essay, addressed to the printer of the *New York Journal*, is in the handwriting of Charles Tillinghast—John Lamb's son-in-law and sometime secretary. The docketing—"Conciliator/Feby 16. 1788."—is in someone else's handwriting.

2. The Massachusetts Form of Ratification and the nine recommendatory amendments of the Massachusetts Convention were reprinted on 16 February in the *New York Journal*. (For more on the amendments, see "New York and the Massachusetts Convention's Amendments to the Constitution," 6 February, above.)

**Publius: The Federalist 56 (James Madison?)  
New York Independent Journal, 16 February 1788**

House of Representatives: adequacy of the size. For text, see CC:533. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Collin McGregor to Neil Jamieson  
New York, 18 February 1788 (excerpts)<sup>1</sup>**

I have now the pleasure of acknowledg. receipt of your much Esteemed favor of 14 Octr ☞ Mr Pollock which came to hand the 3d inst.—Your other favors of 7 Novr. & 5 Decr. ☞ Packet of [those?] months came to hand only the 11th. & 12th. inst.—These several letters are now before me, and I shall endeavour to make a reply. . . .

I do most heartily approve of your writing a Complimentary letter to Colo Hamilton.—He is a worthy Character and has Considerable Interest in this State, which I am clear will every day increase.—His unshaken integrity & Conspicuous Abilities will soon place him at the head of Affairs, And as you have so much property in this State, keeping or renewing friendship with a person of this distinction I think is of much Consequence to your Interest. . . .

With respect to the Certification—these being blended with the Political State of the Country leads me into a wide labyrinth.—The New Constitution as framed by the late Convention is now adopted & Ratified by Six States.—Massachusetts, on whom many eyes were fixed, gave their assent about ten days ago, and as their Neighbours of Connecticut have done the same, it is Supposed that it will have much influence on

the Characters who are Antifederal in this State; because it is endless to persist when so powerful a portion of the Continent have acceded—The example therefore of our Eastern Councils make it Almost a Certainty that the Constitution will be Adopted throughout, and the only fear we now have of serious opposition is from the State of Virginia, where there are many respectable & powerful Men strenuously against the Constitution.—Genl Washington however with a Strong party are clear for its adoption, and all his influence will be exerted to bring it about.—South & N. Carolina we have no doubt of, and as for Georgia that State has already, Come into the Measure.—

Having thus given you the situation of the New Constitution, I am now led to mention that its progress has had & will Continue to have an influence on Securities.—Final settlements have in particular taken a start, and are now 3/6 paper money.—My opinion is that when they get to abt 4/ or 4/6 it will be better to part with them than trust to uncertainties, for even should the New Constitution be finally adopted, it will be a long time ere the finances of the Country will be in such Condition as to effect a redemption of the Public Securities.—

With respect to the Securities of this State they are every day mending, And it is with no small degree of pleasure that I inform you of my havg recd. the other day £213.11.8 Currcy as one fourth part of the Interest on the Certificates, which with what I formerly recd. goes great way towards refunding the original purchase.—The Treasurer has made up his Accounts & they have been made public, as well as an Accot. of the State Debt.<sup>2</sup>—from these vouchers the Public Creditors have great hopes, and it is thought that the present Legislature will do something further towards the extinction of the Debt.—

I shall as soon as I can make out an exact List of the securities I hold & send you the same agreeable to Your request.—In the meantime I think that I have abt. £7000 of Bankers Notes for Principal which have Interest thereon from 31 Decr 1784; also abt. £850 of Bankers Notes for Interest deducting therefrom the one fourth which I recd. as above £213.11.8d.—Besides these, the final settlements in Company with P. Hart; amount whereof you already know.

You may rest assured I will pay close attention to the manœuvres of the Legislature, and endeavor to make the most of the securities I can. . . .

I think that New York is a place where a field is open to any industrious person, and should the N Government take effect the value of this Spot will be enhanced & property become secure.—However of this matter I will again give you my sentiments more Clearly & at large. . . .

1. FC, Collin McGregor Letterbook, 1787–1788, NN. The name of the addressee does not appear but it was apparently Neil Jamieson. Because McGregor did not have time to copy this letter, he kept it until 4 March, when he sent it to Jamieson as an enclosure in another letter (CC:590). On 2 April McGregor forwarded duplicates of his letters of 18 February and 4 March to Jamieson.

2. State treasurer Gerard Bancker reported to the Assembly on 16 January. See *Assembly Journal* [9 January–22 March 1788] (Poughkeepsie, 1788), 14–26 (Evans 21314). Bancker's report was also printed in the New York *Daily Advertiser* on 26 and 28 January.

### **A Citizen of America**

#### **New York Daily Advertiser, 19 February 1788<sup>1</sup>**

The Antifederal writers have taken great pains to excite our jealousy by endeavoring to convince us, that those who are invested with delegated powers, are prone to make an improper use of the confidence reposed in them by the people. That this is a truth which does not depend upon theory or conjecture for its support, is felt and acknowledged by all those who have had the misfortune to become public Creditors; a few favorites excepted, whose assistance might be necessary to support a bad cause. Fair promises and foul disappointments have so constantly succeeded each other, that State Faith and State Securities, are as proverbial as Carthaginian Faith was formerly amongst the Romans.<sup>2</sup> And it is a notorious fact, that an honest Carman's obligation will be taken in preference to a Public Security. This circumstance has naturally induced the great body of the people to wish for a Government administered by the *better sort* of people; who have had something of a liberal education, and who have been instructed in the principles of morality and common honesty; who possess such a sense of honor as to know and feel that frequent breaches of Public Faith are disgraceful to the Union, and so much common sense as to discern that the interest of the community or body politic, cannot be promoted by the ruin of Public Creditors, men who have been and still are some of the best citizens. Our rulers ought to know, that giving the property of these individuals into the hands of a few Land Jobbers, at two shillings and six-pence per pound, enabling them thereby to purchase Lordships and Manors, to be settled with vassals from the different parts of Europe, will most probably establish that Aristocracy in the State which they pretend to be in dread of, and which time will only serve to strengthen and confirm. For notwithstanding all the unmeaning rant of the Anti-Federalists, concerning Aristocracy, it must have fixed permanent property for its basis: If the property is dissipated, the Aristocracy must terminate.

If each of the Dons who have acquired from 20 to 30,000 acres of land, by speculation, since the year 1776, had their estates properly



settled with tenants, what chance would the Federalists have in the public councils, when each Bashaw could bring a good regiment to the field, to prove that their arguments were incontrovertable.

They now pretend to be great advocates for the liberties of the people, and the most strenuous opposers of arbitrary power.—While they are divesting us of our property, and endeavoring to bind us in the chains of despotism, they yet are so intolerably stupid, as to tell us, that the Rulers under the New Government may treat us still worse than they have done. In the name of common sense, what additional degrees of degradation can they invent or inflict, when we are divested of our property, and the most violent efforts made to deprive us of the freedom of election, and the author and ring-leader of all this mischief, re-elected to a seat in the national council; what can we have to dread, from a change? Will the New Government hang us because we are poor?

It has been the almost universal wish of the people of America, to have a more firm energetic Government.—For this desirable purpose, a general Convention has been appointed, who have framed a Constitution, which is allowed by our best judges to be excellent: but the time, mode, and places of holding the elections, for delegates to a State Convention, by the people, was to be appointed by the Legislature; but those leading despots in both houses, who pretend to be the guardians of our liberties, as well as the arbitrary disposers of our property, have, in the most daring manner, endeavoured to deprive us of that most inestimable privilege of freemen—the right of determining by a free election, whether we would adopt the proposed Federal Constitution or not. These men suppose themselves to be possessed of a sufficient degree of address and cunning, to deprive us of both liberty and property; and yet to persuade us, that they are the only persons to be confided in, as the proper guardians of both.

Cincinnatus assures Mr. Wilson, that the public creditors are satisfied in receiving their interest in paper, from the old Government, by which they must sink at least eighteen shillings in the pound.<sup>3</sup> And we shall doubtless find some of his party, so destitute of the principles of truth and candor, as to assure the public, that the bulk of the people are perfectly satisfied with the conduct of those Despots in both Houses of the Legislature, who have endeavored to deprive us of the freedom of election, in chusing (as the people of every State in the Union are doing, or have a right to do) whether we will adopt the proposed Federal Constitution or not. If this be a specimen of Antifederal Liberty, we detest the sample, and want no more of it: As we find the meaning of the word Liberty, in the Antifederal sense, to be,

1st. The assumed privilege of a tyrannical overbearing minority, to govern the more sensible and virtuous majority; witness the conduct of the minority in Pennsylvania.<sup>4</sup>

2dly. That one dissenting State should have a constitutional power to counteract the most important proceedings of the Union. See Rough Hewer<sup>5</sup> and his adherents.

3dly. They wish to retain the liberty of chusing the Representatives of the people, in Congress, so as to render them more subservient to their designs; as they are properly speaking, the Representatives of the Representatives of the people, or servants of servants.

4thly. The liberty of depriving the people of the freedom of election, in chusing whether they will adopt the proposed Federal Constitution or not. If this is Republican liberty, and should we eventually be constrained to submit to such an unmerited blessing, kind Heaven grant us patience, for at present I contemplate the usurpation with indignation, and consider it as the extreme of Despotism. The Rough Hewer appears to have been extremely anxious to transmit the proposed Constitution, to the people, with an indelible Legislative stigma, as being the illegitimate offspring of an assumed power in the General Convention, who, as he alledges, exceeded the powers granted to them by some of the Legislatures.<sup>6</sup>

But even if we grant, that the Convention exceeded the limits of their instructions, does not the real merits of the Constitution remain the same? Had not the Members of the Federal Convention, when they met, a better chance of learning and judging of the real circumstances and general interests of the Union, than any State Legislature could possibly have, and as much right to assume powers to make the necessary alterations and amendments in the existing Constitution, as the Legislature of any State had a right to assume powers to appoint them, and give them instructions? But if the Legislatures did assume a power which the people had not delegated to them, of sending members to meet in Convention, to frame a Constitution agreeably to particular instructions, and that the members of the Convention, had, upon mature deliberation, assumed a right to deviate from them, and had formed a good Constitution; would the people act prudently in rejecting it, merely because of this double assumption?

Is it not highly assuming in the Legislature of any particular State, to pretend to determine with greater precision, respecting a Constitution calculated for the good of the Union, than a Convention of the most sensible men from the different States, has done?

But we soon hope to have the pleasure to see a State Convention, composed of the most sensible men in the State, freely and fairly chosen by the people to determine, whether the proposed Constitution is

calculated to promote the interests of the good people of this State, as members of the Union, who are as fond of conferring favors, as of receiving them; and who wish for nothing so ardently, as the peace, prosperity, and political happiness of the United States of America; and that all groundless jealousies, factious dissensions, and party prejudices, may be buried in oblivion, is the sincere wish of A CITIZEN OF AMERICA.

1. Reprinted: Charleston *Columbian Herald*, 24 March. "A Citizen of America" has not been identified, but Noah Webster, the editor of the *American Magazine*, used this pseudonym when he published a pamphlet on the Constitution in October 1787. For a brief description of this pamphlet, entitled *An Examination into the Leading Principles of the Federal Constitution* . . . (Philadelphia, 1787) (Evans 20865), see CC:173, and for the text of the pamphlet, see Mfm:Pa. 142. It should also be noted that Webster had published an earlier article in the *Daily Advertiser*. (See "America," *Daily Advertiser*, 31 December, RCS:N.Y., 484–94.)

2. Carthaginian or Punic faith was a term used sarcastically by the Romans to denote treachery or a violation of faith on the part of the Carthaginians.

3. For "Cincinnatus" discussion of public credit, see "Cincinnatus" V, *New York Journal*, 29 November (RCS:N.Y., 324–26).

4. See "New York Reprinting of the Dissent of the Minority of the Pennsylvania Convention," 27 December 1787–April 1788 (RCS:N.Y., 477–78).

5. Pseudonym used by Antifederalist Abraham Yates, Jr.

6. On 1 February Abraham Yates, Jr., in the state Senate debate on the resolution for calling a state convention to consider the Constitution, stated that "the people should know the delegates [to the Constitutional Convention] went beyond their powers, and it would be right to give a comparison of their proceedings with the powers under which they acted. The people should be told that they have not amended, but made a new system." See "Newspaper Report of Senate Debates," 1 February (RCS:N.Y., 719). These debates were printed in three New York City newspapers (the *Daily Advertiser* on 8 February; the *New York Morning Post*, 9, 11 February; and the *New York Journal*, 9, 12, 13 February), in Poughkeepsie, and twice in Albany.

### **New York Morning Post, 19 February 1788**

*Political Observations*<sup>1</sup> worthy the attention of all ranks of people, at the present important moment.

"Were there any men on whose superior wisdom and goodness we might absolutely depend, they could not possess too much power, and the love of liberty itself would engage us to fly to them, and to put ourselves under their direction—But such are the principles which govern human nature; such the weakness and folly of men; such their love of domination, selfishness and depravity; that none of them can be raised to an elevation above others without the utmost danger. The constant experience of the world has verified this; and proved, that nothing intoxicates the human mind so much as *power*, and that men, when they have got possession of it, have seldom failed to employ it in

grinding their fellow men, and gratifying the [— —] [— —] establishment therefore of civil government, it would be preposterous to rely on the discretion of any man, or set of men. If a people would obtain security against oppression, they must seek it in themselves, and never part with the powers of government out of their own hands. It is there only they can be safe—a people will never oppress themselves, nor invade their own rights. But if they trust the arbitrary will of any body or succession of men, they trust enemies, and it may be depended on that the worst evils will follow.

“Mankind have been generally a great deal too tractable; and hence so many wretched *forms of power* have always enslaved nine-tenths of the nations of the world, where they have the fullest right to make all efforts for a change.

“All having in free states a share in government, and the laws not being made for some more than others, they consider themselves as *monarchs*, and are more properly *confederates than fellow subjects*.<sup>2</sup> No one citizen being subject to another, each sets a greater value on his liberty than on the glory of any one of his fellow citizens—Being independent, they are proud; for the pride of Kings is founded on their independence.<sup>3</sup> They are in constant ferment, and believe themselves in danger, even in those moments when they are most safe. They reason: but it is indifferent whether they reason well or ill. It is sufficient that they *do* reason. Hence springs that liberty which is their security.

“There is something unnatural in supposing a large society, sufficient for all the good purposes of an independent political union; to extend civil power over distant states, and form grand unwieldy empires, has been one grand source of human misery.

“I believe it may pass for a maxim of state, that the administration cannot be placed in too few hands, *nor the legislature in too many*.

“The beginnings of arbitrary government are always light and easy, and its first steps are slow and leisurely; but if power be suffered to spread itself and take root, and if it be not betimes opposed, it grows at last irresistible; for a thousand circumstances concur to hinder the people from recovering any ground they have once lost; their friends are commonly divided among one another; corruption intervenes or wealth makes them timorous. Their enemies agree in any mischief; the means of corrupting is in their hands; they are liable to few fears, as having much to get and little to lose: so that those who love their country, have been generally found to be but a disjointed and weak party, to withstand those whom ambition emboldens, and interested views influence and unite.”

1. The source from which these “*Political Observations*” were taken has not been identified but a couple of sentences are similar to sentences found in Montesquieu, *Spirit of Laws*, I, Book XIX, chapter 27. See notes 2 and 3, below.

2. *Spirit of Laws* reads: “Their laws not being made for one individual more than another, each considers himself a monarch; and, indeed, the men of this nation are rather confederates than fellow subjects” (p. 466).

3. *Spirit of Laws* reads: “As no subject fears another, the whole nation is proud; for the pride of kings is founded only on their independence” (p. 467).

**Publius: The Federalist 57 (James Madison?)**

**New York Packet, 19 February 1788**

House of Representatives: will properly represent the people. For text, see CC:542. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Publius: The Federalist 58 (James Madison?)**

**New York Independent Journal, 20 February 1788**

House of Representatives: will increase in size as population grows. For text, see CC:546. For reprintings, see Appendix IV, RCS:N.Y., 547.

**A Freeholder of the City of Albany**

**Albany Gazette, 21 February 1788<sup>1</sup>**

Mr. WEBSTER, I have observed in the paper, entitled the Albany Journal,<sup>2</sup> which has been lately published under your direction, several pieces, signed *Fabius*, the language and matter of which, are so very similar to the late publications, signed *A Citizen*, in the Lansingburgh paper, which paper I am informed, has been removed to this city,<sup>3</sup> that it is generally supposed to be the composition of the same person; be that as it may, whoever he is, it may not be amiss to inform him—that he is as deficient in the knowledge of many of the characters in this city, whose sentiments are in opposition to the new constitution, as he is in common decency in his publications.—I am a friend, Mr. Webster, to the new constitution—I mean to exert myself with firmness and decency in its favor; and, I believe, I may venture to say, that a very respectable majority of my fellow citizens, are of the same sentiment—however, if those gentlemen who are opposed to it, conceive that it will endanger the liberties of their country, and that by persevering they can prevent its adoption, they are justifiable in continuing their opposition, and in meeting together, for that purpose, whenever they think proper; but if, on the contrary, they are convinced that if by persevering they can gain no other end, but that of introducing disorder and opposition to a government that is wished for by a majority of their fellow-citizens, and must eventually take place, they certainly

act very wrong, and their own hearts must approve or condemn their conduct. But at any rate, sir, the federal cause needs no scandalous, illiberal, personal slander for its support. I know it will stand the test of calm dispassionate reason; if it would not, it should be no cause of mine—and, we want no forward intruder to throw a stain on our cause, by wantonly insulting and villifying characters, he can know little or nothing about, many of whom, the citizens well know, have been foremost in espousing the cause of our country, when its liberties were invaded.

I now, Mr. Webster, take the liberty of addressing a few words particularly to yourself.—Tho' you are by profession a printer, you are by no means obliged to become accessory to assassination. I, with a very respectable number of my fellow-citizens, have ever studied to encourage your papers, as useful vehicles to convey necessary information through the northern parts of our state, and they have, till very lately, been conducted with a degree of propriety that did honor to yourself, and gave pleasure to your friends. It is with pain many of us see you lately descend to publish unnecessary scurrility and personal abuse—particularly against some characters who, you know, do not merit it, and I am authorised to inform you, that if the dirty business is continued, you may be assured that the subscription and countenance of many gentlemen, of this place, who have hitherto been your friends will immediately be withdrawn.

1. "A Freeholder of the City of Albany" responds to "A Citizen," Lansingburgh *Northern Centinel*, 29 January (RCS:N.Y., 674–77). He may also be commenting upon an essay by "Fabius" that appeared in the non-extant 16 February issue of the *Albany Journal*. The evidence for this assertion is the following brief item printed in the *Albany Journal* on 18 February: "A Citizen having read a letter in the Albany Journal, of Saturday last [16 February], signed *Fabius*, directed to the Printers, is anxious to know who the officers are, that sustain the characters he mentions; therefore, he requests that the author would point them out to the public, that they may be branded with infamy, if they cannot answer the charge against them."

On 23 February "Fabius" responded to "A Freeholder of the City of Albany" in the *Albany Journal* (below). Two days later, "A Citizen" answered "A Freeholder of the City of Albany" in the *Albany Federal Herald*, (below). For other essays by "Fabius," see the headnote to the *Albany Gazette* of 7 February (above), and for another essay by "A Citizen," see the *Albany Federal Herald*, 3 March (below). On the authorship of the essays by "A Citizen," see "John Lansing, Jr., George Metcalf, and the Writing of 'A Citizen,'" 28 February and 1 March 1788 (below).

2. Charles R. Webster and his brother George published the *Albany Journal*. The former was also the publisher of the *Albany Gazette*.

3. The Lansingburgh newspaper was the *Northern Centinel*. In late January or early February the *Northern Centinel* moved to Albany, where it became the *Federal Herald* which printed its first issue on 11 February.

**Suilbup****Albany Gazette, 21 February 1788<sup>1</sup>**

Well, Mr. Printer, I am glad you are going to prove all our Assemblymen, Justices and Constables rogues, for then we shall get rid of them all at once—and so better men will be put in their places—That Rough Hewer was one of them—a troublesome fellow—He had so many objections against trying to get a much better government, and such a number of quotations from Vatal, Grotius, Burlamack, and other outlandish vermin, that, egad, I was afraid the common people would at last have believed him—but he is now dead—peace be to his ashes<sup>2</sup>—he will no more wrangle with the *great* and *well born*—and let all who follow his example be so buried—Insolent plebian dogs—dare they say the New Constitution is not good, when their betters say it is?—We shall never do well, Mr. Printer, till we have firmness in government—We must have men who don't depend on the people—none of your democracies for me—No, no, Mr. Printer, let us be known as a nation; and how can that be done but by shew abroad as well as at home? let our Ambassadors make treaties with every nation—let them be obliged to bring us money—or let our great men stop the export of wheat—they will then know that we are of consequence—we will starve them, and let our great men have a right to quarrel with them—for why shouldn't we have great men as well as England—Yes, Mr. Printer, we must have princes and noblemen; but for the present we will give them other names—you know it is no matter what names they have, if they have the power—we must have an army too—it will be easy to get money then: for if the people won't pay, it is only sending the army to collect it—The public creditors too will then be paid—we will make the people pay the money for them first, and you know it is easy to give it back to them, with no other expences, than those of *collection*, the *army*, the *state governments*, and the *new government*—a mere [trifle?], Mr. Printer—In a word, Mr. Printer, we must have a good government—But, Mr. Printer, we must contrive some way to bury all of the Rough Hewer's stamp; and while your hand is in, you may as well assist your brother Printers to make a grave for the Rough Hewer's pallbearers—this will entirely knock up all his friends: for I find he had so few left, that some of the pallbearers, to make a decent funeral, were obliged to act as mourners.

Mr. Printer, I will say no more now—I am obliged to attend to my thrashing: but my neighbor, farmer Solid, has promised to smoak with me to-night, and as he is a politician, I may give you some of his remarks in my next.

1. "Suilbup" is "Publius" spelled backward.

2. For the “death” of “Rough Hewer” (i.e., Abraham Yates, Jr.), see Melancton Smith to Abraham Yates, Jr., 23 January, at note 2 and note 2 (RCS:N.Y., 638, 639n).

### **Brutus XIII**

#### **New York Journal, 21 February 1788<sup>1</sup>**

Having in the two preceding numbers,<sup>2</sup> examined the nature and tendency of the judicial power, as it respects the explanation of the constitution, I now proceed to the consideration of the other matters, of which it has cognizance.—The next paragraph extends its authority, to all cases, in law and equity, arising under the laws of the United States. This power, as I understand it, is a proper one. The proper province of the judicial power, in any government, is, as I conceive, to declare what is the law of the land. To explain and enforce those laws, which the supreme power or legislature may pass; but not to declare what the powers of the legislature are. I suppose the cases in equity, under the laws, must be so construed, as to give the supreme court not only a legal, but equitable jurisdiction of cases which may be brought before them, or in other words, so, as to give them, not only the powers which are now exercised by our courts of law, but those also, which are now exercised by our court of chancery. If this be the meaning, I have no other objection to the power, than what arises from the undue extension of the legislative power. For, I conceive that the judicial power should be commensurate with the legislative. Or, in other words, the supreme court should have authority to determine questions arising under the laws of the union.

The next paragraph which gives a power to decide in law and equity, on all cases arising under treaties, is unintelligible to me. I can readily comprehend what is meant by deciding a case under a treaty. For as treaties will be the law of the land, every person who have rights or privileges secured by treaty, will have aid of the courts of law, in recovering them. But I do not understand, what is meant by equity arising under a treaty. I presume every right which can be claimed under a treaty, must be claimed by virtue of some article or clause contained in it, which gives the right in plain and obvious words; or at least, I conceive, that the rules for explaining treaties, are so well ascertained, that there is no need of having recourse to an equitable construction. If under this power, the courts are to explain treaties, according to what they conceive are their spirit, which is nothing less than a power to give them whatever extension they may judge proper, it is a dangerous and improper power. The cases affecting ambassadors, public ministers, and consuls—of admiralty and maritime jurisdiction; controversies to which the United States are a party, and controversies between states, it is proper should be under the cognizance of the courts of the union,



because none but the general government, can, or ought to pass laws on their subjects. But, I conceive the clause which extends the power of the judicial to controversies arising between a state and citizens of another state, improper in itself, and will, in its exercise, prove most pernicious and destructive.

It is improper, because it subjects a state to answer in a court of law, to the suit of an individual. This is humiliating and degrading to a government, and, what I believe, the supreme authority of no state ever submitted to.

The states are now subject to no such actions. All contracts entered into by individuals with states, were made upon the faith and credit of the states, and the individuals never had in contemplation any compulsory mode of obliging the government to fulfil its engagements.

The evil consequences that will flow from the exercise of this power, will best appear by tracing it in its operation. The constitution does not direct the mode in which an individual shall commence a suit against a state or the manner in which the judgement of the court shall be carried into execution, but it gives the legislature full power to pass all laws which shall be proper and necessary for the purpose. And they certainly must make provision for these purposes, or otherwise the power of the judicial will be nugatory. For, to what purpose will the power of a judicial be, if they have no mode, in which they can call the parties before them? Or of what use will it be, to call the parties to answer, if after they have given judgment, there is no authority to execute the judgment? We must, therefore, conclude, that the legislature will pass laws which will be effectual in this head. An individual of one state will then have a legal remedy against a state for any demand he may have against a state to which he does not belong. Every state in the union is largely indebted to individuals. For the payment of these debts they have given notes payable to the bearer. At least this is the case in this state. Whenever a citizen of another state becomes possessed of one of these notes, he may commence an action in the supreme court of the general government; and I cannot see any way in which he can be prevented from recovering. It is easy to see, that when this once happens, the notes of the state will pass rapidly from the hands of citizens of the state to those of other states.

And when the citizens of other states possess them, they may bring suits against the state for them, and by this means, judgments and executions may be obtained against the state for the whole amount of the state debt. It is certain the state, with the utmost exertions it can make, will not be able to discharge the debt she owes, under a considerable number of years, perhaps with the best management, it will require

twenty or thirty years to discharge it. This new system will protract the time in which the ability of the state will enable them to pay off their debt, because all the funds of the state will be transferred to the general government, except those which arise from internal taxes.

The situation of the states will be deplorable. By this system, they will surrender to the general government, all the means of raising money, and at the same time, will subject themselves to suits at law, for the recovery of the debts they have contracted in effecting the revolution.

The debts of the individual states will amount to a sum, exceeding the domestic debt of the United States; these will be left upon them, with power in the judicial of the general government, to enforce their payment, while the general government will possess an exclusive command of the most productive funds, from which the states can derive money, and a command of every other source of revenue paramount to the authority of any state.

It may be said that the apprehension that the judicial power will operate in this manner is merely visionary, for that the legislature will never pass laws that will work these effects. Or if they were disposed to do it, they cannot provide for levying an execution on a state, for where will the officer find property whereon to levy?

To this I would reply, if this is a power which will not or cannot be executed, it was useless and unwise to grant it to the judicial. For what purpose is a power given which it is imprudent or impossible to exercise? If it be improper for a government to exercise a power, it is improper they should be vested with it. And it is unwise to authorise a government to do what they cannot effect.

As to the idea that the legislature cannot provide for levying an execution on a state, I believe it is not well founded. I presume the last paragraph of the 8th section of article 1, gives the Congress express power to pass any laws they may judge proper and necessary for carrying into execution the power vested in the judicial department. And they must exercise this power, or otherwise the courts of justice will not be able to carry into effect the authorities with which they are invested. For the constitution does not direct the mode in which the courts are to proceed, to bring parties before them, to try causes, or to carry the judgment of the courts into execution. Unless they are pointed out by law, how are they to proceed, in any of the cases of which they have cognizance? They have the same authority to establish regulations in respect to these matters, where a state is a party, as where an individual is a party. The only difficulty is, on whom shall process be served, when a state is a party, and how shall execution be levied. With regard to the first, the way is easy, either the executive or legislative of the state may

be notified, and upon proof being made of the service of the notice, the court may proceed to a hearing of the cause. Execution may be levied on any property of the state, either real or personal. The treasury may be seized by the officers of the general government, or any lands the property of the state, may be made subject to seizure and sale to satisfy any judgment against it. Whether the estate of any individual citizen may not be made answerable for the discharge of judgments against the state, may be worth consideration. In some corporations this is the case.

If the power of the judicial under this clause will extend to the cases above stated, it will, if executed, produce the utmost confusion, and in its progress, will crush the states beneath its weight. And if it does not extend to these cases, I confess myself utterly at a loss to give it any meaning. For if the citizen of one state, possessed of a written obligation, given in pursuance of a solemn act of the legislature, acknowledging a debt due to the bearer, and promising to pay it, cannot recover in the supreme court, I can conceive of no case in which they can recover. And it appears to me ridiculous to provide for obtaining judgment against a state, without giving the means of levying execution.

1. On Thursday, 14 February, the *New York Journal* announced that the publication of “Brutus” XIII was “unavoidably postponed to next Thursday.”

2. See “Brutus” XI–XII, *New York Journal*, 31 January (RCS:N.Y., 680–86), and 7, 14 February (above).

**Publius: The Federalist 59 (Alexander Hamilton)**  
**New York Packet, 22 February 1788**

Congressional elections should be subject to regulation by Congress. For text, see CC:555. For reprintings, see Appendix IV, RCS:N.Y., 547.

**Editors’ Note**

**New York and the Adjournment of the New Hampshire Convention**  
**22 February 1788**

Throughout America, it was generally believed that the New Hampshire Convention would easily ratify the Constitution when it met in mid-February. After the Massachusetts Convention ratified the Constitution on 6 February, New Hampshire’s ratification seemed even more certain because most people expected the state to follow the lead of its powerful and influential neighbor. On 15 February Congressman James Madison in New York City wrote that “The Convention of N Hampshire is now sitting. There seems to be no question that the issue there will

add a *seventh* pillar, as the phrase now is, to the foederal Temple” (to George Washington, RCS:Mass., 1701).

As the state Convention neared, however, some New Hampshire Federalists began to have misgivings. On 11 February state President John Sullivan, who had been elected to represent Durham in the Convention, believed that prospects for New Hampshire’s ratification were “not so favorable as I expected” (to Henry Knox, J. S. H. Fogg Autograph Collection, Maine Historical Society). When the Convention met in Exeter on 13 February, Sullivan’s fears were soon realized—a majority of the delegates either were opposed to the Constitution or were instructed by their towns to vote against ratification. Estimates placed Federalist strength at between 30 and 48 of the 108 delegates in attendance. Some Federalist delegates lamented that “the only thing that can be done to prevent its [the Constitution’s] rejection is to have an adjournment of the Convention” (Jeremiah Libbey to Jeremy Belknap, 19 February, Belknap Papers, MHi). Therefore, on 22 February Federalists moved that the Convention “adjourn to some future day.” The Convention voted 56 to 51 to adjourn and then meet in Concord on 18 June, the day after New York’s Convention was scheduled to meet.

Americans wondered what effect New Hampshire’s adjournment would have on the prospects for ratification of the Constitution. Federalists tried to put the best possible light on the adjournment and predicted publicly that the Convention would ratify the Constitution when it reconvened. On the other hand, Antifederalists emphasized that the adjournment represented the first public rejection of the Constitution. For instance, the *New York Journal*, 3 March, reported that the adjournment “alone, prevented a rejection of the system; and there is no great probability, that, in June, it will have a greater number of friends than it now has.” (See also *New York Morning Post*, 3 March, CC:Vol. 4, p. 530.) Antoine de la Forest, the French vice consul in New York, reported that New Hampshire’s adjournment, “a dangerous defeat,” “had the most unfortunate effect on the people of the States of Newyork, Maryland, Virginia and the two Carolinas. The opposition there has taken on new strength; *antifederalists* have insinuated themselves more easily into all the State [conventions]” (to Comte de la Luzerne, 15 April, CC:681).

Federalists were most concerned about New York where the opposition to the Constitution was particularly strong. In New York City, the news of New Hampshire’s adjournment caused the price of public securities to fall (Collin McGregor to Neil Jamieson, 4 March, below). Samuel Blachley Webb, a New York City commercial agent, lamented “O New Hampshire, you have (perhaps unintentionally) done us much

injury.—Anti-federalists lift their heads.” James Madison thought that the opposition in New York “will take new spirits.” Confederation Secretary at War Henry Knox reported from New York City that Antifederalists had been given “new life and Spirits” while the “ardor” of Federalists had been “damped.” Massachusetts Congressman Rufus King wrote that “the spirit of Federalism” had been checked in the state of New York. Similar reports came from Thomas Tillotson in Dutchess County, N.Y., who noted that New Hampshire’s adjournment “has revived the drooping spirits of the Opposition” (Webb to Joseph Barrell, 9 March, Mfm:N.Y.; Madison to Edmund Randolph, 3 March, CC:587; Knox to John Sullivan, 9 April, CC:669; King to Tench Coxe, 18 March, CC:623; and Tillotson to Robert R. Livingston, 31 March, IV below, Dutchess County Elections). And Richard Stockton, a Princeton, N.J., lawyer, described the adjournment as “a most unlucky accident.” Stockton had been “informed by a Gentleman who may be depended on that the antifederal junto in N York had agreed to give up all opposition if Hampshire adopted” the Constitution (to Benjamin Rush, 14 April, Rush Papers, Library Company of Philadelphia).

For a fuller account of the adjournment of the New Hampshire Convention, see CC:554.

### Fabius

#### Albany Journal, 23 February 1788<sup>1</sup>

To the *Printer* of the *Albany Gazette*.

SIR, Whilst I view with pain the disagreeable situation in which you are placed by virtue of your office, and the remarks made by a “Freeholder,” in your last paper,<sup>2</sup> I cannot but feel the extremest indignation and contempt, at the dangerous attempts made to bias you from the paths of virtue and of freedom.—Contemplate, but a moment, the audacity of threatening you into a timid silence upon public men and measures.—An open and avowed attempt to stop the liberty of the press, by insolent and ungenerous threats—and these uttered by men for ever preaching up the excellence of that glorious privilege. Yes, sir, with their own weapons have I undertaken to fight them—but they come forward, and declare that those very weapons are illegal. An excellent policy, truly! Frighten the Printers—stop the press, and then we shall have glorious times with a witness!

By a freeholder I am accused of indecency in my publications; but necessity, that great law of nature, is my justification—and I sincerely lament, that language has not furnished words more grateful to the ears of that gentleman, than those of *vice*, *self interest*, *party spirit* and

*corruption*. I own they are harsh sounds, but the realities are much worse, when they operate to the destruction of the happiness or liberties of a free people; yet a necessity for the application of those terms is, alas! but too great. But has the Freeholder detected me of falshood in my assertions? has he justified the despicable cause he has undertaken? no—these were far beyond his power; but he has made a faint and partial attempt—faint indeed, when we consider, that he has absolutely condemned them in almost the same pointed terms I have done. He alledges, that if the junto are convinced, that by persevering they can gain their ends, they are then justifiable; but, if there is no such probability, and the government they oppose *is wished for by a majority of the citizens*, then they stand condemned. Now, sir, let us have recourse to facts, and the gentleman's own assertions, in a few preceding lines, we must then conclude with him, "*that a majority of the citizens are for it,*["] and consequently, the junto undoubtedly pernicious upon his own principle.

But, sir, I am astonished, to find such like assertions as these, uttered by a man who declares himself a friend to the Constitution.—I believe him not.—I regard him, and the offers he makes of his service, with a well grounded suspicion; and I should, from his present performance, rather suppose him a friend to hypocrisy and venality.—He denies my knowledge of the characters I have mentioned—An assertion, I trust, founded upon vain presumption and uncertainty. But be that as it may, let the gentleman come forward and defend those characters—and prove the reverse of what I have alledged—Let him now exert his skill in panegyric; but I fear genius would spurn at the attempt; at least, I am sure common sense and honesty would. But, sir, if he is not more consistent in future than at present, this will certainly be the last tribute of regard I shall pay to his frivolous interposition.

I have already, Mr. Printer, told you, that terrors would be hung out to awe you; and I then advised you, as I do now, to regard them not; *that they were the ensigns of men as cowardly as they were cruel*. Believe me, sir, their threats will have little weight with me, and I hope it will be the same with you. While the common cause lasts, and the interest of my country is at stake, I shall never cease to attack vice & corruption with impetuosity & vigor. I know full well, the cause I have undertaken is unpopular; I know also, that the people are frequently their own bitterest enemies: notwithstanding these, I shall steadfastly persevere—and in future, totally disregard the assertions of any venal scribbler: and I trust, sir, both you and I shall ultimately find our account in remaining true to that cause, where honesty and true patriotism prevail[.]

I am, sir, Your very humble servant, FABIUS.

1. Reprinted: Albany *Federal Herald*, 25 February. On 23 February the editor of the *Albany Journal* noted that “Fabius, on the propriety of amendments to the New Constitution, and his second address to the Editor of the Albany Gazette, are under consideration.” Neither of these items has been located.

2. See “A Freeholder of the City of Albany,” *Albany Gazette*, 21 February (above), and note 1 thereto.

**Publius: The Federalist 60 (Alexander Hamilton)**  
**New York Independent Journal, 23 February 1788**

The people have the wisdom to elect men of sense and virtue to Congress. For text, see CC:558. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Reports of the Burning of the Constitution in Ulster County**  
**23 February–12 April 1788**

On 7 February—in response to the state legislature’s adoption on 1 February of a resolution calling a state convention to consider the Constitution—some inhabitants of Ulster and Orange counties met in the Ulster County town of Montgomery (see map). At this meeting the Constitution was denounced and then burned. Two major newspaper reports described this meeting: an anonymous report by an Antifederalist in the *New York Journal* on 28 February and the other by a Federalist (signed “A Friend to Truth”) printed in the *Daily Advertiser* on 4 March. These accounts differ, especially with respect to the number, respectability, and demeanor of those attending the meeting and what actually occurred before, during, and after the meeting.

*Letter Box*

*New York Journal, 23 February 1788*<sup>1</sup>

The printer of the Patriotic Register is requested to make known, that on Thursday, the 7th instant, a large concourse of the most respectable inhabitants of the counties of Ulster and Orange assembled, in order to ascertain the general sentiment respecting the new proposed constitution, at Montgomery; when, having proceeded in form, and discovered a unanimous disapprobation of the system, the constitution was fixed upon a pole and carried to the centre of the bridge, and there, amid the incessant shouts of near six hundred people, committed to the flames.

*New York Journal, 28 February 1788*<sup>2</sup>

MR GREENLEAF, *Be pleased to publish in your patriotic paper the proceedings of the inhabitants of the counties of Ulster and Orange, at a meeting held lately at this place, and you will oblige many customers, and all genuine friends of the LIBERTY of the people.*

The convention which met at Philadelphia in May last, and which was appointed for the express purpose of revising the articles of confederation and perpetual union of the states, having proposed to the people an entire new plan of government; and the legislature of the state having passed certain resolutions, advising a method of electing deputies to form a convention, to meet for the purpose of considering the said constitution or plan of government, the inhabitants of the county of Ulster and Orange, conceived it to be their duty and privilege to assemble, in order to consult upon a subject appearing to them important, as affecting not only their immediate interest, but also the liberty of their country, which they have upon many occasions given the most decisive proofs that they esteem far more valuable; and although no general notice was given, a very considerable body of respectable inhabitants<sup>3</sup> assembled at this place on Thursday last; when Hendrick Smith was appointed moderator, and after reading and considering the proposed constitution the question was stated, whether they would consent to adopt the plan of government, published by the convention—and every one present declared that they would not;<sup>4</sup> but on the contrary, oppose it as a system calculated to destroy that equal liberty, which they now enjoy, and which is secured by the happy constitution and government which has been established at the expence of the blood and treasure of so many worthy citizens; and to manifest their disapprobation of the scheme and opinion of its pernicious tendency, they caused the said constitution to be burnt in the most public place of the town, with the usual circumstances of disrespect and contempt.

Notwithstanding the great number of persons present upon the occasion, the proceedings were conducted with unanimity and good order, and every one appeared to be impressed with a sense of the importance of the subject, and alarmed by the prospect of those calamities which, it is to be feared, this happy country will soon be involved in, by the machinations of the anti-republican party, which have so lately discovered themselves in different parts of the continent.

Montgomery, Ulster county, State of New-York, Feb. 9. 1788.

*A Friend to Truth*

*New York Daily Advertiser, 4 March 1788<sup>5</sup>*

*County of Orange, March 1, 1788.*

Mr. CHILDS, In a paper of Mr. Greenleaf's, dated the 28th ult.<sup>6</sup> I observed a piece dated Montgomery County, Feb. 9th, 1788, asserting,



that the inhabitants of Ulster and Orange conceived it to be their duty and privilege, in order to consult on a subject appearing to them important, &c. &c. &c. and every one present declared they would not adopt the plan of government published by the Convention, but oppose it as a system calculated to destroy the equal liberty they now enjoy, &c. &c. "They caused the said Constitution to be burnt in the most public place of the town, with the usual circumstances of disrespect and contempt. Notwithstanding," &c.

Now, Sir, as a member of the community, and an inhabitant of Orange County, I think it my duty to remove those false aspersions against my fellow citizens of that county, by placing the matter in its true light, and as exactly conformable to truth as can be, without being prejudiced in favor of either party.

The particulars are as follows:—About eight or ten days previous to this great meeting, it was noised about in the two counties, that the effigies of three gentlemen of respectable characters in the city of New-York were to be burnt at Ward's bridge (by some called Irish Town) in the county of Ulster, for having heretically asserted that they were for the adoption of the proposed Constitution; in consequence of which a number of people, who usually frequent such scenes, from the county of Ulster attended, and some few from Orange County.<sup>7</sup>

After passing the grog freely, it was determined to appoint a Committee, when, unfortunately for the County of Orange, there happened to be present Mr. C——e G——e, merchant, of Goshen; R——n H——s, Esq. Captain J——n W——d,<sup>8</sup> persons equally learned in politics,<sup>9</sup> who, with four colleagues of Ulster County, formed a Committee, and after appointing Hendrick Smith, late or some time ago, Esq. Moderator (persons equally averse to the Constitution) while the other persons present were intent on the real<sup>(a)</sup> business of their meeting, being joined by a few other persons<sup>(b)</sup>, they in grand procession marched to Ward's bridge, about two hundred yards from the house of Mrs. Hordenbeck, a tavern at that place, with the Constitution on a long pole, carried as some say by a Sarjeant-Major, and some by a constable, followed in procession by fifteen men, out of the number of perhaps one hundred present (who probably would have followed had they been able so to do) where a sheaf of straw was set on fire, and the copy they had jointly purchased<sup>10</sup> of the Constitution, was on the firing the straw thrown into the Wallkill; but not satisfied with this supposed mark of contempt (as was asserted) a certain other tavern-keeper finding considerable money had passed through the hands of his neighbor, informed (either in person or by proxy) that a similar scene the ensuing evening should be acted at his house; but considerably to his disap-

pointment, it was too soon, as they had not got over the *spirit* of the antecedent meeting. I am, Sir,

*A Friend to Truth.*

- (a) Getting grog.<sup>11</sup>
- (b) The Committee.<sup>12</sup>

*A Countryman*

*New York Daily Advertiser, 12 March 1788*<sup>13</sup>

To Mr. C——e G——e R——n H——s, Esq. and  
Captain J——n W——d, at G——sh——n.

Gentlemen, You have lately been made popular by having your names introduced into the public prints, for your conduct in sitting (in conjunction with four other colleagues from the county of Ulster) as a Committee to advise, as is said, upon the New Constitution, &c. at Montgomery, or Ward's-Bridge, on Thursday, the 7th ult. Admitting it to be true beyond contradiction, that you were the persons as named on that Committee, I take the liberty to address you upon the occasion.

Believe me, Gentlemen, that after hearing of such intended meeting, as that wherein you have represented your county, I could not imagine that you would degrade yourselves to such a degree, and at the same time lose that respect which was before due to you, from public and open confessions of your love for peace, justice, piety, &c. as to have met with such an intent; much less to have sat in such capacity with a rabble of loose and inconsiderate men. Had you expected to have seen there a large concourse of the most respectable inhabitants, or a few of those who were learned in politics or skilled in legislation, I should not wonder so much at your conduct. But for you, who reside in the neighborhood, and who are so well acquainted with the characters of the place, such an apology cannot be expected. Besides, Gentlemen, leaving the public at large to judge what might have been your expectations on this business, I would ask, by what authority you held your seats in that Committee, as Representatives from the county of Orange? I have heard of no meeting for the purpose of delegating you to this office, or any thing of the kind, previous to the completion of your undertaking. It must therefore be presumed, that you were only the Representatives of a *single street* in the town of Goshen, and I believe not of that wholly, in contradiction to the greater influence of a few Federal characters in the public opinion of the place.

Thus deputed, did you imagine, Gentlemen, that your decisions would have had the advantage of those better supported by ability, and better suited to the reasonings of the surrounding world?—Or that

your conduct would have been pattern'd in other counties in this State, or in other parts of the same county? If so, you are greatly deceived; and in the reverse, may see, that, instead of a like rash proceeding, there has been a very adviseable and well-conducted meeting in the town of Esopus,<sup>14</sup> in the same county; such a meeting as, in the face of your's, shews to the world how despicable, at all times, the proceedings of a mob are, to wise and considerate men.

I shall not attempt to set forth your characters, as men who have only erred on this occasion; lest I should introduce to my Fellow Citizens those, who, before this, have never been known in, or thought fit for, any public capacity.

I am Gentlemen, Your Friend and Adviser, A COUNTRYMAN.

*New-York, March, 10th 1788.*

*A Citizen*

*New York Journal, 12 April 1788*<sup>15</sup>

MR. GREENLEAF, I lately read a piece in Mr. Child's paper of the 12th ult. addressed to some gentlemen at Goshen by the initials of their names, signed by a Countryman, which initials answer to the names of gentlemen in that town, acquaintances and friends of mine, which led me to enquire into the cause and foundation of such an address; and upon enquiry I find the matter misrepresented, the characters abused, and the public deceived—for the gentlemen did not set in the committee, mentioned by the Countryman, as representatives of the county, town, or even street they lived in; but as the *friend of truth* says, they *happened to be there*, and I am authorised to say, they had no idea of being elected of the committee, nor would they have consented to set as such; but to divert the current of the populace and prevent any particular character being exposed to public censure, which was commendable and praise worthy, and deserves the thanks rather than such bitter reflections and malevolence of the Countryman.

I conceive the countryman hath taken unwarrantable liberties in his malice against the inhabitants of Ulster county. Although I am not particularly acquainted with the people residing in and near the town of Montgomery in that county, yet I am acquainted with several very respectable characters there, ill deserving the epithet of *rabble*.

The Countryman in his publication mentions and endeavours to make the public believe there are some federal characters in the town of Goshen of *great influence*, which also led me to enquire who those *great and influential* characters were, and upon enquiry I find there are

but three federalists (as they are called) in the town of Goshen, for the Parson there (if he is to be believed) cannot be considered a federalist, as he lately declared to a brother clergyman and others present, that he was opposed to the new constitution.—The first then of those federal characters of such *great influence* was a Lieutenant in the Continental Army, and lately a tavern-keeper in the town—The second is a School-master lately imported from Scotland—and the third a young man, who I am informed was lately elected a constable for the precinct of Goshen. These six are all the federalists (as I am well informed) in that part of the county of Orange, of whose “*greater influence*” from their characters thus truly represented the public may judge.

I would in turn address the countryman, and advise him in future not to be so free with his personal reflections, as there is no man without his failings, and were his errors held up to public view they would appear sensureable, especially his being broke as an officer by a court-martial at West-Point for abusing a gentleman, because he would not sell *rum* to him, contrary to garrison orders.

I have no disposition to enter into a paper controversy, nor should I have troubled you now Mr. Printer, but have treated the Countryman, as the gentlemen he addressed have done, with silent contempt, only to prevent the public from being deceived by his misrepresentations. I shall not reply again to any thing he may think proper to lay before the public, but leave him to reflect upon and correct his own follies.

I am, sir, your humble servant, A CITIZEN.

New-York, April 8, 1788.

1. Reprinted: *Massachusetts Centinel*, 5 March; *Boston American Herald*, 6 March. Neither reprint included the term “Letter Box.” Below the piece signed “Letter Box,” the *Massachusetts Centinel* reprinted another paragraph from the *New York Journal* which declared that late English accounts revealed that the Constitution “was generally condemned by the real friends to mankind” and that it contained “latent and gilded evils.” In an editorial comment, the *Centinel*’s editor stated that “For the truth of the two following paragraphs we *will not be responsible*, as they are extracted from a rank antifederal New-York paper.” The second paragraph had originally appeared in the Philadelphia *Freeman’s Journal* on 20 February and was reprinted in the *New York Journal* on 25 February (CC:Vol. 4, Appendix I, p. 519).

2. Reprinted: Philadelphia *Independent Gazetteer*, 6 March; *Boston American Herald*, 10 March; *Carlisle Gazette*, 12 March; *Providence Gazette*, 15 March (inserted by request). A short account based on this report was printed in the Albany *Federal Herald*, 3 March (Mfm:N.Y.), while this account or a summary of it appeared in the Baltimore *Maryland Gazette*, 14 March; *Maryland Journal*, 18 March (extra); *Vermont Gazette*, 24 March; and Winchester *Virginia Gazette*, 26 March. See also note 4 (below).

3. This report did not repeat the number 600 that appeared in the earlier *New York Journal* report of 23 February (immediately above).

4. In its account of this report, the Albany *Federal Herald*, 3 March (note 2 above) rendered the words “would not” in large capital letters, as did the newspapers that reprinted the *Herald’s* account.

5. No newspaper reprinted “A Friend to Truth” in toto, although the *Massachusetts Centinel* of 15 March reprinted almost all of the last paragraph (Mfm:N.Y.). In turn, the text reprinted by the *Centinel* was reprinted in the *Salem Mercury*, 18 March; Newburyport *Essex Journal*, 19 March; *New Hampshire Recorder*, 25 March; and *Newport Herald*, 27 March. The *Massachusetts Centinel* began its reprint with this statement: “The following is a true account of the much-talked of burning of the Constitution, by the inhabitants of Ulster and Orange counties. A number of persons, who usually frequent such scenes, met at Irish-Town. . . .” For alterations made by the *Centinel*, see notes 8–12 (below).

6. Immediately above.

7. On 15 February Brockholst Livingston informed his father that “In Ulster they have burnt the Constitution accompanied with Coll. Hamilton in Effigy” (to William Livingston, above). On 4 March the Philadelphia *Independent Gazetteer* printed an extract of a Poughkeepsie letter, dated 19 February, which stated that “In Ulster county they have held meetings to examine it [the Constitution], in which there were but two or three in favor of it, and their effigies were burnt and the constitution trampled under foot.” “Anarchy” likened this gathering of people to “a thoughtless mob” (*Country Journal*, 18 March, IV below, Dutchess County Election).

8. Antifederalists Coe Gale, Reuben Hopkins, and John Wood lived in Goshen. Wood, a farmer and blacksmith, represented Orange County in the state Convention, where he voted against ratifying the Constitution in July 1788. See “A Countryman,” *Daily Advertiser*, 12 March (immediately below), for remarks that were addressed to these men. In its reprinting of the last paragraph of this item, the *Massachusetts Centinel* omitted the names of these committee members.

9. In reprinting the fourth paragraph of this item, the *Massachusetts Centinel* (note 5, above), changed “persons equally learned in politics” to “persons famous for their noise and ignorance.”

10. In reprinting the fourth paragraph of this item, the *Massachusetts Centinel* (note 5, above) italicized “jointly purchased.”

11. In reprinting the fourth paragraph of this item, the *Massachusetts Centinel* (note 5, above) omitted this footnote.

12. In reprinting the fourth paragraph of this item, the *Massachusetts Centinel* (note 5, above) omitted this footnote.

13. Reprinted: *New York Journal*, 13 March. The reprinting in the *Journal* was prefaced by this statement, dated 11 March, from “A Countryman” and addressed to Thomas Greenleaf, the *Journal’s* printer: “By giving the enclosed a place in your *Weekly Register*, of Thursday next [13 March], you will very much oblige a number of your readers, and more particularly THE AUTHOR.” (On 12 March Greenleaf announced in the *Journal* that this address would be inserted in the *Journal’s* issue of 13 March, “agreeably to the request of its author,” Mfm:N.Y.) For a response to “A Countryman,” see “A Citizen,” *New York Journal*, 12 April (below).

14. The reference is to a meeting held on 14 February in Kingston (also called Esopus), Ulster County. For this meeting, see “A Subscriber,” *New York Journal*, 29 February (IV below, Ulster County Election). (Separated from Kingston by the Walkill Creek, Esopus was detached from Kingston in 1811, becoming a separate town.)

15. This item responds to “A Countryman,” *Daily Advertiser*, 12 March (above).

**Ebenezer Hazard to Mathew Carey**  
**New York, 25 February 1788 (excerpt)<sup>1</sup>**

... The Antifederalists appear to me to be almost tired of Opposition:—even their Golia[t]h, the Centinel, flags.—Their Conduct has been very extraordinary & improper, & has only served to render them contemptible, while the Minority of Massachusetts, by a contrary Conduct, have acquired abundant honor.<sup>2</sup>—

We have nothing new here.

1. RC, Lea and Febiger Collection, PHI.

2. For the acquiescence of the minority in the Massachusetts Convention in accepting that convention's ratification of the Constitution, see especially RCS:Mass., 1645–57.

**Senex**  
**Albany Journal, 25 February 1788<sup>1</sup>**

The freedom of the press has ever been advocated as the surest defence of liberty; and those who have made attempts to controul it, have deservedly met with the indignation of every lover of his country. Like other privileges, however, it cannot be kept from the reach of abuse, without destroying its essence. While law protects it as the channel through which the oppressed may utter their injuries, and the lowest innocent force the shafts of satire through the guards with which men in power are encompassed, it remains open also to the revengeful, the malevolent, and impotent coward; who may, while he shrouds himself in the dark, vent the poison of his heart, at those whom envy or blind party rage, has made the objects of his hate—The present political situation of America has given occasion to many strictures on characters in public life. Whenever they have been made with freedom and decency, the authors have conferred an obligation on their countrymen: but where passions have raved through their performances, and the language not of satire, but of a lower denomination, has been harshly mixed up for the purpose—where the aim has evidently been to gratify an unamiable disposition, there every benevolent mind has felt a wound, and the liberty of the press become a nuisance.

To keep an eye on men in office, is the duty of every member of the community—and there is no danger of remissness in this species of vigilance among freemen: To sound the alarm, and drag the servants of the public to a tribunal, when they become unworthy or perfidious, and boldly declare their demerits, is manly.—When questions of such importance as now engross our attention, stand for a decision, to draw forth all the resources of reason, with the energy of a mind raised, by

nature and improvement, above ignoble abilities, and with the divine influence of persuasion, to charm a world to a sense of propriety and truth, is noble—it is glorious, and commands our sublimest admiration. There are not wanting, in this critical day, characters adorned with a lustre of this eminence, who stand the unparall[el]ed boast and ornament of their country. The present occasion has turned out a bright train of patriots, who have displayed the intrinsic science of American politics in every view—and, from a confused mass of systems and experiments, led forth a succession of unanswerable truths.

But while those who, with an unprejudiced disposition, are attentive to arguments on the subject, a set of vain, petulant scribblers open their sluices, and pour on the public an unwelcome inundation of scurrilous nonsense—intermixed with a detached, unapplicable parcel of notions, gathered from the writings of men of sense. The well wishers of a good cause are sorry to see it so unmercifully dirtied, by these officious literary coxcombs obtruding themselves as its advocates; who, while they fancy themselves elevated to the clouds, crawl, with the divers in the Dunciad, at the bottom of the miry pool.<sup>2</sup> No simile can give a juster idea of them, than a pack of whiffits barking and snapping at the heels of a stranger, with all the spite of cowardly, impotent malice. To observe these little things emulating the works, for which great minds alone are destined, excite in us the emotions we feel at seeing children, in mock plays, acting the characters of heroes; or mad men swaggering with the fancied importance of princes.—To be enabled to bluster, in a style fitted for such purposes, requires no other education than what is common along the dock-yards of a populous town—where all the necessary epithets and metaphors are daily repeated, and the copious use of them considered as the characteristic of manliness. None but those, who are seasoned with such spice, can sink so low; and none but a scoundrel will assassinate his neighbour in the dark. The man of honor will meet his antagonist like a soldier, and not disgrace his colours by shrinking from the ranks, and like a murderer, give the blow without hailing his enemy.

It is the business of a printer to guard these avenues, which policy leaves to the indiscriminate use and abuse of the public, not merely so as to evade the penalties of the law, but in such manner that no innocent person be hurt, by the malignant rancor of those whose supreme delight is wanton defamation: And should any one so far mistake his interest as, by his manner of conducting a press, to avow the base motives of attracting employment by the singular abusiveness of his publications, he ought to be abhorred as a wit, and the man who would give the wretch a glimpse of encouragement, be ranked among the

vilest enemies of mankind. Like progressive advances in villany, some may expect to rise in boldness, from one step to another, under the expectation of proceeding to any extreme, with the same impunity they began, but let it be remembered, that beyond a certain point, the man who knows the value of a character, will not suffer the remarks of a censurer and may think the sacrifice of a like but an inadequate expiation for stains of such unhallowed touches. There are still spirits who, though they may for a while pass the freaks of a monkey, without deigning them attention, will, when its liberties become hurtful, drag the animal from its hole, behind whatever skreen it may skulk, and give it the chastisement its impertinence merits.

When rebellion is the object, reason must be silenced by the noise of declamation, and inflammatory addresses are the trumpets, which muster the tools of reason to the combat. If this be the intent of the pieces which have lately disgraced the city, let the authors recollect, that they are addressing a people who are capable of distinguishing between rational language and the roarings of a mad man; or let them gather all their engines at once, and wreak their vengeance on the Rough Hewer and the obnoxious of his party, but let the patience of the public be no longer abused with a jargon of indecent Canvastown eloquence.

1. On 23 February, the *Albany Journal* announced that “Senex” would be printed on 25 February, an issue that is no longer extant. The transcription of “Senex” is taken from the *Pennsylvania Journal* of 12 March, which reprinted it under the heading “From the ALBANY JOURNAL.” For a comment upon “Senex,” see “A Citizen,” *Albany Federal Herald*, 3 March 1788 (below).

2. See Alexander Pope, *The Dunciad, in Four Books* (1743), Book II, lines 270–320. This satire on dullness, consisting of three books, first appeared in 1728 and in the next thirteen years it went through several editions. In 1742 Pope added a fourth book and the next year he revised the entire work.

## A Citizen

### Albany Federal Herald, 25 February 1788<sup>1</sup>

Messrs. CLAXTON & BABCOCK, To be a friend to the new constitution, and to write for the antifederal junto—and in one line to defend that junto and in the very next, pointedly to condemn them—to profess to be an encourager of the press, and to throw out dirty, insolent and ungenerous threats to stop its freedom, are contradictions, none I conceive, but a venal patriot, without either honor or conscience could attempt to reconcile—But a freeholder comes forth, and in the compass of a very small letter, attempts them all. But I will forbear any further animadversions upon the production alluded to: Let the world



seriously consider it, and I think they will conclude with me, that it is unworthy of our notice, only as it relates towards confusing an already too far misguided people. For my own part, I will consent to be both *Citizen* and *Fabius*,<sup>2</sup> or whatever else he pleased—Let him fight us both, or all,—and though no honor could attend so unequal a combat, yet if it is carried on fairly, I will not decline it. I believe I shall always be, in the face of all the freeholders in the world, an avowed enemy to *corruption, party-spirit, lies* and *falsehood*. It is not the new constitution alone I attempt to recommend—it is my wish to prefer the happiness of my country in every other respect.

Let this freeholder appear, and falsify my assertions; let him tell me who those *characters are that have been the foremost in espousing the cause of our country when its liberties were invaded*; and I will as quickly tell him who are now the foremost in its ruin:—Let him in future avoid palpable contradictions, and depend upon truth, not vague presumptions:—Let him no longer threaten the liberty of the press in an open ungenerous manner. If he complies with my request, I shall treat him with a becoming respect; if he does not, I shall dispise him for attempting to defend so bad a cause, and brand him, as I have done others, for a *vile, corrupted, venal hireling*.

I am yours, &c. A CITIZEN.

1. This item responds to "A Freeholder of the City of Albany," *Albany Gazette*, 21 February (above). For John Lansing, Jr.'s, declaration that George Metcalf was "A Citizen," see "John Lansing, Jr., George Metcalf, and the Writing of 'A Citizen,'" 28 February and 1 March 1788 (below).

2. See "Fabius," *Albany Journal*, 23 February (above), who, like "A Citizen," answered "A Freeholder of the City of Albany," *Albany Gazette*, 21 February (above).

### **Albany Federal Herald, 25 February 1788<sup>1</sup>**

It is said that the apparition, or *spoek* of the late honorable Rough-Hewer<sup>2</sup> has appeared at S—e-Room in Poughkeepsie, and in order to prevent their concurring with a resolution of the honorable Assembly to have the new constitution determined upon by the people—it sung the following song three times over with a *fraudable* voice.

Tune *State Offices I highly Fancy*.

My Friends this hasty resolution,  
This precedentless substitution,  
I wish was trussed, roasted, spitted,  
I move to have it straight committed.  
What tho' your reasons are conclusive  
That commitments are intrusive

On the powers never granted,<sup>3</sup>  
 Still it is the trap I've wanted.  
 Indeed the trap which now I hint on  
 Is joined with the speech of C\*\*\*\*\*n;<sup>4</sup>  
 Therefore I shall consider coolly  
 How in future I shall fool ye.  
 What prospects you may all discover,  
 I fear my money'd days are over;  
 Therefore am greatly to be pity'd,  
 So hope you'll have it all committed.  
 Come let us read each resolution  
 That form'd this frightful constitution;  
 What tho't should neither help nor alter  
 Yet fear makes all my senses falter.  
 And if it must go to the people  
 Pray let us make it first a cripple.  
 Had I but time I'd make 'em stare so,  
 They'd not suspect I'd form'd a scare crow.  
 I'd tell 'em things which they know nought of,  
 And others too they never thought of;  
 For if they think at all, 'tis slowly,  
 So let us drink and take it coolly.  
 It may be some make up their minds sirs,  
 Yet I disclaim all of the kind sirs;  
 There's not a line I'd set my paw to,  
 Or will in future touch a claw to.  
 In other states it cuts a caper,  
 Or else I'd view it as blank paper.  
 I shall continually bemoan it,  
 Should you commit nor postpone it.  
 For as you'r likely to contrive it,  
 I'll be of one employ deprived;  
 For should I try to be elected  
 My other friends wont be effected.  
 I have a book at home that's printed  
 To which my wish was ever stinted;  
 When I go home again I'll bring it,  
 And when I've read it then I'll sing it.  
 Is there a man on earth I wonder  
 who would not keep poor people under;  
 But if this NEW PLAN is agreed to,  
 They'll shortly fare as well as we do.

State offices I highly fancy,  
 They so enliven so entrance me;  
 Yet should I make another blunder,  
 Adieu to keeping mankind under.

*Poughkeepsie, Feb. 1788.*

1. This Federalist-inspired song is a satire on Abraham Yates, Jr.'s opposition in the New York Senate to the adoption of the resolution calling a state convention to consider the Constitution. A principal reason for Yates's opposition, according to Federalists, was his fear that Antifederalists would lose their state offices if the Constitution were ratified.

2. For the "death" of "Rough Hewer" (Yates), see Melancton Smith to Yates, 23 January, at note 2 and note 2 (RCS:N.Y., 638, 639n).

3. One of the Antifederalist criticisms levied against the Constitution was that the Constitutional Convention had not been authorized to draft a new constitution but only to revise and amend the Articles of Confederation.

4. For Governor George Clinton's address of 11 January opening the legislative session that adopted the resolution calling a state convention, see RCS:N.Y., 692–94.

#### Editors' Note

#### **Hugh Williamson: Speech at Edenton, N.C. New York Daily Advertiser, 25–27 February 1788**

Hugh Williamson, a resident of North Carolina since 1777, represented that state in Congress from 1782 to 1785. He was elected to the Annapolis Convention but arrived late. He served as a delegate to the Constitutional Convention and signed the Constitution. The North Carolina legislature again elected him to Congress in December 1787, but he did not attend until May 1788.

The *Daily Advertiser* was the first newspaper to publish the speech that Williamson gave at the town of Edenton on 8 November 1787. (The speech was reprinted twice in Pennsylvania and once in South Carolina. Excerpts were reprinted in Salem, Mass., and subsequently reprinted six times, including in the New York *Independent Journal*, 30 August 1788.) The *Daily Advertiser* prefaced the speech with the following statement: "The following Remarks on the New Plan of Government are handed us as the substance of Doctor WILLIAMSON's Address to the Freemen of Edenton and the County of Chowan, in North-Carolina, when assembled to instruct their Representatives" to the North Carolina legislature. At the meeting the inhabitants of Chowan County and Edenton endorsed the Constitution, praised the former delegates to the Constitutional Convention, and instructed their representatives to the state legislature quickly to call a state ratifying convention.

In his speech, Williamson praised the Constitution "as more free and more perfect than any form of government that ever has been adopted

by any nation.” Williamson admitted that it probably had some “faults,” but “Imperfection is inseparable from every human device.” He argued that a bill of rights was unnecessary and that the central government would not annihilate the state governments. He defended the military, financial, commercial, and judicial powers of the new government, and predicted that the new Constitution would bring “better times.” According to Williamson the Constitution would provide a government “that gives the fairest promise of being firm and honorable; safe from Foreign Invasion or Domestic Sedition. A Government by which our commerce must be protected and enlarged; the value of our produce and of our lands must be increased; the labourer and the mechanic must be encouraged and supported. It is a form of Government that is perfectly fitted for protecting Liberty and Property, and for cherishing the good Citizen and the Honest Man.”

For the text of the speech and a fuller biography of Williamson, see CC:560.

**A Dutchess County Farmer**  
**Poughkeepsie Country Journal, 26 February 1788<sup>1</sup>**

TO ROBERT YATES and JOHN LANSING, Esquires.

GENTLEMEN, When the general voice of America called for a reform in the Federal Constitution, you gentlemen, received the most distinguishing marks of the confidence of the public, by being named to the important business—how far you have executed the eminent trust reposed in you, not only your own reputation, but the honor of the State, and the interest of the public is concerned. Surely, gentlemen, your vanity must have prompted you to believe, that your exalted situation had placed you beyond the reach of animadversion, when you attempt to impose on the public, as a reason for your absenting yourselves from the Convention, a disapprobation of the proposed Constitution; as it is a known fact, that your departure from Philadelphia, was two if not three months prior to the existence of that Constitution. It will little avail with the thinking part of your constituters to say (as I suppose it will be said) that your discernment and penetration foretold you, that a form of government would be proposed that did not fall in with your ideas of public utility; for had that been the case, we should have just cause to call your patriotism in question; that you did not remain on the ground, and like good soldiers, if you were doomed to fall, to have died in the last ditch. I am not so destitute of charity as to suppose you so lost to all sense of shame, as to become instruments and ministers of a party; I am disposed to place a more favorable construction on

your conduct, by supposing that your spleen had gained the ascendancy over your patriotism; the ambitious Demi Gods of the North had dwindled to mere men at Philadelphia. You did not find so many gaping blockheads to swallow down your antifederal jargon at the Convention, as usually attend you while the oracles of Lewis's, and therefore took your leave of the former, with a settled determination to give your *decided and unreserved dissent*, to any plan of Government that should be formed by that body, and moved with all the celerity a stage coach could give to communicate fresh subjects of wonder at the latter. Certainly, gentlemen, you must have been inspired by Cato,<sup>2</sup> when you inform his Excellency that the reasons among others that influenced you to decide against a consolidation of the States, were the limited powers under which you acted, and a conviction of the impracticability [of] establishing a beneficial general Government. These have long since been the worn out cants of an expiring party; I did not expect to have seen them made use of at so late a date as the 21st December— But, gentlemen, you will here permit me to observe, that *these limited and well defined powers* carry conviction in the face of them—that the present Confederation is unequal to the purposes of public good, else why is the Convention impowered to make such alterations and provisions therein, as will render the federal Government (not Confederation) adequate to the exigencies of the Government and the preservation of the Union? In the discharge of this important trust, I am bold to say, that the Convention have not gone beyond the spirit and letter of the authority under which they acted, it must be admitted on all hands that the powers given, are the secret spring that either consolidate or enfeeble a Government; the most formidable adversaries of the proposed Constitution, admit the powers necessary, but wrangle about the distribution of them; an error in the distribution, is only an error in judgment, and this I conceive to be the only important question before the public, and I believe in the event, the distribution itself will be justified by the voice of the people; the objects in view were the welfare and preservation of the Union—how could they be accomplished but by an energetic Government, or in the language of the authority under which the Convention acted, than to propose such alteration in the present Confederation, as to render the proposed Federal Government, adequate to the exigencies of Government and the preservation of the Union?

I must confess that the distinction you affect to make between a general government, and a federal government, appears to me a distinction without a difference; you are, gentlemen, quite too refined in the science of government, to be comprehended, or ought we not

rather to say that you are overtaken with a usual attendant of insincerity, that of inconsistency.—But Gentlemen, even admitting, that the letter of the powers under which you acted, did not authorise you to carry the reform as far as the Convention have done, yet if you found it necessary, (particularly as any thing the convention could do, could not possibly be construed to bare any other complexion than a recommendation) would you be justified in sacrificing the matter to preserve the form, in losing sight of the spirit in pursuit of the letter.

The second reason you give his Excellency in apology for your conduct, carries with it more apparent, but less real consistency; if you were convinced of the impracticability of establishing a general Government, what lead you to a Convention appointed for the sole and express purpose of establishing one; *could you suppose it was the intention of the Legislature* to send you to Philadelphia, to stalk down through Water street, cross over by the way of Chesnut, into Second street, and so return to Albany? the public are well acquainted with what you have not done. Now good Sirs, in the name of humanity, tell us what you have done, or do you suppose that the *limited and well defined powers under which you acted*, made your business only *negative*? if so we cannot too much applaud the profound wisdom of the Legislature in your nomination.—But Gentlemen I trust you were not aware how far this doctrine of impracticability would lead, or if you were, your conduct would excite very just suspicions to your prejudice; for if a general Government is impracticable, a dissolution of the union, is the immediate consequence; to delineate a full view the picture of disunion, would exceed the limits of a letter, but one moments reflection will convince the unprejudiced, that turn it on which side you will, every feature is marked with wretchedness and disgrace, intestine war, foreign invasion, stagnation in agriculture and commerce, consequently poverty and distress, will be only the beginning of evils that America must suffer from disunion; how soon anarchy and slavery will follow, needs but little discernment to foretell. Whatever Gentlemen, may be your opinion of the great body of the people of this State; I am confident to aver, there is not a man in it (uninfluenced by party) that is so destitute of understanding, as not to shudder at the idea of a desolution of the union; conscious of which a certain junto in this State, cloak their designs under the misterious vail of *opposition to a general Government*, but this artifice is too transparent to serve them long; and I have strong suspicions that it will meet with a similar fate with your attendance in Convention [and] be *fruitless and unavailing*.—Here Gentlemen I take my leave of you, sincerely wishing I may never have cause to address you again on so unpleasing a subject, for notwithstanding

my disapprobation of your public conduct; yet I have a veneration for your private characters, and sincerely believe in situations less liable to error, you will make very valuable members of the Community.

I am, Gentlemen, Your most obedient, And very humble servant,  
February 4th, 1788.

1. On 19 February the *Country Journal* announced that “A Dutchess County Farmer” would appear in its next issue. “A Dutchess County Farmer” responded to the 21 December 1787 letter of Robert Yates and John Lansing, Jr., two of New York’s delegates to the Constitutional Convention, in which they explained why they left the Convention early and why they opposed the Constitution (RCS:N.Y., 454–59). For their appointment as delegates, see RCS:N.Y., 507–25. For a criticism of “A Dutchess County Farmer,” see “A Dutchess County Rifleman,” *Country Journal*, 8 April, and for a response to this criticism, see “A Card,” *Country Journal*, 15 April (both Mfm:N.Y.).

John Lansing, Jr., was apparently much disturbed by “A Dutchess County Farmer.” On 2 March Abraham G. Lansing wrote Abraham Yates, Jr., that his brother John was going to write to Robert Yates to ask him to apply to the printer of the *Country Journal* for the name of the author of the article (Lansing to Yates, 2 March, at note 8, RCS:N.Y., 835–36).

2. Governor George Clinton, who was often referred to as the author of the “Cato” series.

**Publius: The Federalist 61 (Alexander Hamilton)**  
**New York Packet, 26 February 1788**

Need for uniformity in congressional elections. For text, see CC:564. For reprintings, see Appendix IV, RCS:N.Y., 548.

**John Howard to George Thatcher**  
**Smithtown, 27 February 1788 (excerpt)<sup>1</sup>**

Dear friend,

. . . I cannot suppress the satisfaction I feel on the conduct of the Massachusetts-convention. I am charmed with the behavior of the minority, and am even constrained to love gentlemen of anticonstitutional principals. Their conduct was manly and generous, and will ever redound to the honor of that state.<sup>2</sup> The candor of one side and the ingenuous concessions of the other, I am persuaded will have some weight upon the public mind, and facilitate the determination of other states in favour of the constitution. Should we be so happy as to have it adopted, how will the face of things be changed! Beside the common advantages of a well regulated trade, we shall see, as a consequence of it, the arts of Europe cross the Atlantic and settle here. Thousands of industrious inhabitants poor, which, by the by, are the wealth of a nation, are only waiting for our government to be well established—When this shall be done, and well known in Europe, they will transplant themselves into this happy soil, and enrich the United states at the

expençe of our enemies. We are now feeding and clothing multitudes of the inhabitants of Great Britain & Ireland at a most expensive rate, by an extravagant consumption of their manufactures. This I take to be one of the many evils, which result from the weakness of our old foederal government, and which appear to be well guarded against by the new. We must feed and clothe a certain proportion of the artisans of Europe; but it rests with us to chuse whether we will do it in Europe or America. The latter is doubtless most for our interest. Why then do we hesitate? Let us retrench a little (tho' a good deal would do better) the use of foreign manufactures, and thousands of mechanics, which we now support in Europe, greatly to our prejudise, will be compelled hither to seek employment, to the infinite advantage of these states. Some may think, that a disuse of foreign goods would rather injure than benefit this country, by depriving many seamen and merchants of their means of living. Were all the foreign goods, that we consume, imported in American vessels, own'd and navigated by our own citizens, those objections would be part[ly] true: The reverse, however, is a melancholy fact. Foreign luxuries are exported to this country by foreigners, in their own ships, and sold here by their factors; while our own vessels are rotting in the docks, our seamen strolling the streets, and our merchants daily becoming bankrupts. By wise commercial regulations these evils might be removed, & our imports, at the same time, reduced to one tenth of what they now are. But some will say, "We cannot manufacture yet—our country is too young—labour is too dear—we can import most articles cheaper than we can make them. Let us therefore attend to agriculture—export our raw materials to be worked in Europe, and import their manufactures." This is the policy of Europe, and has been so industriously inculcated upon the minds of our countrymen, that the greatest part of our fellow citizens believe it to be true; tho' nothing in fact can be more erroneous. But suppose an article of our own make cost 50 percent more than a similar article which is manufactured in Europe: would this be a sufficient excuse for neglecting our manufactures? By no means; for the difference is pay'd in our own labour. The raw materials of which cloths, for instance, are manufactured, are not on an average, more than one tenth part of their value: So that if we export 100 pounds of raw materials, and exchange them for cloths, we do, in fact, receive but ten pounds for our hundred: And if we reckon freight & insurance, which will be about 20 percent, we shall give 120 pounds for 10. Thus it appears that in one millions worth of goods that we receive from Europe 916,667 pounds of it are labour—the labour of those whose interest & wish it is to ruin us.—But I can confide in the wisdom of Congress, and doubt not, that



when ever they shall have sufficient power, they will adopt such commercial regulations, as will, eventually, remove these evils, by inducing the artisans of Europe to transport themselves into this country, and to seek that livelihood here, which we refuse to supply them with on the other side [of] the Atlantic. Then, my dear friend, and never till then, shall we taste the sweets of independence. . . .

1. RC, Chamberlain Collection, Thatcher Papers, Boston Public Library. Printed: CC:567 (longer excerpt). Howard (1753–1816), a native of Bridgewater, Mass., was a Smithtown physician. In 1798 he represented Suffolk County in the New York Assembly. Thatcher (1754–1824), a graduate of Harvard College (1776) and a Biddeford, Maine, lawyer, represented Massachusetts in Congress, 1787–89, and in the U.S. House of Representatives, 1789–1801.

2. For the conduct of the Massachusetts minority, see especially RCS:Mass., 1645–57.

**Publius: The Federalist 62 (James Madison?)**  
**New York Independent Journal, 27 February 1788**

Senate: the qualifications of its members, the manner of electing them, the equal representation of the states in, the size of, and the term of its members. For text, see CC:569. For reprintings, see Appendix IV, RCS:N.Y., 548.

**New Jersey Journal, 27 February 1788<sup>1</sup>**

The legislature of New-York State, at their present sitting, have repealed the insolvent law; as being productive of much mischief, by giving a latitude to wicked unprincipled men of being guilty of the most fraudulent practices.—The adoption of the New Constitution would supersede the necessity of this measure as by that no state can give relief to its insolvent debtors.

1. Reprinted: *Connecticut Gazette*, 14 March; *Newport Mercury*, 24 March. The general insolvency act, mentioned in this item, was first passed on 31 March 1786 and adopted again on 20 April 1787. The latter act was repealed on 8 February 1788. According to the preamble in the act of repeal, the 1787 act “has been productive of much mischief, and there is great reason to suppose that wicked men have in many instances been guilty of the most fraudulent practices, to obtain those benefits which the Legislature intended only for the innocent and unfortunate” (*Laus of New-York* [6 February–22 March 1788] [New York, 1788], 45 [Evans 21316]).

**Brutus XIV**  
**New York Journal, 28 February 1788<sup>1</sup>**

The second paragraph of sect. 2d. art. 3, is in these words: “In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have

original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.”

Although it is proper that the courts of the general government should have cognizance of all matters affecting ambassadors, foreign ministers, and consuls; yet I question much the propriety of giving the supreme court original jurisdiction in all cases of this kind.

Ambassadors, and other public ministers, claim, and are entitled by the law of nations, to certain privileges, and exemptions, both for their persons and their servants.

The meanest servant of an ambassador is exempted by the law of nations from being sued for debt. Should a suit be brought against such an one by a citizen, through inadvertency or want of information, he will be subject to an action in the supreme court. All the officers concerned in issuing or executing the process will be liable to like actions. Thus may a citizen of a state be compelled, at great expence and inconveniency, to defend himself against a suit, brought against him in the supreme court, for inadvertently commencing an action against the most menial servant of an ambassador for a just debt.

The appellate jurisdiction granted to the supreme court, in this paragraph, has justly been considered as one of the most objectionable parts of the constitution: under this power, appeals may be had from the inferior courts to the supreme, in every case to which the judicial power extends, except in the few instances in which the supreme court will have original jurisdiction.

By this article, appeals will lie to the supreme court, in all criminal as well as civil causes. This I know, has been disputed by some; but I presume the point will appear clear to any one, who will attend to the connection of this paragraph with the one that precedes it. In the former, all the cases, to which the power of the judicial shall extend, whether civil or criminal, are enumerated. There is no criminal matter, to which the judicial power of the United States will extend; but such as are included under some one of the cases specified in this section. For this section is extended to define all the cases, of every description, to which the power of the judicial shall reach. But in all these cases it is declared, the supreme court shall have appellate jurisdiction, except in those which affect ambassadors, other public ministers and consuls, and those in which a state shall be a party. If then this section extends the power of the judicial, to criminal cases, it allows appeals in such cases. If the power of the judicial is not extended to criminal matters

by this section, I ask, by what part of this system does it appear, that they have any cognizance of them?

I believe it is a new and unusual thing to allow appeals in criminal matters. It is contrary to the sense of our laws, and dangerous to the lives and liberties of the citizen. As our law now stands, a person charged with a crime has a right to a fair and impartial trial by a jury of his country, and their verdict is final. If he is acquitted no other court can call upon him to answer for the same crime. But by this system, a man may have had ever so fair a trial, have been acquitted by ever so respectable a jury of his country; and still the officer of the government who prosecutes, may appeal to the supreme court. The whole matter may have a second hearing. By this means, persons who may have disobliged those who execute the general government, may be subjected to intolerable oppression. They may be kept in long and ruinous confinement, and exposed to heavy and insupportable charges, to procure the attendance of witnesses, and provide the means of their defence, at a great distance from their places of residence.

I can scarcely believe there can be a considerate citizen of the United States, that will approve of this appellate jurisdiction, as extending to criminal cases, if they will give themselves time for reflection.

Whether the appellate jurisdiction as it respects civil matters, will not prove injurious to the rights of the citizens, and destructive of those privileges which have ever been held sacred by Americans, and whether it will not render the administration of justice intolerably burthensome, intricate, and dilatory, will best appear, when we have considered the nature and operation of this power.

It has been the fate of this clause, as it has of most of those, against which unanswerable objections have been offered, to be explained different ways, by the advocates and opponents to the constitution. I confess I do not know what the advocates of the system, would make it mean, for I have not been fortunate enough to see in any publication this clause taken up and considered. It is certain however, they do not admit the explanation which those who oppose the constitution give it, or otherwise they would not so frequently charge them with want of candor, for alledging that it takes away the trial by jury, appeals from an inferior to a superior court, as practised in the civil law courts, are well understood. In these courts, the judges determine both on the law and the fact; and appeals are allowed from the inferior to the superior courts, on the whole merits: the superior tribunal will re-examine all the facts as well as the law, and frequently new facts will be introduced, so as many times to render the cause in the court of appeals very different from what it was in the court below.

If the appellate jurisdiction of the supreme court, be understood in the above sense, the term is perfectly intelligible. The meaning then is, that in all the civil causes enumerated, the supreme court shall have authority to re-examine the whole merits of the case, both with respect to the facts and the law which may arise under it, without the intervention of a jury; that this is the sense of this part of the system appears to me clear, from the express words of it, "in all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, &c." Who are the supreme court? Does it not consist of the judges? and they are to have the same jurisdiction of the fact as they are to have of the law. They will therefore have the same authority to determine the fact as they will have to determine the law, and no room is left for a jury on appeals to the supreme court.

If we understand the appellate jurisdiction in any other way, we shall be left utterly at a loss to give it a meaning; the common law is a stranger to any such jurisdiction: no appeals can lie from any of our common law courts, upon the merits of the case; the only way in which they can go up from an inferior to a superior tribunal is by habeas corpus before a hearing, or by certiorari, or writ of error, after they are determined in the subordinate courts; but in no case, when they are carried up, are the facts re-examined, but they are always taken as established in the inferior court.

*(To be continued.)*

1. Reprinted: Boston *American Herald*, 13 March. The conclusion of "Brutus" XIV was printed in the *New York Journal*, 6 March (below).

## **Expositor II**

**New York Journal, 28 February 1788<sup>1</sup>**

Article 1st.—Section ii. and clause the 4th.

[“]When vacancies happen in the representation from any state, the executive thereof shall issue writs of election to fill such vacancies.”

It seems, by this clause, as if two or three rights had been intended for somebody, but, by an unhappy laconism or two, they do not quite so clearly appear for whom they were designed, as might have been expected, from the focus of conventional erudition, &c. But great minds, it is said, are above composition, as well as ceremony, and, if so, perhaps that may be the apology. However that be, “the executive thereof” may, and that according to no uncommon construction, relate to “representation” as well as to “state.” And “writs of election to fill such vacancies,” not only may intend, but will scarcely bear any other construction than, that “such vacancies” are to be filled with those

“writs of election,” instead of proper persons. But, at all events, it looks a little like a *conge de lire*, or sovereign permission, for the executive of *something* to issue “writs of election” for some purpose.

Suppose it had been said, that “the executive of the state, in which the vacancy happens, shall issue writs of election,” authorizing “suitable or proper person or persons, as the case might require, to be legally chosen, for filling such vacancy or vacancies,” would the uncertainty or ambiguity of the clause have been greater than it now is?

Clause 5th.

“The house of representatives shall choose their speaker, and other officers; and shall have the sole power of impeachment.”

The house’s right to choose its own speaker, and other officers, appears to be pretty well defined; but, if I mistake not, “the sole power of impeachment” may be construed to exclude all other impeachments, by any of the state legislatures, or any other body of men whatever, in the United States; which, if it should, may it not produce a right of infinite mal-administration, in every department? Nor is this opinion singular, as I observe, that Mr. Nicolson, of Philadelphia, in his “View of the proposed constitution,” entertains exactly the same idea of it.<sup>2</sup> Besides, to what does it amount? Why, nothing but mere illusion, as all impeachments are to be tried by the very persons who appoint, or, at least, have an essential influence in appointing, to every office; if we except that of president and vice-president, under the constitution, as will more fully appear.

Section 3d, clause 1st.

“The senate of the United States, shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.”

Is this last mentioned right, a right of confederation or consolidation?

But, besides this, and the other apparent rights here exhibited, there are several very important ones involved in this senatorial clause, to wit, the right of pre-emption to as much of the western territory as the senate and assembly, in conjunction with the president, can agree to divide among them. To which, also, may be added, the right of procuring enough of it for their friends, in the different legislatures and states, to secure their being re-chosen, at the expiration of their respective classical terms; that is, at the end of two, four, and six years, as there is no provision made against their being continued for life; and of course, continuing their friends or families in office, let them be ever so disagreeable to the people, or behave as they may; for the

senate have the sole right of trying all impeachments—perhaps in the United States—you will please to observe, sir.

Clause 2d.

“Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year; so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.”

Besides some part of the exposition, on clause the fourth, sect. 2d. which applies equally to this, as it does to that, here seems to be the right of playing see-saw. Why not have said, in the preceding clause, “for a term of years not exceeding six, nor less than two, according as they may be classed, &c.?” Where is the necessity or propriety of saying, “for six years,” absolutely, and, almost with the very next breath, as it were, declare, that a majority of them, or two thirds, shall not continue so long? It is observed, that, “one third may be chosen every second year,” &c. To which, with great truth, might have been added, or “re-chosen as often as places, pensions, &c. have any influence.”

Should any of the advocates for the proffered constitution, assert, that the subject of some of the remarks and observations, made on their favourite hopes, is trifling, and such as might have escaped the notice of others as well as the convention, let them reflect, for a moment, to what a height they raised the expectations of many of the friends to just and equal freedom, by their endless panegyrics on the effulgence of the most profound erudition, wisdom, and all other mental abilities and acquirements, which they declared to be wholly centred in the convention: and then say, whether the style, composition, &c. of this long-laboured production, be really adequate to their own description of its authors capacities?

Clause 3d.

“No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.”

Much the same observation which was made on the second clause of the second section, will apply to this. However, if any number of

years must be the criterion of patience, perseverance, equanimity, good sense, intuitive discernment, and sound judgement, why adopt one inferior to the adage, which says, that "a man, at forty, is either a fool, or a physician." As, in that case, it might be evident which side he had chosen? And, why not provide against the frigidity and imbecilities of old age, as well as against the versatility and ardour of youth, I should be glad to learn? Are not several of the effects of old age as incompatible with the office or duty of a good legislator as some of the levities or follies of youth?

Clause 4th.

"The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided." And if he had never been mentioned, he would never have been wanted, unless for pride and *senatorial dignity*; as will presently be shown by the next clause, and the observations on it. Neither is this puny clause without its perspicuity; but where so many greater appear, perhaps it may now be worthy of notice. Yet, is there not something preposterous in this manner of ascertaining the right of the vice president, previous to his having been once mentioned? Why not first declare, as in clause the first, of the first article, on legislative powers, that there should be a president and vice-president, and then ascertain their right of administration, &c.?

Clause 5th.

"The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States."

And does not this plainly shew, that there was no *real* necessity for a "vice-president," as "president of the senate," unless for parade ostentation and expence, or giving some one state an advantage, and, perhaps, one which may be the least entitled to it, or which, in point of good policy, ought not to have such an advantage in the national councils?—as the senate could, with as much propriety as the house of representatives, always choose one of their own house to preside, which, at present, would also preserve a casting vote in their proceedings, in case the whole senate were present. And, as to the office of president, of the United States, that could also be exercised, pro-tempore, by the same person; that is, the president of the senate, chosen, as mentioned above, until another regular choice could be made.

May not the epithet, "other officers," in this and a preceding clause, admit, like "the wife of Anthony, an army for an usher?"<sup>3</sup>

## Clause 6th.

“The senate shall have the *sole* power to try all impeachments. When setting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted, without the concurrence of two thirds of the members present.”

On the first of these rights or powers, Mr. Nicolson puts the following very pertinent question. “Is it meant, that the several states should hereby be restrained from trying their own officers, impeached for mal-administration?”<sup>4</sup> On the right of swearing, he asks, and not without reason,—“What are they to swear or affirm?”<sup>5</sup>—And, on—“When the president of the United States is tried, the chief justice shall preside:”—he facetiously and justly inquires—“Is it meant, at the senate or in the United States?”<sup>6</sup> i. e. that the chief justice is to preside, for, it is not said at, or in which, by this part of the constitution, his presidency is to take place. To these, I beg leave to add another, which is—Whether it be of more consequence to screen the *officers of the new government*, than to protect the people, who must support them and the government? If I may be allowed the privilege of a financier; that is, to anticipate, I will answer this question in the affirmative, and offer some part of the second clause of the second section, in the third article, in support of the assertion. For, it is there said—“In all other cases before-mentioned,” that is, all mentioned in the two preceding clauses, which, in fact, includes almost every case, in which the people can be concerned—“The supreme court shall have appellate jurisdiction, *both as to law and fact.*” Now, by comparing this with the preceding clause, must it not either be supposed, that the decisions of the supreme court (which perhaps, may not often consist of more than four; but frequently of three, two, and sometimes one, and yet that one, alone, may be the sole judge of law and fact, in deciding for the people) will be more equitable and just, than those of the senate, who are to be on oath, as well as the supreme court, and of whom there must be two thirds, which are, if of a full senate, sixteen, rejecting the fractional number, and that for *only the removal from office, &c.* whilst a single voice or so may consign a farmer, mechanic, or merchant, &c. to endless imprisonment, or inevitable ruin—Or that it was considered by the convention to be a matter of much more consequence to screen one officer of the intended government, than to protect the great body of the people, by a fair and open trial of the vicinage, which is their indubitable birth-right, and, for which, they so nobly contended and bravely conquered? How invidious! and, of course, how humiliating and



degrading a subject of reflection must this ever be to all, but those in administration!

GRACIOUS ALFRED! how would thy divine spirit have revolted at such rights as these! THOU *alone*, who, whilst invested with *sovereignty*—*didst*, out of thine own mere clemency, and for the sake of perpetuating distributive justice to thy subjects and their posterity—*institute the trial by jury and of the vicinage!*<sup>7</sup> What a contrast to the modern invention of a number of fellow citizens! Peace be to thy holy manes, there are other rights, not far hence, which, if possible, are enough to disturb thy sacred rest!

Clause the 7th.

“Judgment in cases of impeachment, shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.”

This may do to gull the unwary. But where is the law? Why, like the “oath or affirmation,” and “vice-president”—it is not known, and when it is, if we may judge from what we see, it will be a mere cobweb to catch the little flies, and let the large go through.

Section 4th. Clause 1st.

“The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: but Congress may at any time, by law, make, or alter such regulations, except as to the places of chusing senators.”

Here then is a right, which nearly threw one of the *warmest* advocates for the proffered constitution into a consternation, and obliged him to confess judgment against that right, which the convention must have thought to be a very essential one, or they would scarcely have made *such a grasp* at it. And, it seems to me, as if nothing produced the exception, but the senators being chosen by the legislatures, who, it was thought, would hardly consent to go the grand rounds, and that only for the sake of choosing two senators a piece, as Congress might, in the plenitude of their power, see fit to direct.

Yet, you Federalists, as you call yourselves, complain of the constitution as not containing sufficient rights! Perhaps, if it had contained many more such, they might have caused as solemn a pause in you, as this did in the examiner of it. For, “here,” says he, “let us pause. What did the convention mean by giving Congress power to *make regulations* prescribed by the legislatures? Is this expression accurate or intelligible?”—Which, it is imagined may very safely be answered in the negative; as it does not appear to be either accurate or intelligible. For,

how can *Congress make such regulations as are prescribed by the legislatures*; unless it be meant, that *Congress may make exactly such others*, which would be very curious indeed?—"But," continues the same writer, who, as mentioned above, is a most zealous advocate for the new government; and supposed to be P——h W——r, of Philadelphia.—"The word alter, is very intelligible, and the clause puts the election of representatives *wholly*, and the senators almost *wholly* in the power of Congress."—He likewise adds "I see no occasion for any power in Congress, to interfere with the choice of their own body." "But the clause in Italics, gives *needless and dangerous* powers. I hope the states will reject it with decency, and adopt the whole without altering another syllable."<sup>8</sup>—Without stopping to notice this gentleman's contradiction in terms, there are several other parts of the constitution, which require pausing at, equally with the part he alluded to; that is, *Congress making what the legislatures prescribe, &c.*

Clause 2d.

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

As here seems to be no provision for the right of non-user, what if invasion or insurrection should prevent—"such meeting?"

1. Reprinted: Philadelphia *Independent Gazetteer*, 12 May. For the draft of this essay in Hugh Hughes's handwriting, see Mfm:N.Y. "Expositor" I appeared in the *New York Journal* on 24, 31 January and 7 February (RCS:N.Y., 658–66).

2. A reference to Pennsylvania comptroller general John Nicholson's Antifederalist pamphlet entitled *A View of the Proposed Constitution of the United States . . .* that he published anonymously in Philadelphia in October 1787 (Evans 20591). (For a description of the pamphlet, see CC:172; and for a facsimile of the text, see Mfm:Pa. 141.) In a footnote to this clause of the Constitution, Nicholson stated that "This is equivocal and may be construed to take away from the states respectively. All power of impeaching their own officers for mal-practices, or not, as may be most agreeable, there should be no doubtful expressions where perspicuity is so necessary" (p. 12 of the pamphlet, and Mfm:Pa. 141, p. 671).

3. William Shakespeare, *Antony and Cleopatra*, Act III, scene 6, lines 43–45. "The wife of Antony/Should have an army for an usher, and/The neighs of horse to tell of her approach."

4. Nicholson quotes this question in a footnote to the clause giving the Senate the sole power over trying impeachments.

5. Nicholson quotes this question in a footnote to the clause dealing with swearing and affirming.

6. Nicholson quotes this question in a footnote to the clause dealing with the impeachment trial of the President.

7. The reference is to Alfred the Great (849–899), who was often incorrectly credited with originating trial by jury in England. For an example of this attribution in the eighteenth century, see David Hume, *The History of England . . .* (6 vols., London, 1778; Liberty Fund Edition, Indianapolis, 1983), I, 77. Hume's *History* first appeared between 1754 and 1762.

8. “Expositor” was mistaken when he identified Pelatiah Webster, a Philadelphia merchant, as the author of a pamphlet from which he quoted several passages. (For two Federalist pamphlets written by Pelatiah Webster, under the pseudonym “A Citizen of Philadelphia,” and published in October and November 1787, see CC:125–B, 244.) The pamphlet that “Expositor” quoted from was written by Noah Webster, under the pseudonym “A Citizen of America,” and was entitled *An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia . . .* (Evans 20865). For a description of Noah Webster’s pamphlet, published in Philadelphia on 17 October 1787, and for its circulation and impact, see CC:173. For a facsimile of Webster’s personal copy of the pamphlet, see Mfm:Pa. 142, most especially pp. 25–26 (pp. 733–34 of the microfiche). In this copy, Webster struck out the two paragraphs from which “Expositor” quoted. (This copy, found in the New York Public Library, was identified as Webster’s personal copy by bibliographer and editor Paul Leicester Ford [*Pamphlets*, 25].) In New York City, Noah Webster’s pamphlet was sold by Robert Hodge and Samuel Loudon, printer of the *New York Packet*. (See *Daily Advertiser*, 22 October [and succeeding issues], and *New York Packet*, 23 October.)

### **John Lansing, Jr., George Metcalf, and the Writing of “A Citizen” 28 February and 1 March 1788**

John Lansing, Jr., and Robert Yates, two of New York’s delegates to the Constitutional Convention, left that body on 10 July 1787, more than two months before it adopted a new Constitution. On 21 December Lansing and Yates wrote Governor George Clinton explaining why they had departed early and why they opposed the Constitution (RCS:N.Y., 454–59). Their letter was printed in the *Daily Advertiser* and *New York Journal* on 14 January 1788 and not long after supporters of the Constitution attacked both men in the newspapers. One of their critics was “A Citizen” who published a major attack upon them in the *Northern Centinel* on 29 January (RCS:N.Y., 674–77). (This issue of the *Northern Centinel* was probably the last one printed in Lansingburgh because the printers moved their operation to Albany. They renamed their paper the *Federal Herald* and began publication on 11 February.)

After learning from the Albany *Federal Herald*’s printers that “A Citizen” was George Metcalf, Lansing responded in the *Albany Gazette* on 28 February to “A Citizen’s” article that had “for some days attracted the notice of the public by its extreme virulence and singular scurrility.” Lansing described Metcalf as “a young Englishman, who has resided during great part of the late war in Canada, and for some time” in Albany. He stated further that he had “given directions to institute a prosecution against” Metcalf so that Metcalf could give examples of Lansing’s alleged “depravity,” and, if Metcalf failed to do so, he might learn from the prosecution the difference between “invention” and “truth” (below. For another criticism of “A Citizen,” see “A Freeholder of the City of Albany,” *Albany Gazette*, 21 February, above.).

On 1 March George Metcalf answered Lansing in the *Albany Journal*. Metcalf admitted that he was an Englishman, that he had resided in Canada during the Revolution, and that he had lived for some time in Albany, but he declared that he was also a citizen of America, offering proof to that effect. Moreover, Metcalf noted that his father and family, except for himself, had resided in New York for more than twenty years and that they were sincerely attached to

“the cause of America.” When writing as “A Citizen,” Metcalf said that he was “conscious of having trod on no other ground than the plain road of patriotism, impartiality and truth.” He would be “perfectly satisfied” to defend himself in “the tribunal” chosen by Lansing (below. For another essay by “A Citizen,” in which he defended himself against his critics, see the *Albany Federal Herald*, 3 March, below.).

Neither the *Albany Gazette* of 28 February nor the *Albany Journal* of 1 March is extant. Both the Lansing and Metcalf statements have been transcribed from the *New York Journal* of 7 March, which linked them together under a New York dateline of 7 March. (See Mfm:N.Y. for a facsimile of the *New York Journal* printing of these statements.) Both statements were reprinted in the same manner in the *Independent Journal* of 8 March, appearing under a New York dateline of that date. Both newspapers indicated that the Lansing declaration appeared in the *Albany Gazette* of 27 February, while the Metcalf one was published in the *Albany Journal* on 1 March.

The *New York Morning Post* printed both statements on 7 March, although it did not link them in the way that the *New York Journal* and the *Independent Journal* linked them. Each item appeared under a separate Albany (not a New York) dateline, although the Metcalf statement was placed immediately below the Lansing one. The *Morning Post* printed the Lansing declaration under an Albany dateline of 27 February and the Metcalf one under the heading “From the Albany Journal.” On 10 March the *Daily Advertiser* reprinted the items separately, too. The Lansing statement, however, appeared under an Albany dateline of 28 February, while the heading of the Metcalf item revealed that it was taken from the *Albany Journal*. Neither newspaper noted that the Lansing statement had appeared in the *Albany Gazette*; nor did either newspaper supply the date of the *Albany Journal* printing of the Metcalf declaration. (For a comment on the statements of both Lansing and Metcalf, see Abraham G. Lansing to Abraham Yates, Jr., 2 March, RCS:N.Y., 836.)

*John Lansing, Jr.: Criticism of George Metcalf for Writing “A Citizen”*  
*Albany Gazette, 28 February 1788*<sup>1</sup>

The *Albany Gazette* of February 27, contains the following:—A publication in the *Federal Herald* under the signature of *A Citizen*, having for some days attracted the notice of the public by its extreme virulence and singular scurrility,<sup>2</sup> Mr. John Lansing, jun. who was one of the subjects of its animadversions, requested the printers to discover the author, and was by them informed, that it was Mr. GEORGE METCALF, a young Englishman, who has resided during great part of the late war in Canada, and for some time in this city.

However unfortunately a difference in sentiment on a great national question, may agitate and divide the people of this state, Mr. Lansing trusts that the good sense of his fellow citizens will readily distinguish between a manly discussion of political subjects, and the vile arts of private traduction.

Mr. Lansing has given directions to institute a prosecution against Mr. Metcalf, which will afford him an opportunity of giving any instances of Mr. Lansing's depravity, in his justification in evidence. If Mr. Metcalf cannot do this, he may at least, on some future occasion, be taught a proper discrimination between a wanton excursion into the flowery fields of invention and a strict adherence to truth.

*George Metcalf Defends Himself*  
*Albany Journal, 1 March 1788*<sup>3</sup>

Messrs. Printers,

Having read a paragraph in the last Albany Gazette, which Mr. Webster informed me, was written by John Lansing, Jun. Esq. setting forth that I am the author of a publication in the Federal Herald, under the signature of A Citizen, that I am an Englishman, and resided during great part of the late war in Canada, and for some time in this city. I am, in justice to myself, obliged to add a few additional facts, to take off that impression which this publication must evidently tend to make on the public; that I am a foreigner and an alien, and consequently unentitled to the privileges of a citizen, or to make any strictures upon the administration of government—I acknowledge myself an Englishman by birth, a circumstance I am rather proud than ashamed of, it has not been unusual for Englishmen to be warm for the welfare of America, and with the foremost in its cause.—But that I am a citizen of America is an incontrovertible fact; under a law of this state I claim that privilege—from the Journals of the assembly, this fact may be ascertained, and also, from the records of the mayor's court of the city of Albany, where I have since taken the oaths of allegiance and abjuration. That I have been an inhabitant of this state upwards of four years, is also a well known fact. But, I presume Mr. Lansing was unacquainted with these facts, or he, otherwise, would not have placed them in so partial a point of view.

Mr. Lansing, I think, cannot be ignorant that my father and family (except myself) have resided in this state upwards of twenty years, with respectability and esteem; and, have ever been known to have had a sincere attachment to the cause of America; and for that attachment to have sustained the loss of a great deal of property, besides much distress and severity; and, that the family was detained in Canada, by order of the British governor, till the peace; and that my residence there for two years, was in consequence of that circumstance, and the impracticability of a communication, rendered wholly involuntary.

I know not what Mr. Lansing means by the vile arts of traduction or the flowery fields of invention. I am conscious of having trod on no

other ground than the plain road of patriotism, impartiality and truth. But I am perfectly satisfied with the tribunal to which Mr. Lansing has made an appeal, sensible that every necessary investigation will be made, and a fair and impartial decision given.

I am, &c. G. METCALF.

1. Lansing's statement was prefaced: "The Albany Gazette of February 27, contains the following." Since the 28th of February was the *Albany Gazette's* regular day for publication, we have accepted the date supplied by the *Daily Advertiser*, ignoring the 27 February date supplied by the *New York Journal*, the *New York Morning Post*, and the *Independent Journal*.

2. On 25 February an article by "A Citizen" appeared in the *Albany Federal Herald*, but it was not directed at Yates and Lansing. It is possible that an article(s) by "A Citizen" was printed in the *Herald's* no longer extant issues of 11 and 18 February.

3. This item had the heading: "On the Saturday following, remarks upon the above, were inserted in the Albany Journal." George Metcalf (c. 1763–1826), an Albany lawyer, represented Montgomery County in the New York Assembly, 1796–98, and for many years he was district attorney of the Fifth District (comprising several northern counties) and later in Richmond County. His Albany neighbor and fellow lawyer James Kent described him as "a learned, industrious, plodding, honest Lawyer."

### **Jacob Cuyler to Philip Schuyler** **Albany, 29 February 1788 (excerpt)<sup>1</sup>**

... we are Employed, in the busyness of forwarding The Adoption of the Proposed Government—I Cannot Venture to Write more on this subject—

But be assured, Every Proper Measure Shall be Pursued.

1. RC, Schuyler Papers, NN. This letter was addressed to Schuyler in Poughkeepsie, where he was a member of the state Senate. Cuyler (1742–1804), an Albany merchant, was a member of the first state Council of Safety, 1777; the First, Second, and Fourth Provincial congresses, 1775–77; and the state Assembly, 1777. He was Continental Deputy Commissary General of Purchases for the Northern Department, 1777–82.

### **New York Packet, 29 February 1788<sup>1</sup>**

Yesterday sailed from this Port for Canton, in China, the ship Jenny, Captain Thomson. As the ship passed the Battery, she fired a salute of thirteen guns, which was answered from the same place, by a detachment of artillery. The Jenny is the second ship, which has sailed this season from New-York, on so distant a voyage.<sup>2</sup>

That Americans possess a spirit of commercial enterprize, is evinced by the many adventrous voyages which have been undertaken from several ports in the United States, since the conclusion of the late war.—Was America in possession of a firm national government, distant countries would not only behold, with veneration, the banners of Columbia; but the thunder of her cannon might victoriously resound to the most remote regions of the globe.

1. Both paragraphs were reprinted in the *Hudson Weekly Gazette*, 6 March, and in nine newspapers outside of New York by 26 March: N.H. (2), Mass. (2), N.J. (1), Pa. (3), Md. (1). The second paragraph alone was reprinted in the *Virginia Centinel* on 2 April.

2. While the ship *Jenny* was still in port on 14 February, it had fired thirteen guns in answer to the “six times thirteen guns” that had been discharged at 12 o’clock in honor of the six states that had ratified the Constitution. (See *New York Packet*, 15 February, RCS: N.Y., 769.)

### **The Albany Anti-Federal Committee Attempts to Establish an Antifederalist Printer in Albany, 1–23 March 1788**

Early in 1788 Albany Antifederalists became upset with the course of public debate over the Constitution because all three of Albany’s newspapers were Federalist-oriented. The weekly *Albany Gazette*, published by Charles R. Webster, had begun publication in the city in 1784. On 26 January a new semiweekly newspaper, the *Albany Journal*, was established by Webster and his brother George. At about the same time the printers of the weekly Lansingburgh *North-ern Centinel* announced that they would move to Albany and begin publishing a new weekly, the *Federal Herald*. The first issue of the *Herald* appeared on 11 February. (For more on these newspapers, see RCS:N.Y., Vol. 1, lxii–lxiv.) Albany Antifederalists became convinced that an “impartial” newspaper was needed in their city. On 31 January Abraham G. Lansing wrote to his father-in-law Abraham Yates, Jr., suggesting that perhaps Melancton Smith in New York City could convince a journeyman printer in the print shop of Thomas Greenleaf, the editor of the Antifederalist *New York Journal*, to establish “an impartial paper” in Albany (RCS:N.Y., 679).

In mid-February Albany Antifederalists established a committee to prepare for the elections to the state legislature and state convention that would take place from 29 April through 3 May. Convinced that it was “of the Utmost Importance to have an impartial printer” in Albany, the committee wrote Melancton Smith on 1 March and sent a duplicate of this letter to Abraham Yates, Jr. (then serving in the state Senate in Poughkeepsie) again requesting their assistance (below). The letters were placed in the stage mail on 2 March, along with a letter of that date from Abraham G. Lansing to Abraham Yates, Jr., reiterating the importance of an impartial printer because Antifederalists feared that Charles R. Webster “will deceive us when his services should be most wanted” (below). On 9 March John Lamb, chairman of the New York Federal Republican Committee, wrote Abraham G. Lansing a letter (not located), to which Lansing and his brother responded on 23 March. The Lansings told Lamb to stop trying to obtain a printer because “we have made explicit Arrangements here which we have every Reason to suppose will answer our purpose.” Apparently Albany Antifederalists reached some arrangement with Charles R. Webster since he printed at least two of their subsequent election broadsides. (See IV below, Albany County Election.)

#### *The Albany Anti-Federal Committee to Melancton Smith Albany, 1 March 1788*<sup>1</sup>

We daily experience Inconveniencies from the partiality of the printers in this part of the State whose papers are constantly filled with

pieces in Favor of the new Constitution and whenever any are inserted against it, which is always done with Reluctance, they are accompanied with others to counteract their Effects, by which Means the people are prevented from forming a proper Judgment on the Occasion.

We conceive it therefore of the Utmost Importance to have an impartial printer in this City and will exert ourselves as much as possible to promote his Interest—We are at present willing to stipulate for 200 Subscribers, and doubt not but that this with the Aid of our Friends in the other Counties of the State will be a sufficient Inducement for the Establishment of a press here.—

We flatter ourselves that our Friends in New York will likewise open a subscription for the purpose and entreat you to adopt immediate Measures to procure a printer and to send him up without Delay with his press.

We are also disposed if necessary to Advance him a sum of Money on Account, immediately on his Arrival. we propose the Title of the paper to be the *Albany Register*.<sup>2</sup>

If this should Transpire it may possibly influence the printers here to refuse the Insertion of any publications against the New Constitution—we therefore wish decided Measures may be taken to furnish us before our Intentions are made public—

Be so good to let us have your sentiments on this Subject directed to Abraham G. Lansing Esqr. as early as possible.

We are Sir. Your most Obedient and very Humble Servants.

John Lansing Junr.  
Jer V Rensselaer  
Peter W Yates  
Henry Oothoudt  
Richard Lush  
Mathew Visscher  
Abm G Lansing.

*Abraham G. Lansing to Abraham Yates, Jr.*  
*2 March 1788 (excerpts)*<sup>3</sup>

Inclosed is Copy of a Letter sent by this Stage to New York.—Our Friends here are so ex[as]perated against Webster, and under such apprehension that he will deceive us when his services should be most wanted, that every Argument my Brother and myself could advance it was determined to renew the attempt to procure a printer.—his honor Judge Yates<sup>4</sup> having suggested when here that, a printer could be had on application, this Copy is sent you to be shewn to him—and to other Gentlemen in sentiment with us.—in order that you may procure Subscriptions for the paper—or such other aid as the Gentlemen may



judge expedient to afford for the accomplishment of our wishes.—it may perhaps be of Advantage to send a Letter from Poughkepsie on the Subject.—in my Subscription—and Offers I have held out that whatever pecuniary Aid was granted by me should be considered—as & for your and my proportion.—*I have subscribed for 6 Sets of papers.*—If you think proper you make any additions for the Encouragement of the Business—Peter<sup>5</sup> & my Brother<sup>6</sup> have subscribed for a like Number *each.*—I mention this for your Information. . . .

The inclosed papers contain a Card of my Brother and Metcalfe's answer in yesterdays Journal<sup>7</sup>—My Brother has told me that he purposed, to write to the judge—to request him to apply to the Poughkepsie Printer for the Author of the Publication against him and the judge<sup>8</sup>—

I am yours affectionately . . .

*John Lansing, Jr., and Abraham G. Lansing to John Lamb  
Albany, 23 March 1788<sup>9</sup>*

Your Favor of the 9th Inst. directed to A.G Lansing was not delivered till this Moment—Despairing of receiving any Aid from New York we have made explicit Arrangements here which we have every Reason to suppose will answer our purpose—We therefore wish you not to persist in engaging the printer.

The River is next to impossible—the Stage just arrived & the Mail must be immediately closed—We cannot therefore add any thing but that we have well founded Hopes that in this County we will carry an anti-fœderal Delegation.

1. Copy, Abraham Yates, Jr., Papers, NN. This manuscript, in the handwriting of Abraham G. Lansing, was marked by Lansing “(Copy).” It was docketed by Abraham Yates, Jr., “1 March 1788/John Lansing Junr./Oothoudt & others.”

2. The Antifederalist *Albany Register* began publication in October 1788.

3. RC, Yates Papers, NN. The place of writing does not appear, but the letter was probably written from Albany, Lansing's place of residence. The postscript to this letter, not relevant to the debate over the Constitution, was in the handwriting of Henry Oothoudt. For the complete letter, see Mfm:N.Y.

4. Robert Yates was Abraham Yates's nephew.

5. Peter W. Yates, an Albany lawyer and Abraham Yates's nephew, served in the state Assembly, 1784–85, and the Confederation Congress, 1786.

6. John Lansing, Jr.

7. John Lansing, Jr.'s “Card,” accusing George Metcalf, an Albany lawyer, of attacking him unfairly in essays signed “A Citizen” was printed in the *Albany Gazette* on 28 February. Metcalf's response appeared in the *Albany Journal* on 1 March. See “John Lansing, Jr., George Metcalf, and the Writing of ‘A Citizen,’” 28 February and 1 March (above).

8. For the criticism of Robert Yates and John Lansing, Jr., to which Abraham G. Lansing refers, see “A Dutchess County Farmer,” *Country Journal*, 26 February (above).

9. RC, Lamb Papers, NHi.

**Publius: The Federalist 63 (James Madison?)  
New York Independent Journal, 1 March 1788**

Senate: praise of term of office of Senators and the benefits of bicameralism in blending stability with liberty. For text, see CC:582. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Hannah Thomson to John Mifflin  
New York, 2 March 1788 (excerpt)<sup>1</sup>**

. . . I am Amazed to find by your letter that you are so late in adopting feederal fashions, Covered buttons were worn by the patriots here last fall, C T has a suit almost worn out with cloth Buttons As to the Capes I had them the last Winter at my tea parties, the hats are not Much Worn here. The Centinel you sent Was published here a fortnight Ago<sup>2</sup>—since Which we have had some Resolutions taken by your Wheel barrow society.<sup>3</sup> And some Criticism, on Jackys poetry. Yr transactions glided quick oer frozen rivers. And beaten tracks of snow. . . .

1. RC, John Jay Smith MSS. Collection, Library Company of Philadelphia. Printed: “Letters of Hannah Thomson, 1785–1788,” *Pennsylvania Magazine of History and Biography*, XIV (1890), 38–39. In 1774 Hannah Thomson (1731–1807)—a spinster with a large annual income and a daughter of a wealthy Quaker landowner Richard Harrison—became the second wife of Charles Thomson, the secretary of Congress from 1774 to 1789. Mifflin (1720–1798) was a Philadelphia merchant.

2. Between 11 and 15 February, the *New York Journal* reprinted the Antifederalist “Centinel” XII–XIV, probably from the Philadelphia *Independent Gazetteer* of 23, 30 January, and 5 February (CC:470, 487, 501). (See also “New York Reprinting of the Centinel Essays,” 17 October 1787–12 April 1788 [RCS:N.Y., 96].)

3. The reference is to a Federalist piece satirizing Antifederalist objections to the Constitution raised by an alleged meeting (held in a prison yard) by a fictitious “*Wheel-barrow Society*” (*Pennsylvania Gazette*, 20 February, Mfm:Pa. 440). The piece has not been located in any extant New York City newspaper.

**Albany Journal, 3 March 1788<sup>1</sup>**

Messrs. Printers, By inserting the following little ANECDOTE, in your next Journal, you will much oblige  
A Customer.

A Federalist, a few days ago, was mentioning that a Patriotic Alderman, of this city, was heard to say, in the corporation, *that rather than the new proposed Constitution should be adopted, he would part with his Whole Estate.*—A wag replied, that if the smallest particle of his property was appropriated on this occasion, it would be a proof, that miracles had not yet ceased; and, that notwithstanding he had the greatest respect

for that gentleman, on account of the feats he had so valiently performed at *Bemus's Heights*,<sup>2</sup> in the late war, he could not help thinking that he was one of those, that what he gave away, voluntarily, was early in the morning, and he that called first, got *nothing at all*.

1. Reprinted: *Albany Journal*, 10 March; *New York Morning Post*, 22 March; *Massachusetts Gazette*, 1 April; *Norwich Packet*, 16 April.

2. A reference to the second battle of Saratoga, October 1777.

### A Citizen

**Albany Federal Herald, 3 March 1788<sup>1</sup>**

MESSRS. CLAXTON & BABCOCK, From the observations I have thrown out to the public through the medium of your paper, it may appear to many, that I am actuated by passion, or principles that are unjust. Permit me, on this occasion, to do myself the justice I am entitled to, to wipe off so injurious an impression, to disown every consideration of the sort, and to explain to the public the motives of my conduct, which I conceive has been such, as in the present state of our political affairs, is perfectly consistent with the duties of a citizen.

As a citizen of this state, and entitled to the privileges and immunities thereof in life, liberty and property, I conceive myself bound, to the best of my ability, to serve her upon every occasion. The first principle of my political creed is *the love of my country and fellow-citizens*, too much so, I trust, ever to vilify or disparage them unless those who have shamefully transgressed—My next principle is a sincere regard for the *government and constitution* under which I live—By these principles have I been actuated to attempt to cast off the veil of deception, to apprise the ignorant of impending danger, to oppose the violence of party rage, and in terms though perhaps too warm, to check the progress of unbounded corruption; and if the field over which I have already travelled, is but again considered, I think it will appear to the sensible and judicious part of the world, that I have neither exaggerated in my account, or substituted terms, which any how exceed the ideas they were annexed to; but let the productions be well examined with the facts to which they appertain; let them be viewed with impartiality, and the matter will appear to be of the first importance, and the stile no more than adequate.

But I perceive my efforts have drawn on me the displeasure of a whole drove of writers, many of whom, from the peculiarity of their stations in life, now feel themselves sensibly wounded; but I conceive it is their misfortune, not my fault, if they are startled at my attack: had their minds been fortified by a conviction of right, my censures would never have reached them.

But I glory in the defence of that cause, which even the most corrupted can neither confute or answer—but who, from motives but too obvious, are now obliged to snarl at my stile and manner of writing; it is true, I write not with the studied sublimity of a *Senex*, or the low ribaldry of a *Rough Hewer*, a *Sidney* or a *Suilbup*<sup>2</sup>—Nature is my only guide in sentiment as well as language—from its paths I never deviate.

Thus, sirs, in the execution of what I deem an important part of the duty of a citizen, I have been attacked, not as to the *subject matter* I have bandied, not as to the *reasoning* I have used; but to the harshness of my terms, and the impropriety of my stile—That I am not a writer of the first rank, nor capable of displaying the beauties of eloquence, or the flights of imagination: Such I leave to the infatuated *tools of party* and *deceivers by profession*—all I claim is common sense, united with perspicuity and plainness. But the interposition of an *aged man*,<sup>(a)</sup> who reproaches me for scurility, in which he himself so far surpasses me, is somewhat surprising; had he wisely moderated his own passions, he undoubtedly would have had a greater claim to an influence over mine. I shall ever disregard the man who preaches one doctrine, and acts up to another; such an inconsistency can only arise from a real depravity of heart, or the extreme imbecility of age. But I forgive the dotard for all he has said, I am little disposed to contend with such, because I know their passions have seduced their reason, and their own self interest been long triumphant over both.

Party spirit I have ever esteemed as an evil from necessity; the natural imperfection in all created objects tells me, free governments cannot exist without it; and indeed if we do but unfold the heavy volumes of antiquity, we shall find that dire experience has fully evinced the truth of so reasonable a theory—Innumerable instances are not wanting where it has proved eminently beneficial, as well as extremely destructive, and the cause of an excessive corruption; thence there is a material distinction to be observed; where it flows from a pure conscientious opposition to *bad men* and *measures*, and where it is from self interest, corruption, or for the sake of opposition only. If, indeed the former is to be called party spirit, I must candidly own myself a partizan. With my country and fellow citizens I would wish to be both advocate and party, and who can be silent when the *common cause* is so violently agitated and formidably opposed? It is therefore without the smallest regard or affection, enmity or dislike to any particular set of men but as they immediately relate to the interests or destruction of their country, I have endeavoured to set forth, in what I thought plain and intelligible terms, the amazing progress of corruption, the intrigues of men in power and the delusions practised on the ignorant people, together

with the agency of particular persons therein; and if such can be deemed an illiberal, dishonest, unjust undertaking, or that my assertions have been false, I then own myself to blame, and will with pleasure await the sentence of my country; but if such is not the case, I then stand acquitted, and have done that only which the duty of a citizen does for ever enjoin.

For I conceive it the absolute and necessary duty of every man in a community to use discreetly that *spirit*, which takes offence at every indignity offered to his country, at all mal administration, at every measure illegally usurped, or injudiciously taken, that beats down, exposes, and disguises every species of corruption, and freely communicates every attempt to injure or decoy his fellow citizens from a right judgment on their most important concerns—whoever does less omits his duty, and deserves not the protection he enjoys.—*Curse on the coward who dares not, even to Kings, avow the truth.* Whatever may be the received opinion amongst mankind, it is certain that no man's ears should be shut or his eyes blinded; when thus surrounded by the formidable attacks of intrigue and corruption—If a partizan by trade or a hireling assail us, it is our duty to dispise him and make him known. These are duties entailed on the poorest as well as the richest, on the young as on the old—all should be assiduous in their labours, and no man's condition should make him think lightly of his liberty, lest the want of his liberty should make him lament his condition.

A part of my aim has been to shew the absurdity of so firm an adherence to those *great overgrown political heroes*, which at the present day engross so large a share of influence on the minds of the people, and who, with legions of votaries, much art, and large dispensations of political instruction, do tamely lead us a willing sacrifice to the manes of folly and oppression. Unfortunately for us, their principles border too much on licentiousness and self-interest, and are as favorable to their own personal view, as they are destructive to our public welfare.

We may remember that Rome and the Grecian states were once as free as we are, and that violent factions and popular influence, were no small inducement to their fall—When the people madly deserted their own cause, and became the furious zealots of violent and ambitious men, then came the appearance of an overthrow; as conquest and wealth increased, individuals became opulent and ambitious. Dignities in the state, as they are with us, were objects of competition amongst them; they engaged the people in their respective causes, much in opposition to their own interests; the consequence was, *faction, corruption,*

*usurpation* and *despotism*, and which ever way the quarrel was determined, the people were always the losers. Let us never forget the unfortunate attachment of the people of England to the usurper Cromwell: With a whining cant, and the aid of every unjust imposition, he either terrified or deluded them into a compliance to his will—Without he was all fair—within as black as hell. Pardon the coarseness of the expression; for 'tis reason and truth, not passion, that dictates it.

But mark the difference that prevailed in Rome while the people were engaged in scrutinizing the conduct of their rulers, in opposing the encroachments of the senate, and being the steady supporters of liberty; they were then unparalleled for bravery and true patriotism; but when they engaged in the quarrels of every *upstart*, and began to have beings amongst them that seemed somewhat more than men, they then became pitiful and miserable enough. We cannot sufficiently contemplate their fate, or profit from it, as a case so similar to our own. Let us not be blindly attached to this or that party, unless through the real merits of the cause they espouse, for that is, and ought to be the only object of our judgment.

For my own part, I am satisfied that party spirit, and popular influence, are almost ever united with corruption—Nor do I in the least pretend to a possibility of exterminating them, or that civil government can exist without them. All I can urge, is a propriety of an attempt to restrain them, and upon particular occasions to awake the people, that they may not be entirely blinded—that they may look around and judge for themselves, and not implicitly rely on others. But it cannot be denied, upon any just principle, that individuals have not in some instances a just claim to *popularity*, and the peculiar favor of their fellow citizens. But it is that popularity which, I am informed, the judicious and learned *Mansfield*,<sup>3</sup> thought so worthy of him—the *popularity, which follows, not that which is run after, into grog-shops or bar-rooms, or that which is picked up amongst idlers and the worst dregs of mankind*, to a man of sense and delicacy, such I conceive would be highly unacceptable.

At present, a GREAT CAUSE is depending between the people of the United States, and persons opposed to them from self interest and party views. How far these ought to be permitted to influence the people, I leave the world to judge. I have conceived myself bound in duty to say what I have done, on a subject, which persons of superior information might have [gone?] much farther—I have only recapitulated what all mankind must previously have known, but what has alas! been too slightly attended to.

In the *cause* above alluded to, and in which the people are so materially concerned, as both judges and party, I have endeavoured to recommend in the strongest terms, an unbiased, unprejudiced investigation: I have also endeavoured to shew the rocks from which danger was to be apprehended, and to point out the only way by which infallible truth could possibly be arrived at. I have also urged an examination of the characters they now so much idolize, and indeed every kind of circumspection that the importance of the cause seems to demand. But there are some, who suppose no danger attends these matters from any disregard or inactivity of ours—let those take but a retrospective view of a few years past, reflect but on the present confused state of our affairs, and seriously consider the political sentiments of some, and their daily assiduous endeavours to bring their wishes to an adoption—none can then I think remain insensible to the terrors of impending ruin—their shield of security must vanish, and instead of the happiness and prosperity we ought to have in view, a dreary waste will present itself, too horrid for our reflection. Can a shattered union, or perhaps no union at all—can a want of respectability in government, and all public faith, be of any service to America? Will the institution of thirteen petty democracies, and the consequent evils of domestic quarrels, foreign invasions, decay of trade, and the loss of both public and private credit, be for our interest? Upon these questions I reserve my opinion, and humbly submit them to the determination of the yet uncorrupted citizen—On the determination of them undoubtedly depends not only our immediate interests, but those of millions of our posterity in ages yet to come—and to which nothing can do justice, but the warmest exertions of *virtue, integrity* and *true patriotism*. Let us never forget what recent experience has demonstrated fully, that to *unite and prosper* is and must be a never failing maxim of American politics. Let us also reflect that those who attempt to corrupt us now, will not a few years hence be at all too good to rule us with a rod of iron.

It is therefore for these reasons, without the smallest view to extol one set of men or depress another, unless where their demerits seemed to demand particular attention, that I have taken the liberty of troubling the public with a few remarks; and I now sincerely thank providence that I have integrity enough to detest the enormities I have treated on, and reason enough to discern between truth and falshood, and that I have had spirit enough to oppose with a suitable warmth the daring attacks of corruption.—If such be a crime, then have I offended, and am ready to make a suitable atonement for my fault. But from the conviction that I now feel, and the soundness of the cause I have espoused, and the real necessity, as well as the apparent truth of

my remarks, I am so far from being conscious of injustice, that I am now ready to lay down my life for their support. But wherever truth does not seem to support me, there I will candidly retract—No man's character shall suffer through my misrepresentation or falshood—I have endeavored to expose guilt, and this I shall ever do where it operates to the injury of my country.

(a) *Senex*<sup>4</sup>

1. For the identification of George Metcalf as "A Citizen," see "John Lansing, Jr., George Metcalf, and the Writing of 'A Citizen,'" 28 February and 1 March (above).

2. See "Senex," *Albany Journal*, 25 February; and "Suilbup," *Albany Gazette*, 21 February (both above); and "Sidney," *Albany Gazette*, 21, 28 February (Mfm:N.Y.). "Rough Hewer," like "Sidney," was a pseudonym used by Abraham Yates, Jr.

3. The reference is to William Murray, 1st Earl of Mansfield (1705–1793), the chief justice of King's Bench from 1756 to 1788.

4. In Latin, *Senex* means an old man. See "Senex," *Albany Journal*, 25 February (above).

### Collin McGregor to Neil Jamieson

New York, 4 March 1788 (excerpt)<sup>1</sup>

. . . Within these few days Final Settlements have rose & fallen.—After the Adoption of the New Constitution by Boston State they rose to near 4/.; but New-Hampshire havg Adjourned their Convention till June, has had the effect to reduce these securities abt. 6d. .—we trust that this last mentd. State will adopt it at their next meetg and in the meantime other States will come into the Measure which will again give a Spring to securities.—There are great doubts abt. Virga.; and also of this State.—when I was at Alb[an]y the other day<sup>2</sup> I found a formidable Party in favor of the New Governnt. But in the Country I was told they are much agt. it; This ~~doctrīne~~ last is the friendly Party of our chief Magistrate<sup>3</sup> & his influence is great.—"Whig & Tory" is entirely done away, and we have substituted in their Stead "Fœderalists & Antifœderalists,"—These Parties carry on their disputes in many instances with much ~~resentment~~ warmth ill-humour & sometimes too personal.—I beg pardon for this digression from business.—it is the securities which is the cause of it, as they are more or less blended wt. the Politics of the day. . . .

1. FC, Collin McGregor Letterbook, 1787–1788, NN. Duplicates of this letter and another dated 18 February (see above) were sent to Jamieson by McGregor on 2 April.

2. In a part of the letter not printed here, McGregor indicated that he had left for Albany on 21 February.

3. Governor George Clinton.



### A Countryman

**New York Daily Advertiser, 5 March 1788<sup>1</sup>**

Mr. PRINTER, A certain farmer had been obliged, in a great hurry, to surround his field with a fence, in consequence of some troublesome, dangerous and destructive wild bulls, which for a time infested the country. On account of his youth, poverty and inexperience, with many other circumstances, which in part excuse him, this fence was insecure, ill-contrived, and the laughingstock of his neighbors. However, as he was a watchful and industrious man, with the blessing of Providence, he was happy enough to find it answer his purpose, till all those animals he had feared were either shot down, made oxen of, or fairly scourged out of his borders. But it came to pass, after this danger was over, and he thought he had nothing to do but to enjoy his farm, others soon arose. A pretty smart North-Wester happening to blow, which was not uncommon in his part of the country, part of his fence was blown down. He no sooner heard of this, than he sent a number of his servants to repair it, to put it in good order, and to make it stand firm, like his neighbors'; so that they should no longer sneer at him for an ignorant blockhead.—His servants soon found the posts and rails entirely rotten and disjointed; that it had at first been put together in the most clumsy manner; and that the whole was every moment in danger of falling down, or of blowing away. After some search, they unexpectedly found that excellent materials might easily be obtained to make an entire new fence around the whole farm, to the evident advantage of the owner. Two of these servants, however, opposed the design; because, they said, their master had only ordered them to repair the fence. They accordingly made use of every means to induce their fellows to go back, or only to prop up the old a little; and at length set the example, and took leg-bail themselves.—Hear the event!—Their example took effect—the next wind blew down a larger portion of the enclosure—the wild bulls returned—cattle entered the farm—the grain was all destroyed—and the hope of the husbandman was no more.

Let no man suppose the conduct of the seceding Delegates, from this State to the Convention,<sup>2</sup> exactly designated by the above servants; but the question simply is—Whether did those servants act the part of faithful, worthy and trusty men?

1. Reprinted: *Pennsylvania Gazette and Pennsylvania Packet*, 12 March.

2. John Lansing, Jr., and Robert Yates left the Constitutional Convention on 10 July 1787, more than two months before it adjourned.

**Publius: The Federalist 64 (John Jay)**  
**New York Independent Journal, 5 March 1788**

Senate: the treaty-making power of. For text, see CC:592–A. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Timon**

**New York Daily Advertiser, 6 March 1788<sup>1</sup>**

ANECDOTE.

Mr. B,— who has the honor to shave the head of the State, some evenings since, speaking of the new Federal Constitution, declared to the surrounding Gentlemen of the strap, that should New-York be weak enough to adopt it, he would instantly leave the State, and seek an asylum in some other, where his rank and emoluments would stand on a firmer basis; and where, if in the course of his profession, he should arrive to the dignity of being seated in the Chair of State, he need not fear being tumbled out of it, by the intrigues of a Federal Junto.

This is the same Gentleman, who, at the commencement of the late war, left a customer with one side of his face shaved, on being told that one of the tea ships had arrived in the harbor; apologizing to the man for the ludicrous situation he left him in, by saying, that the calls of his country must be obeyed in preference to those of a private nature.

1. Reprinted: *Massachusetts Centinel*, 19 March; *Charleston Columbian Herald*, 21 April. The reprintings use the phrase “Gentlemen of the Comb” instead of “Gentlemen of the strap.”

**New York Daily Advertiser, 6 March 1788<sup>1</sup>**

The Revenue arising from the Customs alone will amount to more than sixty thousand pounds. It fortunately happens for the Creditors of the State of New-York, that Congress [has] not made any requisition for the service of the last year, in money. It follows, that all the Revenue arising from the Customs may be used in discharge of the interest on the State Debt. Report says, that the Members, who were anxious to procure a Convention of the People, for considering a new Constitution, having effected a measure they had much at heart, are now as anxious to get home; but we would not so far insult their judgment, to suppose them indifferent and negligent of what so materially affects their fellow-citizens, as to leave all the resources of the State unappropriated.

If the Gentleman, who has shewn such a laudable solicitude for the credit of the State of New-York, in her exports of Beef and Pork (for which service he merits the thanks of many) would now turn his thoughts to the preservation of State Credit, retrieve her finances, assist the distresses of her Creditors, and pursue the business with that ardor and perseverance he has shewn in the articles above-mentioned. He would not only merit, but receive the thanks of thousands. Some of his colleagues would assist him; nor could any refuse their aid to rescue the little all of many families, from becoming the spoil of speculators and brokers.

Perhaps no State in the Union, is in a better situation, with respect to Internal Debt, than that of New-York. It has wisely made rapid exertions to avail itself of the low price of Continental Debt; and has actually collected a sum, equal to the State's full proportion of the Domestic Debt of the United States. It is true, the particular Debt of the State, is by this means encreased, and the Creditor has been deluded by promises, the State could not punctually perform. The Creditors may now, however, hope a speedy completion of every promise made them. The means are abundant, nor can it be doubted, but the Legislature now assembled, will, in their wisdom apply them in such a manner, as shall give general approbation.

His Excellency Governor Clinton was well informed, when he acquainted the Legislature, that much of the Revenues of the State might be applied to the relief of its Creditors.<sup>2</sup> The Treasurer's Report fully justifies his recommendation; it must be evident to every intelligent mind, that he had taken some pains to be well informed. At the same time that the information does credit to his Excellency in his official capacity, it does equal credit to his humanity. He knew the wants and distresses of many of his fellow citizens, and was happy in an opportunity of holding out some relief to a deserving set of men.

1. Reprinted: *Connecticut Journal*, 12 March; *Charleston Columbian Herald*, 31 March. For New York's efforts to pay its state debt, the subject of this piece, see RCS:N.Y., Vol. 1, xl-xliv.

2. In Governor George Clinton's 11 January speech to the legislature, he stated that "It will appear from the Act of Congress [on federal requisitions] and other Papers on this Subject, that the Supplies, required for the common Treasury are principally to arise from the Arrears due on former Requisitions. Advantages will therefore result from the punctuality of past payments as a greater proportion of the Resources of the State may now be applied to the relief of our own Citizens" (RCS:N.Y., 693).

**Brutus XIV****New York Journal, 6 March 1788<sup>1</sup>**

(Continued.)

It may still be insisted that this clause does not take away the trial by jury on appeals, but that this may be provided for by the legislature, under that paragraph which authorises them to form regulations and restrictions for the court in the exercise of this power.

The natural meaning of this paragraph seems to be no more than this, that Congress may declare, that certain cases shall not be subject to the appellate jurisdiction, and they may point out the mode in which the court shall proceed in bringing up the causes before them, the manner of their taking evidence to establish the facts, and the method of the courts proceeding. But I presume they cannot take from the court the right of deciding on the fact, any more than they can deprive them of the right of determining on the law, when a cause is once before them; for they have the same jurisdiction as to fact, as they have as to the law. But supposing the Congress may under this clause establish the trial by jury on appeals. It does not seem to me that it will render this article much less exceptionable. An appeal from one court and jury, to another court and jury, is a thing altogether unknown in the laws of our state, and in most of the states in the union. A practice of this kind prevails in the eastern states; actions are there commenced in the inferior courts, and an appeal lies from them on the whole merits to the superior courts: the consequence is well known, very few actions are determined in the lower courts; it is rare that a case of any importance is not carried by appeal to the supreme court, and the jurisdiction of the inferior courts is merely nominal; this has proved so burthensome to the people in Massachusetts, that it was one of the principal causes which excited the insurrection in that state, in the year past;<sup>2</sup> very few sensible and moderate men in that state but what will admit, that the inferior courts are almost entirely useless, and answer very little purpose, save only to accumulate costs against the poor debtors who are already unable to pay their just debts.

But the operation of the appellate power in the supreme judicial of the United States, would work infinitely more mischief than any such power can do in a single state.

The trouble and expence to the parties would be endless and intolerable. No man can say where the supreme court are to hold their sessions, the presumption is, however, that it must be at the seat of the general government: in this case parties must travel many hundred

miles, with their witnesses and lawyers, to prosecute or defend a suit; no man of midling fortune, can sustain the expence of such a law suit, and therefore the poorer and midling class of citizens will be under the necessity of submitting to the demands of the rich and the lordly, in cases that will come under the cognizance of this court. If it be said, that to prevent this oppression, the supreme court will set in different parts of the union, it may be replied, that this would only make the oppression somewhat more tolerable, but by no means so much as to give a chance of justice to the poor and midling class. It is utterly impossible that the supreme court can move into so many different parts of the Union, as to make it convenient or even tolerable to attend before them with witnesses to try causes from every part of the United states; if to avoid the expence and inconvenience of calling witnesses from a great distance, to give evidence before the supreme court, the expedient of taking the deposition of witnesses in writing should be adopted, it would not help the matter. It is of great importance in the distribution of justice that witnesses should be examined face to face, that the parties should have the fairest opportunity of cross examining them in order to bring out the whole truth; there is something in the manner in which a witness delivers his testimony which cannot be committed to paper, and which yet very frequently gives a complexion to his evidence, very different from what it would bear if committed to writing, besides the expence of taking written testimony would be enormous; those who are acquainted with the costs that arise in the courts, where all the evidence is taken in writing, well know that they exceed beyond all comparison those of the common law courts, where witnesses are examined *viva voce*.

The costs accruing in courts generally advance with the grade of the court; thus the charges attending a suit in our common pleas, is much less than those in the supreme court, and these are much lower than those in the court of chancery; indeed the costs in the last mentioned court, are in many cases so exorbitant and the proceedings so dilatory that the suitor had almost as well give up his demand as to prosecute his suit. We have just reason to suppose, that the costs in the supreme general court will exceed either of our courts; the officers of the general court will be more dignified than those of the states, the lawyers of the most ability will practice in them, and the trouble and expence of attending them will be greater. From all these considerations, it appears, that the expence attending suits in the supreme court will be so great, as to put it out of the power of the poor and midling class of citizens to contest a suit in it.

From these remarks it appears, that the administration of justice un-

der the powers of the judicial will be dilatory; that it will be attended with such an heavy expence as to amount to little short of a denial of justice to the poor and middling class of people who in every government stand most in need of the protection of the law; and that the trial by jury, which has so justly been the boast of our fore fathers as well as ourselves is taken away under them.

These extraordinary powers in this court are the more objectionable, because there does not appear the least necessity for them, in order to secure a due and impartial distribution of justice.

The want of ability or integrity, or a disposition to render justice to every suitor, has not been objected against the courts of the respective states: so far as I have been informed, the courts of justice in all the states, have ever been found ready, to administer justice with promptitude and impartiality according to the laws of the land; It is true in some of the states, paper money has been made, and the debtor authorised to discharge his debts with it, at a depreciated value, in others, tender laws have been passed, obliging the creditor to receive on execution other property than money in discharge of his demand, and in several of the states laws have been made unfavorable to the creditor and tending to render property insecure.

But these evils have not happened from any defect in the judicial departments of the states; the courts indeed are bound to take notice of these laws, and so will the courts of the general government be under obligation to observe the laws made by the general legislature; not repugnant to the constitution; but so far have the judicial been from giving undue latitude of construction to laws of this kind, that they have invariably strongly inclined to the other side. All the acts of our legislature, which have been charged with being of this complexion, have uniformly received the strictest construction by the judges, and have been extended to no cases but to such as came within the strict letter of the law. In this way, have our courts, I will not say evaded the law, but so limited it in its operation as to work the least possible injustice: the same thing has taken place in Rhode-Island, which has justly rendered herself infamous, by her tenaciously adhering to her paper money system. The judges there gave a decision, in opposition to the words of the Statute, on this principle, that a construction according to the words of it, would contradict the fundamental maxims of their laws and constitution.<sup>3</sup>

No pretext therefore, can be formed, from the conduct of the judicial courts which will justify giving such powers to the supreme general court, for their decisions have been such as to give just ground of confidence in them, that they will firmly adhere to the principles of rec-

titude, and there is no necessity of lodging these powers in the courts, in order to guard against the evils justly complained of, on the subject of security of property under this constitution. For it has provided, "that no state shall emit bills of credit, or make any thing but gold and silver coin a tender in payment of debts." It has also declared, that "no state shall pass any law impairing the obligation of contracts."—These prohibitions give the most perfect security against those attacks upon property which I am sorry to say some of the states have but too wantonly made, by passing laws sanctioning fraud in the debtor against his creditor. For "this constitution will be the supreme law of the land, and the judges in every state will be bound thereby; any thing in the constitution and laws of any state to the contrary notwithstanding."

The courts of the respective states might therefore have been securely trusted, with deciding all cases between man and man, whether citizens of the same state or of different states, or between foreigners and citizens, and indeed for ought I see every case that can arise under the constitution or laws of the United States, ought in the first instance to be tried in the court of the state, except those which might arise between states, such as respect ambassadors, or other public ministers, and perhaps such as call in question the claim of lands under grants from different states. The state courts would be under sufficient controul, if writs of error were allowed from the state courts to the supreme court of the union, according to the practice of the courts in England and of this state, on all cases in which the laws of the union are concerned, and perhaps to all cases in which a foreigner is a party.

This method would preserve the good old way of administering justice, would bring justice to every man's door, and preserve the inestimable right of trial by jury. It would be following, as near as our circumstances will admit, the practice of the courts in England, which is almost the only thing I would wish to copy in their government.

But as this system now stands, there is to be as many inferior courts as Congress may see fit to appoint, who are to be authorised to originate and in the first instance to try all the cases falling under the description of this article; there is no security that a trial by jury shall be had in these courts, but the trial here will soon become, as it is in Massachusetts' inferior courts, mere matter of form; for an appeal may be had to the supreme court on the whole merits. This court is to have power to determine in law and in equity, on the law and the fact, and this court is exalted above all other power in the government, subject to no controul, and so fixed as not to be removeable, but upon impeachment, which I shall hereafter shew, is much the same thing as not to be removeable at all.

To obviate the objections made to the judicial power it has been said, that the Congress, in forming the regulations and exceptions which they are authorised to make respecting the appellate jurisdiction, will make provision against all the evils which are apprehended from this article. On this I would remark, that this way of answering the objection made to the power, implies an admission that the power is in itself improper without restraint, and if so, why not restrict it in the first instance.

The just way of investigating any power given to a government, is to examine its operation supposing it to be put in exercise. If upon enquiry, it appears that the power, if exercised, would be prejudicial, it ought not to be given. For to answer objections made to a power given to a government, by saying it will never be exercised, is really admitting that the power ought not to be exercised, and therefore ought not to be granted.

1. For the first part of "Brutus" XIV, see *New York Journal*, 28 February (above).

2. The county courts of common pleas in Massachusetts had only civil jurisdiction, many of their cases being concerned with the collection of debts. The fees paid by the litigants were high. These costs were escalated because most parties appealed the decisions of these courts to the Supreme Judicial Court. For example, between 1784 and 1786 the Supreme Judicial Court heard 3,800 cases for the recognizance of debts already upheld by county courts. Some people even went so far as to call for the abolition of the county courts because all their cases could be appealed to the Supreme Judicial Court (Van Beck Hall, *Politics Without Parties: Massachusetts, 1780–1791* [Pittsburgh, 1972], 48, 192–98).

3. In September 1786 the Rhode Island Superior Court, in the case of *Trevett v. Weeden*, James Mitchell Varnum, the attorney for the defense, argued that the court should declare a penalty act unconstitutional because it called for cases involving the refusal to accept the state's paper money in payment for goods or services to be tried in a special court with no trial by jury and with no right of appeal. The court avoided the legal issues by declaring that it had no cognizance in the case because it was not a special court. The justices who supported the decision were not reappointed by the state legislature in May 1787.

### **Lewis Morris, Sr., to Lewis Morris, Jr.**

#### **Poughkeepsie, 7 March 1788 (excerpts)<sup>1</sup>**

... Most Violent parties prevail here federal and a[n]tifederal. So much so that the other day a peice was published in the Albany paper against the Mayor [John Lansing, Jr.] who is an antifederalist. he went to the printers and demanded the author. the printer asked two hours for to give an answer which was granted. the printer then went to the author who told him least he should not remember the name he would give it in writing. then the Mayor came to the author who told the



Mayor he avowed the Peice and would give him any Satisfaction he would chuse.<sup>2</sup> . . . I am heartely tired of this D—d place and thank God So are all the Legislator[s] therefore I believe the next meeting will be [in] N York—A convention will be called of this State the 17th of June next and they are to meet at this Place. I am afraid the majority are against—Newham[p]shire have met and ajourd to june next<sup>3</sup>—

1. RC, GLC 01461, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, New York. Lewis Morris, Sr., did not use periods in his letter. For the purpose of clarity, the editors have supplied them.

2. For a discussion of the attack on Lansing published by “A Citizen” (George Metcalf) in the *Albany Federal Herald*, see “John Lansing, Jr., George Metcalf, and the Writing of ‘A Citizen,’ ” 28 February and 1 March 1788 (above). The issue of printers releasing the names of the authors of newspaper articles was raised in other states. In October 1787, for example, Federalist Benjamin Russell, the editor of the widely circulated *Massachusetts Centinel*, refused to print an Antifederalist essay signed “Lucius” until the author left his name to “be handed to the publick, if required.” His action touched off a spirited debate in Massachusetts and some other states, including New York (CC:131). For a similar effort in Georgia, see “A Farmer,” *State Gazette of Georgia*, 29 November 1787 (RCS:Ga., 248–51).

3. See “New York and the Adjournment of the New Hampshire Convention,” 22 February 1788 (above).

**Publius: The Federalist 65 (Alexander Hamilton)**  
**New York Packet, 7 March 1788**

Senate: power to try impeachments of federal officers. For text, see CC:601.  
 For reprintings, see Appendix IV, RCS:N.Y., 548.

**Publius: The Federalist 66 (Alexander Hamilton)**  
**New York Independent Journal, 8 March 1788**

Senate: power to try impeachments of federal officers. For text, see CC:607.  
 For reprintings, see Appendix IV, RCS:N.Y., 548.

**Henry Knox to George Washington**  
**New York, 10 March 1788 (excerpts)<sup>1</sup>**

Your favor of the 11th ultimo was duly received.<sup>2</sup>

The publication signed *Publius* is attributed to the joint efforts of Mr Jay, Mr Maddison and Colo Hamilton It is highly probable that the general conjecture in this case is well founded . . .

The business in this state is critically circumstanced, and the parties nearly balanced—The issue will depend greatly on the industry of the different sides—I am apprehensive that the antifederalists will be the most indefatigable. The federalists say they shall have a small majority

certainly—but it is to be apprehended that their confidence will prove highly injurious to the cause—Nothing has been received from Rhode Island that can give any immediate hopes that state will endeavor to establish a different character. . . .

1. RC, Washington Papers, DLC. Printed: CC:610.

2. No letter written by Washington on 11 February has been located. Knox is probably referring to Washington's letter of 5 February which contains this postscript: "Pray, if it is not a secret, who is the author, or authors of Publius" (Abbot, *Washington*, VI, 88).

### **Poughkeepsie Country Journal, 11 March 1788<sup>1</sup>**

Extract of a letter from a gentleman in South Carolina, dated Jan. 30, 1788, to his friend in this place.

"The legislature of New York, I observe are to meet at Poughkeepsie.—The opposition of your G \* \* \* \* \*,<sup>2</sup> and his party to the new constitution, has excited the curiosity as well as the indignation of America.—Should it be submitted to the people, and they reject it, he and his party must take the consequences to themselves; as it will involve not only your State, but the whole continent in a CIVIL WAR! Which may God in his goodness forbid. The convention of this State are to meet in May next—a Mr. Lowndes, is the only opponent I can hear of—but his influence is as feeble as his party is insignificant—being principally those men who were opposed to the Independence and the liberties of America.<sup>3</sup>—I have not a doubt but we shall have a majority of at least 10 to 1."

1. Reprinted in the *Albany Journal*, 15 March, and in seven newspapers outside New York by 10 April: N.H. (3), Mass. (2), Conn. (2). Three newspapers omitted the date of the letter extract. See also note 2 (below).

2. Governor George Clinton. Six of the seven out-of-state newspapers inserted the letter "r" after the asterisks or their equivalent.

3. For lawyer Rawlins Lowndes's opposition to the Constitution during the January 1788 debate in the South Carolina House of Representatives on the resolutions calling a state convention to consider the Constitution, see CC:482.

### **Poughkeepsie Country Journal, 11 March 1788**

The Triumphs of Reason,  
Being a Dialogue on the New Constitution.

A. Well Sir, to quit the other subject, are you not convinced, that the jealousies you some time since entertained against the new Constitution, are destitute of a solid foundation.—You observe it has already been adopted by six States, and by three of them unanimously; and the New-Hampshire Convention have adjourned only to give time for the prejudices of the interior parts of the State to be corrected<sup>1</sup>—I know

you have not much opinion of the republican notions of the southern States, but surely the discerning and intrepid freemen of New-England, whose habits have been long since fashioned by the principles, and whose minds are at this moment enlightened and animated by the spirit of liberty, are not to be deceived.

B. Sir, they are grossly deceived, and they will soon convince you and the world too. They have been taught by the sophistry of a parcel of despots and ambitious rulers, to expect the blessings of a golden age: but how soon will they be deceived, and how soon will those wicked men realize their just indignation. This new scheme is as vile a system as was ever attempted to be imposed on an enlightened people. Oh my friend! May Heaven defend you and I from the dreadful consequences—depend upon it—mark what I say—the people of this country never will submit to it—they never will be juggled out of their rights—they have fought, they have bled too much. Oh! dear posterity! precious liberty!

A. Stop, stop—are you crazy? Don't let you and I enkindle discord, whatever others may do. Such inflammatory appeals may rouse the vulgar, but cannot disturb the opinion of a philosopher. Calm for a moment the violence of your passions, and let us investigate this matter with the soberness of reason. If your side is so very obviously just, you can surely convince me by other weapons than terror. I am not obstinately bent on any measures but such as I conceive are for the honor and happiness of my country. Let us consider for once, the origin and the occasion of this new proposition to the people. It is, I grant, an hackneyed tale, but it deserves to be repeated every morning that we arise, and every night that we lay down, in order to bring the scenes of danger with all their lively horrors fully and forcibly to the mind. You cannot then but agree with me, that the Union of the United States is already crumbled to pieces, from the weakness of the former compact. That factions and selfishness and perfidious measures, resulting from the want of government, have conspired to strip Congress of every attribute of dignity, and every medium of support—that our trade is languishing under the most opprobrious restraints—that credit is fled, and all the stipulations of public faith are but the signal of ridicule and reproach—that the value of our produce and of our lands is vastly depreciated from the melancholy instability of public affairs, and the want of the circulating activity of a liberal commerce. In short, that we are degraded as a nation—inglorious and impotent in the eyes of foreigners, and contemptible in those of our own citizens. You cannot therefore but agree with me, that matters have arrived to an awful crisis;

and that something speedily must be done to preserve us together as a nation, and to avert the impending destruction.

B. True, but it is the despots that have brought these calamities on us. Congress, I can see it plain, have been at the bottom of all this—they are the authors of all this mischief.—They have been for some time artfully preparing the minds of the young and ardent, for a reform in government.—They have seized the favorable moment when our public affairs are embarrassed by the distresses of the late war, and have had address enough to win the public credulity, and to carry the people to the very jaws of slavery.

A. Sir, I am astonished—I hardly know whether to believe you have the possession of your mind—let me advise you once more to be temperate in the discussion. Think what you have said—you condemn a whole body of men in the most unjust and arbitrary manner, without facts to support you or a trial to convict them. It is perfectly romantic to say no worse of it, to believe that all those symptoms of an expiring commonwealth, could have been anticipated and planned by any set of men, and much less by a whole body of our own countrymen, selected from us as the most worthy of confidence; and if planned that their mere schemes could have produced all these extensive effects—national dissolution, Sir, must proceed from disorders in the original frame of government, and not from the ill policy of those who administer it.

B. I may be wrong as to Congress, but no man can have the barefacedness to deny but the Convention was a parcel of as tyrannical usurpers as ever breathed the air of freedom. They have played on the weak side of Gen. Washington (who is no great politician, and they say very much of an aristocrat at heart) and seduced Doctor Franklin (a mere old woman) and with the splendor of these two names, they are palming their deep-laid project on the simplicity and zeal of the people.

A. You pay a very pretty compliment truly, Sir, to the good sense of America, to suppose it so easily duped; a people so simple would be little else than slaves under any government. But, pray Sir, where are your facts from whence you draw this harsh conclusion of the Convention? From their former conduct as citizens and as patriots? Surely not—If ever men are entitled to the confidence of their country, it must be those who on trial have given signal proofs of their integrity; a very great majority at least of that body have given such proofs, and yet you condemn them as you did Congress, on only the most unwarrantable suspicions, the most groundless jealousies: You pretend to advocate the cause of liberty, and yet, like an eastern tyrant, you would

destroy the most respectable councils and characters, unheard, untried, and contrary to the most obvious formalities of justice.

B. The Constitution they have reported, is, I confess, all the proof I have, but it is the most convincing that ever was produced.

A. I thank you, Sir, for coming at last fairly to the true ground of dispute: You must excuse me if I consider all you have hitherto said as the mere ravings of an imagination, too distempered to deserve attention. If the new Constitution has been the cause of all this unmeaning abuse, I can only forgive you by your temperate consideration of its merits.

B. Who possibly can avoid warmth to see such horrid tyranny forging for us, and the people such stupid senseless fools as to swallow the bait—I am for going back to Britain rather than submit to this government—“Sir, there is not a step towards this business that I ever agreed to, nor is there a sentence in it that I ever will agree to.”—Don’t you see Sir, don’t you see there is tyranny; Congress by this scheme can lay taxes, duties, excises and imposts; they can raise armies and call out the militia.

A. And cannot every other government in the world do the same, that merits the name of one? However painful it may be to reason with a man who avows an obstinacy too inveterate to be cured by the power of argument, yet I will calmly discharge the [duties?] of my conscience. You admitted just now, the reality of the picture which I drew of the deplorable situation of our present government: Every consistent man who acknowledges the evil, must acknowledge also the necessity of the remedy, or the delegating of some substantial power to the new one, if he means seriously to uphold the Union of the States, and to give that Union an energy in itself and an aspect of respectability abroad. Without this you defeat the end of its institution—you are guilty of the very great absurdity of charging the government with a most important trust, with the trust of protecting our national rights, of supporting our national honor, and of guarding against internal tyranny, or anarchy or commotion, and yet at the same time of refusing the requisite means for carrying that trust into effect.

B. I admit the force of your argument, but remember Sir, power is dangerous, when you once part with your power to rulers it never can be recalled, without violent convulsions. Man is prone to despotic power (says Buplemaque) from his cradle (says Sidney), to his grave (says Montague), you will find this confirmed in the 3d book of Polybius, on the Roman Discipline—Plutarch and Puffendorff, and Sarnconiaton, when speaking of rulers, say they are frequently grasping—Hobbes and Locke and that most learned book of quotations, Burgh’s

political disquisitions, are full of it. I have always found peculiar delight and assistance from the writers of the *dark ages*, and the Fathers of the 4th century,<sup>2</sup> especially on Constitutional checks to a Federal Government; Oh! my dear country never part with power, you will assuredly be dragged into despotism.—If the States would do their duty, the Old Confederation would do. I am for adhering to that.

A. And if individuals would do their duty, the old state of nature would be sufficient.—But my friend, why all rant, and stuff, and pedantry? what under the sun has the 3d book of Polybius to do with the subject? do you think I stand in need of quotations to be convinced of the ambitious grasp of the human passions? I can read this lesson in higher authorities than those you mention; I can read it in the broad volume of human life. But of what force is all this to the question? shall we turn savages and renounce society because men are naturally fond of power? It is this very spirit in individuals to tyrannize over each other, that points out the necessity of civil government; and it is this same assuming and unneighbourly propensity in the States, which points out and proves the necessity of some equal, well balanced and efficacious national government. Your argument if it proved any thing would prove too much, and therefore proves nothing. It would destroy the very foundations of civil and political security—you delegate all these and many more powers to your state Governments, and yet the rulers of this New Constitution will be in the same manner your creatures chosen freely by yourselves, in constant and active rotation, and all of them responsible to you for their administration.—This is the great and all-conquering check for rulers in a republican constitution.—You say you had rather return to Britain than acquiesce. Did I not thoroughly know you, I should strongly suspect you, and suspect you was no sincere friend to the liberties and independency of your country? Only attend for a moment to the amazing difference between the British constitution and this; in that, two of the three branches of which it is composed exist completely independent of the people, and hold their stations by unalterable hereditary right. But here not a single branch but what flows constantly and very directly from the people.—In that, the executive is without responsibility and above the reach of the law; in this he is only chosen for four years, and at the same time accountable for mal-administration. In that there is no intermediate check between the government and the people—In this there are your state governments still retaining the exclusive powers in the whole detail of local institutions—the disposal of life and property, the administration of local

justice, and probably the whole current of the popular affections; and finally constituted to be the proper and vigilant watchmen, if not dangerous rivals and successful usurpers over the powers and conduct of the federal administration.—Yet Britain is supposed even by the intelligent Montesquieu, to be the most perfect model of a free government, and has ever been peculiarly celebrated for the wisdom of its laws, and the happiness of its people.<sup>3</sup> To pretend then to dread this new government from principles of freedom, and from the same motives to wish for a re-union to the British, is to be sure as singular an instance of human inconsistency as the records of man can produce.

You speak of the old Confederation with a degree of applause, you are the only man I believe at this day in that sentiment, yet even the Congress have the very same powers in the true contemplation of that system as is proposed by this; the great difficulty was that they had no judicial nor executive, no way to enforce their discretionary requisitions, either for money or for men, on the disobedient members, but by carrying arms against them and enkindling civil war.

B. I submit, Sir, I must confess to the justness and efficacy of your reasoning on that head; but shall we not lose our impost if we accept the constitution? you see what is said even this very week's paper, by a letter published from one of our learned Statesmen, on the propriety of retaining it.<sup>4</sup>

A. Yes my friend, I have seen that elegant composition, but when I consider the selfishness of the thing, especially among confederated States, who ought to conduct themselves upon the most liberal and benevolent principles of policy—when I consider the plain truth that a revenue to which we all contribute in proportion to our consumption ought to go into a treasury for the benefit of all the consumers—when I consider the propriety, and I may add the necessity of preserving harmony and hospitality, and of avoiding to render one State tributary to another, if we mean to preserve our union and friendship, and possibly our own independence; when I take all these things into consideration I own I could not restrain the railings of a just indignation, was I not at the same instant corrected by the more steady and stronger sensation of contempt.

B. I candidly own to you, I never did see the justness of retaining the exclusive revenue of the impost when the neighbouring States possibly contribute as much to it as we do. I own I always did think even in the flames of my zeal, that it was a very selfish and unneighbourly thing, and I never would believe any man who had any regard to character, would openly advocate it on that ground. I will take advantage for once,

of the uncommon candour which I feel from your rational conversation, and own to you that I used that argument as I believe all our side do, merely as a bait to catch the prejudices of the ignorant.<sup>5</sup>

A. Well, but was not that monstrously wicked?

B. Undoubtedly, but who would not be wicked to carry his point?

A. *A true federalist* my friend.

B. I confess I think better of you than I did—the train of my ideas seem to be very much altered—but I think still there ought to be a bill of rights, as a fence against the usurpation of rulers.

A. If the people were chalking out the path of a King, or a house of Lords, who were ever after to exist independent of them, I should agree with you. But in a government completely, the creature of the people in every part of it, it is absolutely unnecessary.

In popular governments, rulers will always conform to the sentiments and wishes of those who elect them, because it is the only way by which they can continue their seats. When then the public voice is for this or that measure, or for the encouragement or suppression of this or that right, the measure is carried, and this or that right encouraged or suppressed. This ever has been the case in this country, where till lately we never heard of bills of rights, and in our State Constitution we have never heard of them, nor found them to this day.<sup>6</sup> I believe further, that they are as unavailing as they are unnecessary. When the will of the people is for carrying any favorite point, all these constitutional checks melt before the influence of the majority—this is the case in Rhode-Island.—I am rather of opinion too they are dangerous—for if government happens to infringe on one, when the public voice or exigencies require it, you destroy the sacredness of the whole Constitution; and further, if you happen to omit any material right in your bill of them, it must be taken for granted you have yielded it up implicitly to the disposal of your rulers, and who would undertake to enumerate all the rights which are vested in us by the laws of nature and of justice.—Only let your government be well organized—let the persons who administer it be your creatures—let your elections be carried with discernment, and not by faction—and especially, let the people cultivate learning and a martial spirit, and they never can be enslaved—these virtues are their true bill of rights—these and these only can charm to peace tyrants from abroad and tyrants at home.

B. My worthy friend you are right, I awake from a frightful dream—I feel delivered from a set of cruel enchantments—I feel once more the restoration of the throne of reason. I now perceive the Union of these United States to be the rock of our political salvation. I see strikingly the necessity of government to uphold it. I can now see wisdom



and liberty in the foundations of the new plan, and the harmonious hand of an architect in the superstructure. The unnatural and distorted objects which played before my fancy give way to agreeable and beautiful images—the whole natural and moral world appears to be rescued from chaos and restored to order—even the great characters who assisted at this momentous business appear to my mind in their deserved lustre. I now view the venerable Washington, as I always used to view him to be, an upright and judicious man; the saviour of his country and the advocate of the rights of mankind. To make atonement for the horrid spell which has so long bewildered me and perverted every power of fancy, judgment and taste; it shall be my humble prayer to the father of mercies, to avert the calamities which benighted counsels may bring upon us, and that he would cause the Sun of American Glory which lately arose with so much brilliant splendor, never to be intercepted with clouds and darkness; but to proceed unobscured to its meridian height and impart light and life to the intelligent world.

A. I admire, Sir, your manly recantation of error, but though you are a noble example of the triumphs of reason, yet take care and not let the overflowings of your new zeal, carry you beyond the limits of moderation—excess on the true side is equally pernicious—you must preserve the happy mean and make all your faculties subservient to truth, and to the rational operations of patriotism.

I don't expect for my part an exuberance of blessings. I believe human nature still depraved, and that this country will experience her portion of the ordinary vicissitudes of human society. I believe however, many of my expectations will be realized under the new Constitution; I trust we shall see property more secure—a wiser & more steady administration of justice—public and private contracts better supported—commerce flourish—the merchant a liberal admittance abroad, and the farmer a copious return at home. In short, Sir, I hope and trust also, I shall yet see this extensive country respectable, and the people happy and united, and to that end I pray for wisdom in the laws and firmness in the administration.

1. See "New York and the Adjournment of the New Hampshire Convention," 22 February 1788 (above).

2. The reference is to the early Church Fathers, consisting of among others the principal Greek writers (Saints Athanasius, Basil, Gregory of Nyssa, and John Chrysostom) and the principal Latin writers (Saints Ambrose, Jerome, and Augustine).

3. See *Spirit of Laws*, I, Book XI, chapter 6 ("Of the Constitution of England").

4. Probably a reference to an extract of a 29 January letter from John Williams which was printed in the Albany *Federal Herald* on 25 February and reprinted in the *Country Journal* on 4 March (RCS:N.Y., 673-74).

5. For the impact of the New York state impost on the neighboring states of Connecticut and New Jersey, see RCS:N.Y., Vol. 1, xxxvii.

6. The state constitution of 1777 indeed had no bill or declaration of rights attached to it, but in January 1787 the state legislature passed an act that amounted to a declaration of rights. (For this act, see RCS:N.Y., 504–6.)

**Publius: The Federalist 67 (Alexander Hamilton)**  
**New York Packet, 11 March 1788**

President: will not be an elected monarch; defense of his appointment power. For text, see CC:612. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Publius: The Federalist 68 (Alexander Hamilton)**  
**New York Independent Journal, 12 March 1788**

President: defense of the method of election by special electors, which will assure the election of able and virtuous individuals. For text, see CC:615. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Abraham Yates, Jr., to Abraham G. Lansing**  
**Senate Room, Poughkeepsie, 14 March 1788 (excerpt)<sup>1</sup>**

. . . In Respect to my going to Shoharre and Montgomery—I am determined to Do What is Desired from me, let it be to What part of the Country it May—But I Wish it May be Considered that last fall it Was the Business of the federalist to hold out in Idea that the opposition Was a meer party affair, that otherwise the Constitution Was a good one—And that a party, (And some time they Honour me With being at the head of that <sup>(a)</sup>party) opposed the Constitution Was for fear of geting out of office; this Mode of Argument probably is not so much new But Will not my going round, give new Springs to that argument; And W[h]ether My Writeing to my Acquaintances (Which is not so large as it used to be 20: 30: years ago—Those that I knew are Chiefly Dead and others on the Stage that I Do not know) Would not answer a more valuable purpose: I however I shall be prepared When I can to do as I am Desired

(a) And to that end have been all the scurrilous publications

1. RC, Yates Papers, NN.

**Publius: The Federalist 69 (Alexander Hamilton)**  
**New York Packet, 14 March 1788**

President: compared with the king of Great Britain and the governor of New York. For text, see CC:617. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Publius: The Federalist 70 (Alexander Hamilton)  
New York Independent Journal, 15 March 1788**

President: advantages of a single executive; and opposition to a privy council. For text, see CC:619. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Albany Federal Herald, 17 March 1788<sup>1</sup>**

We can assure the public, that the inhabitants of the respectable district of Scatakoke are truly FEDERAL.—Wednesday evening last a general meeting was held in that place, for the purpose of knowing the sentiments of the people on the *Important Subject*—After the Federal Constitution was read, and observations made thereon by gentlemen of penetration, a division was call'd for, when there appeared a majority of 27 in favor of its adoption, and but 5 against it.

1. Reprinted in the *New York Packet*, 25 March; the *Daily Advertiser*, 26 March; and in fourteen newspapers outside New York by 16 April: Vt. (1), N.H. (2), R.I. (1), Conn. (3), Pa. (5), Va. (2). The district of Schaghticoke in Albany County (present-day Rensselaer County) was upgraded to a town by legislative act on 7 March 1788.

**Fabius**

**Albany Federal Herald, 17 March 1788**

Messrs. Printers, It has ever been my opinion, that on matters of science, and particularly politics or the art of government, that some kind of demonstration, either theoretical or experimental, was necessary where the proposition advanced, was one remove from a self evident truth;—and, that bold assertions without proof upon any subject were ever to be considered as dangerous. I am lead into a review of this opinion, upon reading an extract of a letter from *Mr. Williams* at Poughkeepsie to his friends in Washington county, published in your paper two weeks ago.<sup>1</sup> While I freely admire the confidence the gentleman uses in his address to his friends, I cannot but sincerely lament the fallacy, which seems to have made way under the specious garb of friendship—and communicating jealousy without even a reasonable ground of suspicion.

If we are to suppose all government a *scheme* invented by a few, gradually to overpower the liberties of the rest, or that it is a system tending to enslave, not protect, then I will allow, that the assertions alluded to have weight; and that *the powers of the president—the poll taxes—and, the destruction of our liberties by altering elections, &c.* are all reasonable grounds of apprehension. But on the contrary, if government is to be presumed to operate for the benefit and protection of the subject—

and that liberty is therein to be liberally and extensively construed, then these assertions will, without either *reason* or *justice* to support them, fall to the ground.

That the powers of the president are great, is undeniable: but are they too great is the question? when they are so proved I will then believe it. As to *altering elections so as to destroy the liberties of the people*, I conceive it also as a groundless apprehension. It is a local, and ever will be an uninteresting question to any but our own immediate representatives. Will those of Georgia controul us in our appointment of the time and place of our election? the principles of reason, common justice and self-interest, would undoubtedly dictate another conduct. We are to consider this power as absolutely necessary to be vested in Congress, not that they will exert it but in cases of necessity. What we perhaps have most to fear, under the proposed constitution, is the jealousy that may prevail between the general government and the state governments:—the latter, or some of them, may wilfully neglect to make the necessary arrangements and appointments for the federal representation—in which case it must inevitably be at a stand, unless the power is elsewhere lodged. Besides it is, and must be an invariable principle in all governments, that such powers must be therein vested as are adequate to its own self-preservation; which in this case could not possibly be.

In the same light I consider the power of direct taxation as vested in Congress, to be a necessary expedient. They have the sole power of raising and laying imposts, but not the sole advantages, as Mr. Williams has alledged; the state governments are allowed to participate as far as their interests may require. This, some may think a sufficient source for the exigencies of the union without the power of taxation—but let us consider that an impost depends upon commerce, and that commerce is ever fluctuating. Suppose us engaged in a war with a maritime power, and without a fleet to protect our trade; our ports shut up, and commerce decayed almost to nothing; in that situation, our coasts invaded—How could Congress with exhausted finances, raise armies and fit out expeditions, &c. without some other ways and means of raising money? It is plain nothing but direct taxation could answer the purpose.—This is a *dernier resort*; not, I suppose, to be employed on ordinary occasions, but only on emergencies. The advantages to be derived from an impost, I do suppose to be far more properly vested in the federal government than in those of individual states—that equal justice may be more effectually done, and that no one state may take advantage or counteract the designs of another.

By what rule of logic Mr. Williams deduces the value of lands from an equal representation in the senate, I know not. The true value of lands in any state, I have always esteemed to be the value of the natural productions, with which it abounds; what those fetch at market is in reality the price of the land. As commerce encreases, so does the value of all country produce, and so does the value of lands, and not in proportion to the rates that are laid, or our representation in the senate: the latter I consider as an equitable provision for the smaller states, and a proper medium of power, that the others may not gain too great an ascendancy.

There are few advantages under the new Constitution, so flattering as that of an extensive commerce, whereby our lands and natural productions become valuable;—this alone obviates many of the little frivolous ill natured objections, which its opposers have been pleased to pawn upon the public.

1. Dated 29 January, the extract of John Williams' letter was first printed in the *Albany Federal Herald* on 25 February. For this letter, see RCS:N.Y., 673–74.

**Leonard Gansevoort to Peter Gansevoort**  
**New York, 18 March 1788 (excerpt)<sup>1</sup>**

. . . Politicks in this part of the Country are very favorable, New York, Staten Island, Kings & Suffolk Counties will be unanimously federal, Queen's County is somewhat divided but our Friends are very sanguine that they will carry their whole ticket of nomination. . . .

1. RC, Gansevoort-Lansing Papers, NN. For additional excerpts from this letter, see IV below, Albany County Election, Washington and Clinton County Election, and Westchester County Election. For the complete letter, see Mfm:N.Y. Leonard Gansevoort (1751–1810), an Albany lawyer serving in Congress, was an Albany County delegate to the Second, Third, and Fourth Provincial congresses, 1775–77 (president pro tempore, 4th Congress), and the state Assembly, 1778–79, 1788. He was appointed to the Annapolis Convention but did not attend. He sat in the state Senate, 1791–93, 1796–1802. He was first judge of the Albany County Court of Common Pleas, 1794–97, and first judge of the court of probate from 1799 until his death. His brother Peter Gansevoort (1749–1812), the owner of a lumber mill near Saratoga, was a colonel in the Continental army during the Revolution, and upon retiring in 1781 he became a brigadier general in the state militia. In 1793 he was elevated to major general in the militia and in 1809 he was commissioned a brigadier general in the U.S. Army.

**Abraham Yates, Jr., to Abraham G. Lansing**  
**Poughkeepsie, 18 March 1788<sup>1</sup>**

I have Re[ceive]d yours of the 16th And I am somewhat Alarmed you Dont Acknowledge my last,<sup>2</sup> and Oothoudt and Renselaer<sup>3</sup> tell me they have not Rd a letter by the last Stage

I gave to the Stage Driver two letters for You One from myself, and one from Judge Hopkins<sup>4</sup> And one for Oothoudt & Renselaer

I am In hopes that You have Neglected to acknowledg the R[ecipi]t And that Oothoudt & Renselaer has Rd. theirs since the date of their letter—

I have spoken to Coll van Ness<sup>5</sup> and he tells me that You need not have the Least Doubt of Killian K van Rensselaer<sup>6</sup> he is possitive that Killian Will go any lengths for him—

Wether We Will breake up this Week and When is Made uncertain by M[ess]rs Duane, Lawrence, And Van Der Bilt arrived here (it is Said) for the express purpose of Carrying the Legislator [i.e., Legislature] to New York, Which it is apprehended Will retard the Session—The Greatest Manuevering is Carrying on to that end—but Without Success[.] I Write this in the Senate Room, Which of all others to me is the Most Difficult to Answer a letter

Tell Renselaer and Oothoudt that the first Day of September is Also fixed upon also in the Senate

P:S: When I Come up It Will be by Waggon in Company With Judge Yates van Ness and Powers it may be Saturday But I have no Opinon it will be Sooner

1. RC, Yates Papers, NN.

2. Yates probably refers to his letter of 14 March (above).

3. Henry Oothoudt, a member of the Albany Anti-Federal Committee, and Jeremiah Van Rensselaer, chairman.

4. Antifederalist David Hopkins of Hebron, was a judge of the Washington County Court of Common Pleas and a state senator.

5. Antifederalist Peter Van Ness of Kinderhook, Columbia County, was a state senator.

6. Killian Killian Van Rensselaer, a cousin of Jeremiah Van Rensselaer, was a Claverack, Columbia County lawyer.

### **Poughkeepsie Country Journal, 18 March 1788<sup>1</sup>**

Copy of a letter from one of the people called *Friends* in New York, to an acquaintance of the same profession in Dutchess County.

New-York, the third day of the third month, 1788.

Friend \* \* \*, I thank thee for thy communications of the 21st last month, and join with thee in praising that alone fountain from whence domestic happiness as well as eternal felicity floweth: To that great source I commend thee and thine.

The concern thou manifestest respecting the situation of this the land of our nativity is equally shared by me: with thee, I have beheld with anxiety the clouds of public commotion gathering, and with thee dread the fearful explosion. To bear up manfully against calamities,

whether of a public or private nature, consistent with those principles of christian meekness, which they of our profession have adopted, is a course, assisted by divine grace, I mean to pursue. To unsheath the blade of human vengeance, and moisten the earth with my brother's blood, because his sentiments or practices are different from my own, is, I think abhorrent to that religion which speaketh peace, as well as to the conviction of my own mind which has adopted that religion.— I may not kill. But altho' restrained from sporting with an existence which when gone I cannot restore, I may, consistent with the word of truth prevent by unsanguinary exertions the evils feared. Thus in the present case, however ill it would become friends to enlist under the banners of heated party, and thereby add fuel to that fire which already blazeth too high; yet I think as a body, they might exhibit their united weight in the legal line of suffrage, and perhaps be a means of giving tranquility to their country.

(How differently people in dissimilar situations view the same object! here, a very decided majority think (and with them thy friend) that a union of the American States, as exemplified in the new constitution, is friendly to *property*; consistent with *freedom*; and favorable to *morality* and *religion*. Whereas in thy county I am told many think exactly the reverse.)<sup>2</sup>

I believe it will not be contradicted that in proportion to the respectability of a nation, so its commerce flourishes and its prosperity is advanced: experience and reason both corroborate this idea.

If at only a frown of a potent State, its puny neighbour is thrown into convulsions, what must be its situation if a stroke succeeds the frown? Nothing less than public distraction and wreck of private fortune. Since the American revolution the people of this country have undoubtedly multiplied, houses have been reared, and arable acres wrested from the wilderness; but has the situation of the people at large been remarkably easy? I think not.—A shackled commerce, a decreasing medium, and a degenerating punctuality, is felt and acknowledged by all. And it must from the nature of things continue so, till a permanent union of the States gives energy in every department, and system and order to the whole.

Why a nation consisting of only three millions of souls, (and the whole American empire contains scarcely that number) should be more in danger of losing its liberty, than thirteen disunited separate communities each on an average containing but little more than two hundred thousand inhabitants is mysterious.

I believe the history of mankind is pretty full in evidence, that, like the Magicians serpents, small communities have generally fallen a prey

to some devouring neighbour. If an individual State's unremitting exertion of cabal, of stratagem, and of force, to support its pigmy omnipotence be called its *liberty*, from such liberty may thee and I my friend be set free. The wars of powerful empires occur but seldom, are unyielding in their operation, and are generally felt but on the extremity of boundary; whereas the conflicts of more contracted districts affect every member and agitate the very base of the political structure. In this point of view the new constitution certainly looketh with a friendly aspect on the *freedom* of this country.

I think it also favorable to the morals of the people. For if jealousies, factions, cabals and war have a tendency to corrupt the manners that political situation which prevents jealousies, factions, cabals and war is desirable on a moral account: and if on a moral, certainly on a *religious*.—We my brother have seen the ship-wreck of both in the time of recent hostility.

If this State in convention finally rejects the constitution, how perilous our situation! Massachusetts, Connecticut, New-Jersey, and Pennsylvania, our immediate neighbours and all differing from us in political Ideas! without the spirit of prophecy, one may anticipating, behold Massachusetts uniting its western property to its eastern dominion,<sup>3</sup> and forming a huge parallelogram from the pine clad banks of the Kennebeck to lake Erie.—Connecticut in one campaign making the shore of the Hudson its western boundary—and New-Jersey adding the whole territory between the Hudson and Delaware to its former domain.

I know it may be said, that treaties with foreign powers may be contracted, and compacts made with the few antifederal States (if any such) to secure to this State its soil and its rights: However contradictory to cool reason this hypothesis may be, I will for a moment suppose it practicable; and what a scene of carnage and devastation rises to view!—Again will our cities be wrapt in flames—The country desolated, the peaceful husbandman drenching with his blood, that field which would have been his support; and the wife of his bosom, and the children of his love, forlorn and un-befriended flying from one destruction only to meet another.

In order to avoid these monstrous evils and to procure those solid benefits which I think a firmer union of the States bids fair to introduce, I would seriously recommend to *Friends* in every part of the State to make it a matter of real concern to give their suffrages in such a manner as to make their importance as a body felt, and felt for the general good. In this city the friends, as far as my intelligence has reached, will to a man vote for such to represent them in convention



as are the avowed friends to UNION and PEACE. May the sons of peace in thy country<sup>4</sup> do the same.

After all my brother, whatever the highest may determine concerning this land, may thee and I and all who are in fellowship with us, be ever found sincere followers of him who has made it the peculiar tenet of his religion to LOVE ONE ANOTHER.

Thy sincere well wisher.

\* \* \* \*

1. Reprinted in the *Hudson Weekly Gazette*, 27 March ("at the request of a number of Friends"), the Albany *Federal Herald*, 7 April, and in four newspapers outside New York by 23 June: Mass. (1), Conn. (1), Pa. (1), S.C. (1). See also note 2 (below) for additional reprints.

2. The text in angle brackets was reprinted by the *Pennsylvania Mercury* on 25 March and in eight other newspapers by 16 April: N.H. (1), Mass. (1), N.Y. (1), Pa. (2), Md. (2), Va. (1). (The New York newspaper was the *Morning Post* of 28 March.)

3. The "western property" of Massachusetts, recently obtained from New York, was located in western New York, while its "eastern dominion" was comprised of its Maine counties. When Massachusetts ceded its western lands to Congress in 1784, it specifically retained its colonial charter rights to western New York. Commissioners from the two states met in Hartford in 1786 and settled the dispute. New York retained jurisdiction over all lands within its borders, but Massachusetts was given the title to more than six million acres (later the Phelps-Gorham purchase) in western New York. For the identity of the representatives of both states to the Hartford meeting, see Hugh Ledlie to John Lamb, 15 January 1788, note 10 (RCS:N.Y., 613).

4. Four of the six newspapers that reprinted this item changed "country" to "county."

### **Poughkeepsie Country Journal, 18 March 1788<sup>1</sup>**

#### A FRAGMENT.

—I had put the fire in order and was filling my second pipe when it came into my head to ask Florio<sup>2</sup> what he thought of the modern Sidney? Think of him cried he, why I contemplate him with pity and trembling.—My pity is touched at seeing a weak man calling upon all the world to observe him; and I tremble at the punishment with which the public is threatened, for Sidney has protested that he will write again. This writer's ideas appear, mixed with his splended quotations, like here and there a stale Sturgeon among a parcel of fine Salman.

The Mag-pye in the fable strutted under the spoils of the peacock; but birds of discernment disrob'd him of his plundered ornaments, and all the Magpies stood confess'd.<sup>3</sup>—This Magpye is Sidney.

The same volume of parables mentions an Ass, that wished the public to mistake him for the King of the forest, and accordingly clothed himself in a Lyon's skin; but his own long ears peered out from beneath the royal hide, and the Ass could not be hid.<sup>4</sup> This Ass is Sidney.

Sidney appears to the same advantage in the company of Montesquieu, Vattal, and Beccario, that a stick of *rough-hewn*<sup>5</sup> pitch pine would among bureaus and cases of polished Mahogany. Sidney in my opinion, continued Florio—I begged his pardon for interrupting him, and informed him that we were summoned to supper.

1. Reprinted “by particular desire” in the *Daily Advertiser*, 28 March. This item is a general attack on the “Sidney” essays written by Abraham Yates, Jr. For a criticism of this item, see “Alexander the Great,” *Country Journal*, 22 April (Mfm:N.Y.).

2. Possibly a reference to Florio, a citizen of Parma, in John Ford’s play *’Tis Pity Shee’s a Whore*, published in 1633.

3. *Aesop’s Fables*, “The Jay and the Peacock.”

4. *Aesop’s Fables*, “The Ass in the Lion’s Skin.”

5. A reference to “Rough Hewer,” another widely acknowledged pseudonym used by Abraham Yates, Jr., and the one most often used by those who attacked him. (For a defense of “Rough Hewer,” see immediately below.)

### **A Lover of Truth and Decency New York Journal, 18 March 1788<sup>1</sup>**

MR. GREENLEAF, In every party, there are generally some low and despicable characters, who are encouraged to defame and abuse the persons opposed to its views and designs. When this is the case, the batteries of scurrility are pointed at the most respectable men in the community; the most trivial and innocent actions are exaggerated into unpardonable faults, and falsehood is carried to such a length, as to degrade the dignity of human nature. So, at the present period, some of the advocates of the proposed constitution, exert all their powers to blast the good name, and wound the feelings of the most influential of their antagonists. Their productions abound more with invective than argument, and they seem determined to carry their point, in the face of an enlightened people, by a species of conduct as inconsistent with policy as it is with virtue. Amongst the variety of characters, at which they have aimed their envenomed shafts of malice, they have particularly selected the reputed author of the *Rough-Hewer*, as a fit object to glut their revenge, and satiate their fury.—For these several years, he has been persecuted with slander, and bespattered with the dirt of scurrility: his integrity has been questioned; his long and faithful services denied; his republican principles resolved into selfishness—and his understanding set on a level with folly. The late *Lansingburgh* newspaper is filled with rancorous pieces against him; and while the authors have not the spirit to give their names to the world, they have the consummate presumption, the satanic malevolence, to torture the efforts of the patriot into the designs of the knave; to advance as unquestionable facts, the most wicked falsehoods, and to over-leap, with

unexampled impudence, the boundaries of decency, propriety and truth.

After trying every wicked art to ruin the reputation of the patriotic Rough-Hewer; after using every practicable method to undermine his popularity, they find their base attempts defeated, and their villainous suggestions treated with contempt. At last they betake themselves to a singular expedient to effectuate their wishes, which clearly shews the arbitrary ideas of the party, and evinces, that the power, not the will, is wanting in them, to trample upon the honest and free mechanics of this country, and to render them contemptible. A late writer steps forward, and with a view of aspersing the Rough-Hewer's character, indirectly bestows on him the greatest praise, by asserting that he was formerly a Shoemaker. Will the citizens of Albany despise a man for having been a mechanic? Is not the man, who surmounts all the disadvantages attending the want of education by unremitting industry, and who, from a mechanical profession, rises to the highest honors in his country, entitled to respect and esteem, is not this the strongest evidence of the good morals and sound understanding of the Rough-Hewer? Is it reasonable to suppose, that a mechanic, with little education and with little property, could obtain the most dignified offices in America, without the possession of unblemished integrity, and a mind cultivated by assiduous application? Would the people place confidence in a man guilty of the faults, with which the Rough-Hewer is charged? If he at first imposed upon them. Is it possible that the imposition could last for so many years? I shall say little more on this head.—The comment on the designed aspersions, proves, that malice often defeats its own purposes, and that the merit of the man must be great indeed, when his most inveterate enemies bear testimony to his virtues. If we contrast the means, by which the Rough-Hewer acquired a moderate competency and the public esteem, with the conduct of his traducers, he will not suffer by the comparison, in the opinion of those who are well acquainted with the histories of their lives. He never obtained his property by pimping, or by the disgrace of his dearest connections—nor by the prostitution of his feelings, did he ever attain to grandeur; nor by the prostitution of the liberties of his country, does he attempt still more to agrandize himself. From his infancy, he has walked in the road of probity; this has firmly settled him in the esteem of his independent fellow-citizens, and given him a degree of influence, which enables him to defeat the views of an unprincipled faction, although supported by the weight of ill-gotten wealth.

Men, destitute of character, take a malevolent pleasure in destroying the reputation of others.—The vicious are at enmity with the good.

The advocates of tyranny hate the staunch friends of liberty. No wonder then that so many vile and traductious publications appear against the Rough Hewer. While the noble stand, which he has always made against an over-bearing lordly party, endears him to all lovers of the rights of mankind, it has raised up against him an host of enemies, composed of aristocratical and wicked men, who have had the address to convert presses, which ought to be decent and free, into vehicles of private resentment and scandal; and who, under the garb of public spirit, promote measures, which, if adopted, will inevitably enslave their country. If those patrons of scurrility would pause a moment and examine their own conduct, they would find, that the most severe and just retaliation might be carried into effect, and that a simple relation of facts would render them the laughing stocks of all companies, and draw down on their heads the detestation of America.

1. Reprinted: *Albany Gazette*, 27 March. On 17 March the *New York Journal* announced that "A Lover of Truth and Decency" would appear the next day. This essay defends "Rough Hewer" (Abraham Yates, Jr.).

**Publius: The Federalist 71 (Alexander Hamilton)**  
**New York Packet, 18 March 1788**

President: four-year term defended. For text, see CC:625. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Publius: The Federalist 72 (Alexander Hamilton)**  
**New York Independent Journal, 19 March 1788**

President: indefinite reeligibility of defended. For text, see CC:628. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Brutus XV**  
**New York Journal, 20 March 1788<sup>1</sup>**

(Continued.)

I said in my last number,<sup>2</sup> that the supreme court under this constitution would be exalted above all other power in the government, and subject to no controul. The business of this paper will be to illustrate this, and to shew the danger that will result from it. I question whether the world ever saw, in any period of it, a court of justice invested with such immense powers, and yet placed in a situation so little responsible. Certain it is, that in England, and in the several states, where we have been taught to believe, the courts of law are put upon the most prudent establishment, they are on a very different footing.

The judges in England, it is true, hold their offices during their good behaviour, but then their determinations are subject to correction by the house of lords; and their power is by no means so extensive as that of the proposed supreme court of the union.—I believe they in no instance assume the authority to set aside an act of parliament under the idea that it is inconsistent with their constitution. They consider themselves bound to decide according to the existing laws of the land, and never undertake to controul them by adjudging that they are inconsistent with the constitution—much less are they vested with the power of giv[ing] an *equitable* construction to the constitution.

The judges in England are under the controul of the legislature, for they are bound to determine according to the laws passed by them. But the judges under this constitution will controul the legislature, for the supreme court are authorised in the last resort, to determine what is the extent of the powers of the Congress; they are to give the constitution an explanation, and there is no power above them to sit aside their judgment. The framers of this constitution appear to have followed that of the British, in rendering the judges independent, by granting them their offices during good behaviour, without following the constitution of England, in instituting a tribunal in which their errors may be corrected; and without adverting to this, that the judicial under this system have a power which is above the legislative, and which indeed transcends any power before given to a judicial by any free government under heaven.

I do not object to the judges holding their commissions during good behaviour. I suppose it a proper provision provided they were made properly responsible. But I say, this system has followed the English government in this, while it has departed from almost every other principle of their jurisprudence, under the idea, of rendering the judges independent; which, in the British constitution, means no more than that they hold their places during good behaviour, and have fixed salaries, they have made the judges *independent*, in the fullest sense of the word. There is no power above them, to controul any of their decisions. There is no authority that can remove them, and they cannot be controuled by the laws of the legislature. In short, they are independent of the people, of the legislature, and of every power under heaven. Men placed in this situation will generally soon feel themselves independent of heaven itself. Before I proceed to illustrate the truth of these assertions, I beg liberty to make one remark—Though in my opinion the judges ought to hold their offices during good behaviour, yet I think it is clear, that the reasons in favour of this establishment of the judges in England, do by no means apply to this country.

The great reason assigned, why the judges in Britain ought to be commissioned during good behaviour, is this, that they may be placed in a situation, not to be influenced by the crown, to give such decisions, as would tend to increase its powers and prerogatives. While the judges held their places at the will and pleasure of the king, on whom they depended not only for their offices, but also for their salaries, they were subject to every undue influence. If the crown wished to carry a favorite point, to accomplish which the aid of the courts of law was necessary, the pleasure of the king would be signified to the judges. And it required the spirit of a martyr, for the judges to determine contrary to the king's will.—They were absolutely dependent upon him both for their offices and livings. The king, holding his office during life, and transmitting it to his posterity as an inheritance, has much stronger inducements to increase the prerogatives of his office than those who hold their offices for stated periods, or even for life. Hence the English nation gained a great point, in favour of liberty. When they obtained the appointment of the judges, during good behaviour, they got from the crown a concession, which deprived it of one of the most powerful engines with which it might enlarge the boundaries of the royal prerogative and encroach on the liberties of the people. But these reasons do not apply to this country, we have no hereditary monarch; those who appoint the judges do not hold their offices for life, nor do they descend to their children. The same arguments, therefore, which will conclude in favor of the tenor of the judge's offices for good behaviour, lose a considerable part of their weight when applied to the state and condition of America. But much less can it be shewn, that the nature of our government requires that the courts should be placed beyond all account more independent, so much so as to be above controul.

I have said that the judges under this system will be *independent* in the strict sense of the word: To prove this I will shew—That there is no power above them that can controul their decisions, or correct their errors. There is no authority that can remove them from office for any errors or want of capacity, or lower their salaries, and in many cases their power is superior to that of the legislature.

1st. There is no power above them that can correct their errors or controul their decisions—The adjudications of this court are final and irreversible, for there is no court above them to which appeals can lie, either in error or on the merits.—In this respect it differs from the courts in England, for there the house of lords is the highest court, to whom appeals, in error, are carried from the highest of the courts of law.

2d. They cannot be removed from office or suffer a diminution of their salaries, for any error in judgement or want of capacity.

It is expressly declared by the constitution,—“That they shall at stated times receive a compensation for their services which shall not be diminished during their continuance in office.”

The only clause in the constitution which provides for the removal of the judges from offices, is that which declares, that “the president, vice-president, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.” By this paragraph, civil officers, in which the judges are included, are removable only for crimes. Treason and bribery are named, and the rest are included under the general terms of high crimes and misdemeanors.—Errors in judgement, or want of capacity to discharge the duties of the office, can never be supposed to be included in these words, *high crimes and misdemeanors*. A man may mistake a case in giving judgment, or manifest that he is incompetent to the discharge of the duties of a judge, and yet give no evidence of corruption or want of integrity. To support the charge, it will be necessary to give in evidence some facts that will shew, that the judges committed the error from wicked and corrupt motives.

3d. The power of this court is in many cases superior to that of the legislature. I have shewed, in a former paper,<sup>3</sup> that this court will be authorised to decide upon the meaning of the constitution, and that, not only according to the natural and ob[vious] meaning of the words, but also according to the spirit and intention of it. In the exercise of this power they will not be subordinate to, but above the legislature. For all the departments of this government will receive their powers, so far as they are expressed in the constitution, from the people immediately, who are the source of power. The legislature can only exercise such powers as are given them by the constitution, they cannot assume any of the rights annexed to the judicial, for this plain reason, that the same authority which vested the legislature with their powers, vested the judicial with theirs—both are derived from the same source, both therefore are equally valid, and the judicial hold their powers independently of the legislature, as the legislature do of the judicial.—The supreme court then have a right, independent of the legislature, to give a construction to the constitution and every part of it, and there is no power provided in this system to correct their construction or do it away. If, therefore, the legislature pass any laws, inconsistent with the sense the judges put upon the constitution, they will declare it void; and therefore in this respect their power is superior to that of the legislature. In England the judges are not only subject to have their

decisions set aside by the house of lords, for error, but in cases where they give an explanation to the laws or constitution of the country, contrary to the sense of the parliament, though the parliament will not set aside the judgement of the court, yet, they have authority, by a new law, to explain a former one, and by this means to prevent a reception of such decisions. But no such power is in the legislature. The judges are supreme—and no law, explanatory of the constitution, will be binding on them.

From the preceding remarks, which have been made on the judicial powers proposed in this system, the policy of it may be fully developed.

I have, in the course of my observation on this constitution, affirmed and endeavored to shew, that it was calculated to abolish entirely the state governments, and to melt down the states into one entire government, for every purpose as well internal and local, as external and national. In this opinion the opposers of the system have generally agreed—and this has been uniformly denied by its advocates in public. Some individuals, indeed, among them, will confess, that it has this tendency, and scruple not to say, it is what they wish; and I will venture to predict, without the spirit of prophecy, that if it is adopted without amendments, or some such precautions as will ensure amendments immediately after its adoption, that the same gentlemen who have employed their talents and abilities with such success to influence the public mind to adopt this plan, will employ the same to persuade the people, that it will be for their good to abolish the state governments as useless and burdensome.

Perhaps nothing could have been better conceived to facilitate the abolition of the state governments than the constitution of the judicial. They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accomodate themselves to the temper of the people. Their decisions on the meaning of the constitution will commonly take place in cases which arise between individuals, with which the public will not be generally acquainted; one adjudication will form a precedent to the next, and this to a following one. These cases will immediately affect individuals only; so that a series of determinations will probably take place before even the people will be informed of them. In the mean time all the art and address of those who wish for the change will be employed to make converts to their opinion. The people will be told, that their state officers, and state legislatures are a burden and expence without affording any solid advantage, for that all the laws passed by them, might be equally well made by the general legislature. If to those who will be interested in the change, be added, those who will be under their influence, and



such who will submit to almost any change of government, which they can be persuaded to believe will ease them of taxes, it is easy to see, the party who will favor the abolition of the state governments would be far from being inconsiderable.—In this situation, the general legislature, might pass one law after another, extending the general and abridging the state jurisdictions, and to sanction their proceedings would have a course of decisions of the judicial to whom the constitution has committed the power of explaining the constitution.—If the states remonstrated, the constitutional mode of deciding upon the validity of the law, is with the supreme court, and neither people, nor state legislatures, nor the general legislature can remove them or reverse their decrees.

Had the construction of the constitution been left with the legislature, they would have explained it at their peril; if they exceed their powers, or sought to find, in the spirit of the constitution, more than was expressed in the letter, the people from whom they derived their power could remove them, and do themselves right; and indeed I can see no other remedy that the people can have against their rulers for encroachments of this nature. A constitution is a compact of a people with their rulers; if the rulers break the compact, the people have a right and ought to remove them and do themselves justice; but in order to enable them to do this with the greater facility, those whom the people chuse at stated periods, should have the power in the last resort to determine the sense of the compact; if they determine contrary to the understanding of the people, an appeal will lie to the people at the period when the rulers are to be elected, and they will have it in their power to remedy the evil; but when this power is lodged in the hands of men independent of the people, and of their representatives, and who are not, constitutionally, accountable for their opinions, no way is left to controul them but *with a high hand and an outstretched arm*.

1. Reprinted: Boston *American Herald*, 14 April; Providence *United States Chronicle*, 24 April. "A.B." asked the editor of the *Chronicle* to reprint "Brutus" in his "impartial Paper" because it was "worthy the Perusal of every Freeman."

2. See "Brutus" XIV, *New York Journal*, 28 February and 6 March (RCS:N.Y., 820–23 and 847–51).

3. See "Brutus" XI, *New York Journal*, 31 January (RCS:N.Y., 680–86).

**Publius: The Federalist 73 (Alexander Hamilton)  
New York Packet, 21 March 1788**

President: salary and veto power. For text, see CC:635. For reprintings, see Appendix IV, RCS:N.Y., 548.

**Timon****New York Daily Advertiser, 22 March 1788***To the FARMERS of the State of NEW-YORK.*

A man who is embarked with you in the same bottom, and who is bound to you by the strong ties of interest and affection, begs leave to address you.

The critical moment is fast approaching when we are to decide, whether we will remain ruined as we are—or, by the adoption of a new system of government, endeavor to regain what we have lost, and make ourselves and our posterity happy for the future. With you, the author of this address has fought for the liberties of America; with you, he has borne poverty without repining, and misery without a sigh—still hoping that the happy moment would arrive, when he should reap plenty in peace, and enjoy the supreme satisfaction of seeing that government, which had been established with the loss of so much blood and treasure, operate to the advantage of its subjects, and respected by foreign nations: but, alas! how have our hopes been disappointed, and our honest expectations turned to nought! How have we been insulted by the British? How has our trade been restricted by every nation with whom we traffic? Are not the Western posts, which would be an immense source of wealth to this State, kept from us? We have asked, simply, asked for them; but they will never be given up, till we have a government of sufficient strength to take them. Have not our vessels been seized and condemned by French and British, for imaginary breaches of the laws of trade? Have we dared to make reprisals? Are not the hard-earned productions of our farms at the mercy of foreigners? Are we not obliged to sell at their own price? Will they permit us to look for a market in their ports? Has the late army, which made us free, been paid? Have the farmers, who supported them, been paid? Is there any rank of citizens, who have not suffered under the present government's want of power, or want of honesty? Are not numbers of our brethren held in chains by the piratical States of Barbary,<sup>1</sup> hopeless of relief? Does not trade languish? Has not public as well as private credit expired? And, finally, is not our character as a people, that character which once shone as the effulgence of the sun reflected by our arms, setting fast in the night? If these are facts, and that they are all men agree, how deplorable is our situation? For heaven's sake, let us remain no longer stupid; let our misery awake us; and if we cannot hope to extricate us from them, under the present Continental Government, let us change it—let us try another: we cannot be worse. Read the new Constitution, my friends, which is proposed for the United

States. See for yourselves; take not the word of men in office against it; rather rely on what those say, who wish a change to get into power themselves. Divest yourselves of party prejudices; look well what you are about; you judge for millions; and if you doubt your judgment or your information, consult only those men who have stood foremost in gaining the liberties of our country: they have been proved; they have been tried in the hour of adversity, and they have kept their integrity. Read the new Constitution, my friends, and you will find there is nothing to be feared, but a great deal to be hoped from the adoption of it. We are lost, if we do not change our present system; let us try the one which is offered to us; a majority of good men are for giving it a chance; a majority of the sense and judgment of the State, of the Law, of the Clergy, and of every class of men, are for it. Let us be unanimous; let there be no heart-burnings among us; let us shun and detest the man, who would raise suspicions in our breasts against our friends and brethren; and let us not sacrifice ourselves and our posterity to keep this man in office, or to gratify the other in his more mercenary and ambitious views; views which, since the peace, have only centred in himself.

If we join heart and hand in erecting and supporting the Government which is offered to us, we shall have every thing we want. If we split, and are obliged to remain under the one we have, we shall lose every thing we now possess.

*March 8.*

1. For the piratical acts of the Barbary States, see "A Plebeian," 17 April, note 17 (below).

### **Publication, Sale, and Distribution in New York of Volume I of the Book Edition of *The Federalist*, 22 March 1788**

By early December 1787 *The Federalist* essays were appearing so voluminously and rapidly in several of New York City's newspapers that it was decided that they should be published as a pamphlet. Alexander Hamilton, the principal author, and a committee of gentlemen commissioned New York City printers John and Archibald M'Lean to print 500 copies of a pamphlet containing 20 to 25 essays, at a total cost of £30. However, by 2 January 1788, when the M'Leans first announced their publication plans in an advertisement in John M'Lean's *Independent Journal*, thirty-one essays had already appeared in newspapers, including all of them in M'Lean's *Independent Journal*. (For the newspaper printings of *The Federalist*, see *The Federalist* 1, *Independent Journal*, 27 October 1787, and Appendix IV, "Printings and Reprintings of *The Federalist*" [RCS:N.Y., 137–43, 540–49].) Samuel Loudon, who had also printed all thirty-one essays in his *New York Packet*, had wanted the job of publishing the pamphlet, but Robert Troup, a New York City lawyer and a member of the committee of gentlemen, told Loudon that the M'Leans would do a better job (Loudon to Alexander Hamilton, 22 May 1789 [Syrett, V, 341–42]).

The M'Lean advertisement of 2 January 1788 solicited advance subscribers promising them a price of five shillings for a 200-page volume or six shillings for one of 250 pages or more. In general, the work would be "printed on a fine Paper and good Type" in one duodecimo volume, although "A few Copies" would be printed on "superfine Royal Writing Paper," at ten shillings a volume. Printers and booksellers throughout America were authorized to accept subscriptions (RCS:N.Y., 563–65). From January to March, the M'Lean advertisement was run in New York several times in the *Independent Journal* and *New York Packet* and one or more times in the *Daily Advertiser* and *Country Journal*.

On 19 March the *Independent Journal* announced that "Those Gentlemen, who were intrusted with Subscription Lists for the *FEDERALIST*, are requested to send them to the Printing-Office, No. 41, Hanover-Square, as the first Volume of that Valuable Work will be published on Saturday next." Three days later the *Independent Journal* informed its readers that the volume had just been published and was selling for three shillings to subscribers, who were asked to send for their copies. The *Journal* also noted that a second volume was in press. This advertisement, which also appeared in the *Daily Advertiser* on 22 March, ran in the *Journal* until 28 May when the second volume appeared containing forty-nine more essays. (For the second volume, see "Publication, Sale, and Distribution in New York of Volume II of the Book Edition of *The Federalist*," 28 May, below.)

Volume I—entitled *The Federalist: A Collection of Essays, Written in Favour of the New Constitution, as Agreed Upon by the Federal Convention, September 17, 1787*—contains a two-page preface (below); a table of contents giving descriptive titles for each essay; and the texts of the first thirty-six essays. The preliminary material runs to six pages, the essays to 227 pages. The unsigned preface, dated "NEW-YORK, March 17, 1788," was written by Alexander Hamilton who also corrected a number of the essays (James Madison to James K. Paulding, 23 July 1818, Gaillard Hunt, ed., *The Writings of James Madison* [9 vols., New York, 1900–1910], VIII, 411n). Newspaper essay 35 became number 29 in the volume and newspaper essay 31 became numbers 32 and 33. The signature "A Citizen of New-York," as proposed in the *Independent Journal's* 2 January advertisement, was not used. According to James Madison, "a reason for the change was that one of the writers was not a Citizen of that State; another that the publication had diffused itself among most of the other States" (*ibid.*, 410–11n).

On 10 April, Archibald M'Lean sent Stephen Van Rensselaer sixty copies of *The Federalist*, at the request of Albany lawyer and delegate to Congress Leonard Gansevoort, for subscribers in Albany and Montgomery counties. Some of the Albany subscribers were probably members of that county's Federal Committee, which was actively engaged in electioneering for state convention delegates. M'Lean also sent Van Rensselaer an additional twenty copies that he had subscribed for. If Van Rensselaer wanted more copies, M'Lean told him to contact Alexander Hamilton, Gansevoort, or him. (See Archibald M'Lean to Van Rensselaer, 10 April [below]; and Gansevoort to Van Rensselaer, 11 April [below].) According to lawyer James Kent, "a large number of the volumes were sent to me at Poughkeepsie for gratuitous distribution." Kent and Egbert Benson, the state attorney general, distributed the volumes "to the best of our

judgments,” in a Dutchess County meeting called to nominate candidates for the state convention (William Kent, *Memoirs and Letters of James Kent* . . . [Boston, 1898], 302 [Mfm:N.Y.]).

John and Archibald M’Lean were not satisfied with their compensation for printing *The Federalist*. As late as 14 October 1788 the latter sent a bill to the New York committee that had commissioned the publication. He stated that when he and his brother first agreed to print the work, they anticipated one volume of no more than twenty-five essays, for which they planned to charge six shillings. However, “The Work increased from 25 Numbers to 85, so that instead of giving the Subscribers one vollume containing 200 Pages for six shillings, I was obliged to give them two vollumes containing upwards of 600 pages.

“The Money expended for Printing Paper, Journeymens Wages and Binding was upwards of two hundred and seventy Pounds; of which sum I have charged Coll: Hamilton with 144 Pounds, which is not three shillings per Vol: I have several hundred Copies remaining on hand, and even allowing they were all sold, at the low Price I am obliged to sell them at, I would not clear five Pounds on the whole impression” (to Robert Troup, Mfm:N.Y.). On 22 May and 14 August 1789 Archibald M’Lean advertised in his *New York Daily Gazette* (the successor to the *Independent Journal*) “that a few Copies” of *The Federalist* remained for sale. In 1799 the remaining copies of the M’Lean edition were republished by John Tiebout of New York City with new title pages.

For the sale and distribution of the first volume of *The Federalist* outside New York, in which some New York Federalists took part, see CC:639.

*New York Independent Journal, 22 March 1788*

*THIS DAY IS PUBLISHED,*  
Price to Subscribers, *only* THREE SHILLINGS,  
*The FEDERALIST,*  
VOLUME FIRST.

A desire to throw full light upon so interesting a subject has led, in a great measure unavoidably, to a more copious discussion than was at first intended; and the undertaking not being yet completed, it is judged adviseable to divide the collection into two Volumes.

The several matters which are contained in these Papers, are immediately interwoven with the very existence of this new Empire, and ought to be well understood by every Citizen of America. The Editor entertains no doubt that they will be thought by the judicious reader, the cheapest as well as most valuable publication ever offered to the American Public.

The second Volume is in the Press, and will be published with all possible expedition.

☞ Subscribers will be pleased to send for their Copies, to the Printing-Office, No. 41, Hanover-Square, four Doors from the Old-Slip.

\*\* Those Gentlemen who were intrusted with Subscription Lists, will please to return them to the Printers; and those in the Country are desired to forward theirs immediately.

*New-York, March 22, 1788.*

### *Preface*

It is supposed that a collection of the papers which have made their appearance, in the Gazettes of this City, under the Title of the FEDERALIST, may not be without effect in assisting the public judgment on the momentous question of the Constitution for the United States, now under the consideration of the people of America. A desire to throw full light upon so interesting a subject has led, in a great measure unavoidably, to a more copious discussion than was at first intended. And the undertaking not being yet completed, it is judged advisable to divide the collection into two Volumes, of which the ensuing Numbers constitute the first. The second Volume will follow as speedily as the Editor can get it ready for publication.

The particular circumstances under which these papers have been written, have rendered it impracticable to avoid violations of method and repetitions of ideas which cannot but displease a critical reader. The latter defect has even been intentionally indulged, in order the better to impress particular arguments which were most material to the general scope of the reasoning. Respect for public opinion, not anxiety for the literary character of the performance, dictates this remark. The great wish is, that it may promote the cause of truth, and lead to a right judgment of the true interests of the community.

*NEW-YORK, March 17, 1788.*

### **Publius: The Federalist 74 (Alexander Hamilton)**

**New York Packet, 25 March 1788**

President: military and pardoning powers. For text, see CC:644. For reprintings, see Appendix IV, RCS:N.Y., 549.

### **Publius: The Federalist 75 (Alexander Hamilton)**

**New York Independent Journal, 26 March 1788**

President: treaty-making power with Senate; defense of exclusion of House of Representatives in treaty-making power. For text, see CC:646. For reprintings, see Appendix IV, RCS:N.Y., 549.

**George Clinton to Peter Tappan****New York, 28 March 1788 (excerpt)<sup>1</sup>**

We arived here safe on Monday Evening about Sundown after a stormy Passage—We fared however rather better than our Neighbours & Mrs Clinton has experienced no great Injury—We found the Family as well as usual & they remain so.—No News our Freinds dont despair in any Quarter that I can learn—The opposite Side are a Pegg lower than they have been. . . .

1. RC, Charles Roberts Autograph Collection, Treasure Room, Haverford College Library, Haverford, Pa. Governor Clinton had recently returned from the legislative session in Poughkeepsie.

**New York Journal, 29 March 1788<sup>1</sup>***From a CORRESPONDENT.*

*As an individual, and a well wisher to my country's cause, and to those who espouse it with fervor, I cannot help rejoicing at the important discovery (if it be true) of the audacious author of the CENTINEL.<sup>2</sup> Wreck your brains, oh ye fraternity of the torturers, that this man may be treated according to his merits—for has he not DARED to speak his mind, even though his sentiments widely differed from those who fabricated our glorious constitution?—and shall he not be punished for having thus, with aggravated affrontery, run counter to the spirit of this deified piece of workmanship? Yes, my dear countrymen, if you would support the majesty of your new government—shut his mouth—strangle him—thwattle him—thwack him—and roast him alive—with every other of his fraternity, who do not, as every true fæderalist, pay all due adoration to this new God, this Savior of America from low born freedom, and every of its concomitants.*

1. Reprinted: Philadelphia *Independent Gazetteer*, 4 April; Boston *American Herald*, 10 April; Baltimore *Maryland Gazette*, 11 April.

2. See "New York Reprinting of the Centinel Essays," 17 October 1787–12 April 1788 (RCS:N.Y., 96).

**Plain Truth****Albany Federal Herald, 31 March 1788**

To the FARMERS  
*Of the County of ALBANY.*

It is a disagreeable subject of reflection, to men who have the real welfare of their country at heart, and who do not feel prejudices for or against any particular party, that many persons, in offering their sentiments on public questions, are led to tell individuals many things

for truth, which can have no existence but in their own bewildered imaginations. This kind of conduct is exceedingly pernicious, as it tends to mislead and confuse the uninformed citizen, who wishes well to his country, and is desirous to pursue such steps as will lead to its peace and happiness.

On the subject of the new constitution, now submitted to us for our determination, many persons, with honest, well-meaning hearts, have been unfortunately prejudiced by false information; who want nothing but to have the truth told them, to be induced to cast away their prejudices, and give their warm support to a system of government which, at present they feel a disposition to oppose.

It shall be my endeavour, in the course of a few occasional letters, to take up the errors and falshoods now circulating throughout our county, prejudicial to the new constitution, in order that the honest country farmer may have an opportunity of hearing a candid reply to stories, which, were they in the least degree true, ought to induce all honest men to unite and oppose the constitution; but if, on the contrary, I can, with the assistance of truth and plain reason, prove them false and groundless, I have no doubt but that every man, when convinced of having been deceived by wrong information will, in future, act according to the rules of propriety and the dictates of his own conscience. In doing this I shall take up the common reports now circulating in the exterior parts of the county, and endeavour to refute them with plain, simple facts.

The present form of our continental government is such, that Congress have no power to enforce a single law, be it ever so necessary for the public good, they can only recommend what they wish to have done—and generally those states that expect any benefit from complying do comply, and those that find it against their interest, refuse to comply. For instance, when Congress want a sum of money to pay debts they have contracted for the defence of our country, and call on the different states for their proportion—the state of New-York has generally paid its proportion immediately—some of the states pay a part of theirs, many other states pay nothing at all.<sup>1</sup> Now I would ask any honest citizen of the state of New-York, if it is not the interest of our state that Congress should have the power to compel every state to do that justice to the union, which our state does from real principle? This can only be done by a firm United Government, agreeable to the New Constitution; and to which we must be equally bound with the other states, or we can receive no benefit from it.

It has been said by some, that if the Constitution should be adopted, all money and arrears of taxes which the other states have left unpaid,



must be made up by our state and the other states who have already nearly paid their proportion; but this report like many others, is only intended to impose on the ignorant, for there is nothing in the Constitution that can possibly be explained in that way: on the contrary, while we remain as we are at present, that evil must continue: but, whenever the government is changed, we and every other state shall have full credit with Congress for all the money we have paid them, and then only will the other states be made to pay up their deficiency.

1. For the payment of congressional requisitions by the states between 1781 and 1787, see *Daily Advertiser*, 21 July 1787, note 4 (RCS:N.Y., 14).

### **Albany Federal Herald, 31 March 1788<sup>1</sup>**

\*†\* The United States have felt and acknowledged the want of a Constitution that would unite them into *one common band of brothers*;<sup>2</sup> to form which a *general* Convention convened; during the time they were framing this Constitution the Printers of the *Northern Centinel* conceived it a duty incumbent on them to prepare the minds of their readers for its reception.—Their partnership this day dissolves; and the press in future will be conducted by those who cannot but anticipate the happiness that will flow to Americans from the adoption of the Federal Constitution; but as a division thereby is caused among the people, to be IMPARTIAL shall be their steady aim.

March 29.

BABCOCK & CO.

1. For a discussion of the ownership and publication of the *Federal Herald*, the subject of this item, see RCS:N.Y., lxiii–lxiv.

2. William Shakespeare, *Henry V*, Act IV, scene 3, lines 60–62. “We few, we happy few, we band of brothers;/For he to-day that sheds his blood with me/Shall be my brother; be he ne’er so vile.”

### **Publius: The Federalist 76 (Alexander Hamilton) New York Packet, 1 April 1788**

President: appointment power. For text, see CC:656. For reprintings, see Appendix IV, RCS:N.Y., 549.

### **Agricola’s Opinion**

#### **Poughkeepsie Country Journal, 1 April 1788<sup>1</sup>**

How do you country people intend to vote at the election for Delegates, said I to Agricola on meeting him with a news-paper in his hand, in one of my excursions to the mountains. The aged farmer pulled off his spectacles, and after a short pause which seemed to denote the

solemnity of his mind, he answered me nearly to the following effect. "I have determined to give my voice for a federal list, notwithstanding my known attachment to some of those who have already been proposed by the other party. I was for some time very much against the constitution. I swallowed too hastily the jealousies which have been distilled into the minds of the prejudiced and unwary. I was myself frightened without giving time for the proper reflections; for, 'I AM A POOR MAN, AND I HAVE THE FEELINGS OF A POOR MAN.' But sir, I at last read the constitution for myself. I determined not to take other people's word any more about it. I have read it, and read it again—I have paused and seriously reflected. I find it *improves on a reading*. I do not find many things in it which they told me were there. Truly sir, I do not see in it those features of a monster. I can rather see in its countenance the benevolence and wisdom of patriots. The more I think for myself, the more I see the necessity of a government for the American States. I find that ALL PARTIES have at last abandoned the old Confederation as completely rotten. It no longer strikes our senses—it no longer meets our feelings in private or in the great walks of public life. It is peaceably laid in the grave of Oblivion, and will slumber on forever undisturbed, as a just but melancholy proof of the weakness of the human understanding, when not enlightened and enlarged by the lessons of experience. Here then sir, we stand in this perilous situation. 'We are every day tottering on the brink of commotion and disturbance.' We have a fair shelter offered us, and are strongly invited and pressed to come into it. It has been erected after long consultation by an assembly of wise men, collected at our own request from New-Hampshire to Georgia. They were men whom it was generally thought were the most competent to the arduous business, and who could challenge the fairest and most honorable pretensions to our confidence and regard. But NO, say many people, we must not enter there; and they then attack this plan and traduce its authors with all the vehemence of party, rage and the bitterness of invective. These men however, offer no substitute. They tell us indeed that this plan is horrid in every part of it, but they do not hand us one to their own liking. It is not altogether probable that they could agree on one among themselves, from the specimens which they have already given of their great contrariety in the field of dispute; and if they did, it is still with me a matter of belief, that their system would never answer the end of supporting the union, the prosperity, and the liberties of America. It is much easier sir, to criticize and pull down, than it is to fabricate. It requires great labour, deep penetration, the skill of an artist, and the dexterity of a workman, to erect a spacious, goodly and well propor-

tioned building: but any plodding officious traveller, who could not joint two pieces of the timber, is able to point out imperfections, to find fault with, and to abuse.

“When I consider how little the bulk of mankind reason—how much they are under the dominion of strong prejudices and violent passions—how easily deceived by sound, or terrified by show: when I consider how much more prone we are to listen to tales in prejudice, than to those in favour of one another—what a large infusion, there is of envy and malice, and how scanty a portion of christian charity—what an easy matter it is to alarm and inflame the multitude, but how very difficult to reason them into the propriety of wise laws, and a wise government, I own I feel a tender solicitude for the fate of my fellow citizens. But I comfort myself again with the cheering hope that Providence has still many blessings in store for this western world. That we have reason to believe the same powerful and gracious hand which hath hitherto so marvelously nourished and brought us up, will not leave us to fall into anarchy and division; but will still make us one great, united, free and happy people. To that end we are blessed with the same language and manners, the same interests and laws, with a peculiar circulation of learning, and above all with the civilizing restraints of a most amiable religion.

“You must excuse the flowings of my affections (continued Agricola, pointing to his grey hairs) I have a small stock of property collected together by the earnings of long and hard industry. I have numerous connections, and many endearing friends—I *have children too*, and have long known the tender feelings of a parent’s breast. Neither they nor I can expect much, and I would not even be drawn out of my humble retirement for all the gifts and honors of worldly stations. But still I have in my aged breast (cold as it may appear) some remaining particles of *public love*. I have spent too many of my days and have worn away too much of my constitution in the service of my country, not to feel an ardent wish for her happiness. All these moving considerations make me very unwilling to leave matters so unsettled when I die, and to risk the consequences of separation and confusion. If we reject the constitution, we remain all a float as a people, and nobody can tell where the billows will land us. This situation may appear well enough to desperate or unthinking men, but it is dreadful in contemplation to those who have friends or property, or public attachments. If we undertake to amend for ourselves, as some very good men among us strongly insist on, I see great difficulties in the way. The other states must all agree with us, or it will be good for nothing. The six states which have already adopted the constitution, must undo what they have

done, and acknowledge that we are wiser than they. These things are *hardly to be expected*.

“But if we first ratify, and then propose such amendments as many people wish for, I am persuaded we can have a speedy revision in the safe way pointed out by the constitution. Whether the other States may conceive all those amendments which we may recommend to be proper ones, is very uncertain. But it is exceedingly probable that all will be disposed to conciliatory steps, when the great object is obtained. If we even fail in our attempts to get a constitutional amendment, still we have the government remaining, which is capable of redressing our wrongs, and of doing us honor as an enlightened and rational collection of freemen—a government which is not only adorned with the images of intelligence and freedom, but which I trust will brighten on a free disquisition, as it has all the settled distributions of power, and all the real and substantial checks which are requisite to combine together the safety and energy of a genuine republic. I, sir, am firmly persuaded that a government *not quite* perfect is better than *no government at all*, or better than running the hazard of losing it until we can get one entirely to *every body’s mind*. I think this point is clear. I think it cannot be contradicted. I am therefore determined to vote for those who are for adopting the constitution.”

I made a low reverential bow to the worthy old gentleman, and thanked him most heartily for his instruction, and left him with very deep and serious impressions on my mind of his gravity, wisdom and goodness.

1. This item was printed in one of two no longer extant issues of the Poughkeepsie *Country Journal*—either the issue of 25 March or 1 April. The transcription has been taken from the Philadelphia *Federal Gazette* of 10 April, which reprinted it under the heading “From the Poughkeepsie Advertiser.”

**Abraham B. Bancker to Evert Bancker  
Kingston, 2 April 1788 (excerpt)<sup>1</sup>**

Hond. Sir

Your Letter of the 14th. ultimo found me at Poughkeepsie, which I left on the 25th. following, three days after the rising of the Legislature<sup>2</sup>—You are certainly misinformed as to any Hostile Disposition having been shewn either in this or Orange County,<sup>3</sup> as I cant. learn of any Disturbances having taken place, the Inhabitants being intirely of one and the same Mind in their present Politicks, and quite Independent of any selfish or misguided Notions of a Confederated Government upon the Plan held out under the new proposed Constitution—

they allow of some few Articles being calculated to secure our own State Government—but on the other hand, many others will give too great a scope to a Domineering Party and tend to overturn those Liberties for which many of their Friends have bled and Died—I am sorry to Express myself in a different strain and shall quit for the present—by turning to our Staten Island friends. . . . I remain—Hond. Sir—Your Ever Dutifull and Affectionate Son

1. RC, Bancker Family Correspondence, NHi. Bancker addressed this letter to “Evert Bancker Esquire/No. 5. Wallstreet/New York,” where his father endorsed the letter as received on 6 April and as answered.

2. Abraham B. Bancker had been in Poughkeepsie, serving as the clerk of the state Senate.

3. See “Reports of the Burning of the Constitution in Ulster County,” 23 February–12 April (above).

**Hugh Ledlie to John Lamb  
Hartford, 2 April 1788<sup>1</sup>**

I wrote you sometime since by Mr. Jacob Ogden who says he delivered the same to you in New York,<sup>2</sup> since which I have not had the pleasure of a line from you, relative to the subject whereupon I wrote you, which makes me conjecture I mist the Mark & that my information must have been premature concerning your political Creed of and concerning the New proposed Constn. and as an Answer to what I wrote you has been & is much look'd for by several Gentlemen of most approv'd and Esteem'd Abilities in those parts and as there is much fuel and other Matters which have since happend. in this and some of the Neighbouring States & of material consequence relative to what I wrote you which now only Waits for your Answer to be made out and return'd to you and our good friends in N York, therefore you will be kind enough to write me by the bearer, or otherwise be so kind as to return me my letter enclosed to me by the bearer, uncommunicated to any one that have been or are for adopting the New Cntn more especially you'll please to keep my former as well as this from the knowledge of any person from the eastward, I would have wrote you more fully & more particularly on the subject matter of the above but I did not know of the bearers being determined to go to New York untill about half a hour ago—but if you sho'd conclude to send me back my former letter as being of no manner of use or service to you in the cause on which it was wrote I hope you will be so kind as to write me by the bearer your compliance with the above will very much oblige Your most Obedt. and Very Huml servt.

1. RC, Lamb Papers, NHi. An amanuensis wrote this letter for Ledlie, who signed it.
2. See Ledlie to Lamb, 15 January (RCS:N.Y., 610–13).

**Publius: The Federalist 77 (Alexander Hamilton)**  
**New York Independent Journal, 2 April 1788**

President: appointment power and other powers. For text, see CC:657. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Winchester Virginia Gazette, 2 April 1788 (excerpt)**

A very intelligent gentleman from Albany, in the State of New-York, who passed through this town on Monday last, informed us, that the people in the interior parts of that state, are still greatly divided on the question of adopting or rejecting the federal constitution. The most leading men he said, were in opposition, and it was the general opinion, as collected from the sentiments of the delegates chosen to decide on the important question, that it would be rejected by a great majority. The best of men are subject to error; however accurate our informant may have been on this subject, time may prove that, in this instance, he has erred in his judgment. . . .

**Alexander Hamilton to James Madison**  
**New York, 3 April 1788<sup>1</sup>**

I have been very delinquent My Dear Sir in not thanking you sooner for your letter from Philadelphia. The remarks you make on a certain subject are important and will be attended to. There is ~~one~~ truly much embarrassment in the case; ~~but when impossibilities are to be reconciled, what but embarrassment can be expected?~~

I think however the principles we have talked of, in respect to the legislative authorities, are not only just but will apply to the other departments.<sup>2</sup> Nor will the consequences appear so disagreeable, as they may seem at first sight, when we attend to the true import of the rule established. The states *retain* all the authorities they were *before* possessed of not alienated in the three modes pointed out;<sup>3</sup> but this does not include cases which are the *creatures* of the New Constitution. For instance, the crime of treason against the United States *immediately*, is a crime known only to the New Constitution. There of course *was* no power in the state constitutions to pardon that crime—There will therefore be none under the new &c. This or something like it seems to me to afford the best solution of the difficulty.

I send you the Fœderalist from the beginning to the conclusion of the commentary on the Executive branch.<sup>4</sup> If our suspicions of the author be right, he must be too much engaged to make a rapid progress in what remains.<sup>5</sup>—The Court of Chancery & a Circuit Court are now sitting

We are told that your election has succeeded; with which we all felicitate ourselves. I will thank you for an account of the result generally.<sup>6</sup>

In this state our prospects are much as you left them—a moot point which side will prevail. Our friends to the Northward are active.

1. RC, Madison Papers, DLC. In part, this letter responds to one (not located) that Madison wrote in Philadelphia en route from New York City to his home in Orange County. Since Madison left New York City on either 3 or 4 March and arrived at Mount Vernon on 18 March (RCS:Va., 596n, 602), the letter was written some time between these dates. The editors of the *Madison Papers* believe that the letter was written around 10 March (Rutland, *Madison*, XI, 2). It is known that Madison was in Philadelphia on the 11th because he received a letter of that date from James Wilson who wanted it delivered to George Washington. (For Washington's receipt of this letter, see Washington to Wilson, 4 April, CC:661.)

2. Possibly a reference to *The Federalist* 52–66, essays respecting the House of Representatives and the Senate that appeared between 8 February and 8 March. (See CC: Vol. 4.)

3. See *The Federalist* 32–33, *Independent Journal*, 2 January (CC:405, pp. 217–18). The text considered falls within number 32.

4. The executive department was considered in *The Federalist* 67–77 that appeared between 11 March and 2 April. (See CC:Vols. 4 and 5.)

5. *The Federalist* 77—printed on 2 April—was the last of *The Federalist* essays to appear originally in a New York City newspaper. Numbers 78 to 85, the last numbers of *The Federalist* (all written by Alexander Hamilton), were not published until 28 May, when they appeared for the first time in the second volume of *The Federalist*. (For the text of numbers 78 to 85, and for their publication in the second volume, see CC: 759–66 and “Publication, Sale, and Distribution in New York of Volume II of the Book Edition of *The Federalist*,” 28 May, below.)

6. For the Virginia Convention elections, held between 3 and 27 March, see RCS:Va., 561–631, especially pp. 595–606 which deal with Madison's election from Orange County.

### **Hugh Hughes to Ephraim Kirby Dutchess County, 3 April 1788 (excerpt)<sup>1</sup>**

. . . The Proposals for your Reports,<sup>2</sup> did not get to Hand till late in the Fall, when our People's Minds were considerably agitated by Politicks, and Expectation of a Change &c.—that very little, if any, Attention has been paid to any Thing else but the New Constitution & its Consequences.—Had I been in York<sup>3</sup> when your Letter first arrived, perhaps some Subscriptions might have been obtained, as Mens Minds were not then so engaged in National Affairs &c.—However, whenever there is any Hopes of Success, you may rely that I shall use every Means to procure it.—

Ruthy and Caty join me in best Regards and Compliments to Mrs. Kirby, Mrs. Marvin, yourself and the 'Squire.—Now for Politicks—

Considering the Avidity with which you adopted the New Constitution,<sup>4</sup> I imagine you are almost tired of waiting for the Millenium of the General Convention?—It's well if you dont attempt taking the Kingdom of *your Heaven* by Violence!—What happy Souls we shall all be, when the New Congress pour down their divine Emanations on us!—But Joking aside—Will a Majority of the great Body of the People of the United States contentedly consent to support a Government founded in Usurpation & Fraud, relative to us, and Violence and Rapine relative to others, when they once become fully sensible of the Advantages which have been taken of their Confidence & Credulity?

Should any of my Epithets sound harsh to you, Sir, permit me to refer you to the Conduct of the General Convention, and the Constitution for my Authority, as they imply and express the Whole of what is mentioned above, and more, rather than less.—But I ask your Pardon, I am writing to a Civilian & a Reporter, and have already trespassed on your Time and Patience—

Adieu, my dear Friend, and believe me your greatly obliged Friend and Humble Servt.

1. RC, Kirby Papers, Duke University Library, Durham, N.C. In a part of the letter not printed here, Hughes told Kirby that he was moving to John Lamb's farm in Yonkers, Westchester County. Kirby (1757–1804), a Litchfield, Conn., lawyer, received an honorary master's degree from Yale College in 1787. Between 1791 and 1801 he served fourteen semi-annual terms in the Connecticut House of Representatives.

2. Kirby was seeking subscribers so that he could publish a volume of law reports. In March 1789 these reports—the first such reports to appear in the U.S.—were published as *Reports of Cases Adjudged in the Superior Court of the State of Connecticut. From the Year 1785, to May 1788; With Some Determinations in the Supreme Court of Errors* (Litchfield, 1789) (Evans 21914).

3. New York City.

4. The Connecticut Convention convened on 3 January and ratified the Constitution on 9 January.

## A Citizen

### Hudson Weekly Gazette, 3 April 1788

To the Antifederalists of Columbia County.

Gentlemen, It may not be altogether improper, prior to the election of delegates, to lay down a few important truths for your consideration. In all your endeavours to destroy the constitution you have not offered one laudable reason for your conduct—those you have given in public for rejecting it, are the highest eulogium of its virtues, which all your



efforts can never tarnish.—Now we will suppose for argument's sake, that the constitution should be rejected (which heaven forefend) what would be the consequence? It does not require the gift of prophecy to predict, that a general scene of confusion would take place, and while the unhappy people, would be engaged in a state of anarchy and commotion you would take the opportunity, and enrich yourselves at the expence of their liberty and the downfal of your country.

When we consider the alarming strides you are daily making to establish a system of despotism, we cannot but feel for the depravity of mankind, and urge every honest man to join and repel you, lest your schemes should succeed, and with their concomitant train of vices, poured in like a torrent, wholly deluge and destroy the commonwealth.

We are told, we might have better gone on as we were, than adopt the constitution; truly we might have gone on, we might have held it out a few years, letting the malady increase, and still approaching the pricipice of slavery and destruction; which would be as inevitable as the decrees of heaven.

By this incomparable system of federal government, you will be shortly enabled to take your rank among the nations of the world, and the American flag rescued from that oblivion, which some time since seemed to threaten it. You are now coerced by a set of petty tyrants,<sup>(a)</sup> your countrymen enslaved, and your commerce shackeled; and you refuse the only permanent mode to obtain you a redress of these accumulated injuries; but the curse of ingratitude has fallen on the land, and the independence of America having thrown away its staff, has begun to totter.

If you would act like men, you would retract ere it be too late—Can you expect, you should equally share in the blessings that will flow from the adoption of the constitution, with those who have supported it with their lives and fortune? can you hereafter, when your schemes are defeated look the community in the face? Surely not—then nobly act, and don't be so ungrateful as to forget posterity—remember what your ancestors suffered to establish your liberty, and do not ungenerously endeavour to destroy it.—By unity you will surmount every difficulty that at present obstructs you—by a division you fall. Our situation is like that of a ship at sea, the harbour attainable, but the crew divided by a ridiculous feud, the vessel perishes for want of their co-operation.

(a) The Algerines.<sup>1</sup>

1. For the Algerines or pirates from the Barbary States attacking American commerce, see "A Plebeian," 17 April, note 17 (below).

**New York Journal, 3 April 1788***From a* CORRESPONDENT.

It is universally agreed, that the object of every just government is to render the people happy, by securing their persons and possessions from wrong. To this end it is necessary that there should be local laws and institutions; for a people inhabiting various climates will unavoidably have local habits and different modes of life, and these must be consulted in making the laws. It is much easier to adapt the laws to the manners of the people, than to make manners conform to laws.—No state can be happy, when the laws contradict the general habits of the people, nor can any state retain its freedom, while there is a power to make and enforce such laws. We may go further, and say, that it is impossible for any single legislature so fully to comprehend the circumstances of the different parts of a very extensive dominion, as to make laws adapted to those circumstances.—Hence arises in most nations of extensive territory, the necessity of armies, to cure the defect of the laws. It is actually under the pressure of such an absurd government, that the Spanish provinces have groaned for near three centuries; and such will be our misfortune and degradation, if we ever submit to have all the business of the empire done by one legislature. The contrary principle of local legislation by the representatives of the people, who alone are to be governed by the laws, has raised us to our present greatness; and an attempt on the part of Great-Britain, to invade this right, brought on the revolution, which gave us a separate rank among the nations. We even declared that we would not be represented in the national legislature, because one assembly was not adequate to the purposes of internal legislation and taxation.

**John Myers to James Duane****Duanesburgh, 5 April 1788 (excerpt)<sup>1</sup>**

Sir this Comes to acquaint you that I have Received yours of the 23 of March the 1 of Enstent I have Seen Coll otthout<sup>2</sup> and had his directions Consarning the Constitution and am a doing all I Can in Respect of it I have had Letters from Albany from Jacob Cuyler but I find that peapol in [Senenity?<sup>3</sup>] and Schohare are Much divided and Likewise in Mo[nt]gomery County I Rather think as the Report at present the Major part of the people are against the New Constitution . . .

1. RC, Duane Papers, NHi. This letter—addressed to Duane in New York City where he was mayor—was “To be forwarded by Jacob Cuyler Esqr at Albany.” (Cuyler, a political ally of Duane, had acted as an agent for the sale of Duane’s large landholdings west of Schenectady.) Myers, apparently indentured to Duane before the Revolution, was Duane’s

overseer in Duaneburg and one of his land agents. Myers also assisted Duane in political matters, especially among Duane's tenants. For instance, Myers was active among the tenants in the 1786 election for state Senate in the western district, encouraging tenants to support Abraham Ten Broeck, another Duane ally, against the eventual winner Abraham Yates, Jr.

2. A reference to Abraham Oothoudt of Schenectady, who was a colonel in the Albany County militia at the end of the Revolution. A supporter of the Constitution, Oothoudt had surveyed some of Duane's holdings for him.

3. He was apparently trying to spell Schenectady.

### **New York Federal Republican Committee Distributes Antifederalist Literature, New York, 6–22 April 1788**

On 6 April the New York Federal Republican Committee addressed a circular letter to Antifederal county committees throughout the state, informing them that they were being sent, "under cover," copies of a pamphlet written by "A Columbian Patriot" for distribution to their inhabitants, presumably to assist in the campaign to elect delegates to the state convention. Two days later the committee wrote a second circular letter informing the county committees that another pamphlet—an anthology of out-of-state Antifederalist writings—was also being forwarded.

Charles Tillinghast, the secretary of the New York Federal Republican Committee, prepared a list of the number of pamphlets to be transmitted to each county and to whom they would be sent. Richmond and Clinton counties do not appear on Tillinghast's list—perhaps they (like Washington and Montgomery counties) received copies of the pamphlets via neighboring counties. (Voters in newly created Clinton County were not separately represented in the New York Convention as a county; they voted in the Washington County election.) Tillinghast's list includes only the names of persons in New York County who were to receive pamphlets; no reference was made to the actual number of pamphlets to be distributed there. Perhaps these individuals received the remaining pamphlets not sent to the other counties. In all, the committee distributed outside New York County 1,700 copies of "A Columbian Patriot" and 225 copies of the anthology of out-of-state writings.

Several weeks after the Massachusetts Convention ratified the Constitution, "A Columbian Patriot" was printed in Boston as a nineteen-page pamphlet entitled *Observations on the New Constitution, and on the Federal and State Conventions*. The title page included the epigraph—"Sic transit gloria Americana" (i.e., so passes the glory of America). The printer was probably Edward E. Powars, but none of the extant copies of the pamphlet has a title page and no advertisements have been found. Mercy Otis Warren wrote the pamphlet, although contemporaries and later historians variously attributed authorship to Elbridge Gerry, Mercy Otis Warren, or her husband James Warren. (For the text of "A Columbian Patriot," its authorship and publication, and its circulation outside New York, see CC:581.)

The New York Federal Republican Committee's version of "A Columbian Patriot" was printed by Thomas Greenleaf of the *New York Journal* as a twenty-two page pamphlet. The colophon stated: "Boston printed, New-York re-

printed, M, DCC, LXXX, VIII.” The Boston and New York versions of the pamphlet are identical except for slight differences in punctuation, paragraphing, capitalization, italics, and spelling. Using the same plates, Greenleaf reprinted the pamphlet, “*by request*,” in the *New York Journal* on 2, 4, and 5 April.

The second pamphlet distributed by the New York Federal Republican Committee was a 126-page anthology entitled *Observations on the Proposed Constitution for the United States of America, Clearly shewing it to be a complete System of Aristocracy and Tyranny, and Destructive of the Rights and Liberties of the People* (Evans 21344). No publisher’s name appears in the colophon, but Thomas Greenleaf of the *New York Journal* undoubtedly printed the pamphlet, which was not advertised in the newspapers.

The anthology introduced the documents with a single sentence: “Although the following pieces were addressed to the inhabitants of Pennsylvania, &c. they are (in almost every respect) as applicable to this state, and to every other state in the union.” The anthology consists of: (1) the “Dissent of the Minority of the Pennsylvania Convention” (CC:353); (2) Governor Edmund Randolph’s letter of 10 October to the speaker of the Virginia House of Delegates explaining why he had not signed the Constitution (CC:385); (3) the first nine “Centinel” essays (CC:133, 190, 243, 311, 318, 379, 394, 410, 427); and (4) an appendix containing the Constitution and the two 17 September 1787 resolutions of the Constitutional Convention (RCS:N.Y., 527–39).

*New York Federal Republican Committee Circular Letter*  
*New York, 6 April 1788*<sup>1</sup>

Gentlemen.

You will receive under cover directed to \_\_\_\_\_ a Number of Pamphlets entitled the Columbian Patriot, which we request you to cause to be distributed amongst the Inhabitants of your County. The cost of Printing you will find in the Packages. Appearances in this place and on Long Island, are more favorable to the cause of Liberty than they have been—By accounts from Queens & Suffolk it appears that the people begin to pay attention to the subject of the proposed Constitution and the opposition is formidable and increasing—

The anti constitutionalists in this place are more numerous than we expected and it is possible we may be able, if they can be brought to unite their exertions, to be the means of greatly promoting the common cause—We trust your most strenuous efforts will be continued to bring this business to a favourable termination—Rhode Island have rejected the system, it is said, by an unanimous vote of their Towns—And accounts from Virginia & North Carolina give reason to expect that they will reject it.—

We are with resp[ec]t Your Obedient servts. The Committee of N. York—

*List for the Distribution of Two Antifederalist Pamphlets  
New York, c. 6-8 April 1788<sup>2</sup>*

New York		Orange		
Melancthon Smith		Centl &c	}	Col. Patriot
John Lamb		4. John Hathorn		10
Marinus Willett		3. Coe Gale		10
Samuel Jones		3. Reubin Hopkins		10
James M. Hughes		4. Thomas Moffatt		10
		3. Peter Talmon		10
Suffolk		3. John Suffern		10
Thomas Tredwell	} 200 Colum. Patriot	Ulster		Col Pat Centl &c
David Hedges			Nathan Smith	15 6
John Smith	} Centl. &c 30	Patrick Bailey	15 6	
Jonathan Havens			Cornelius C. Schoonmaker	20 6
Thomas Wickes	} dd. David Gelston	Dirck Wynkoop	25 6	
Henry Scudder			Johannes Snyder	25 6
Caleb Cooper			Columbia	
Epenetus Smith			Peter Van Ness	Col. Pat. Centl. 35 7
Queens		John Bay	35 7	
Stephen Carman	} 160 Col. Patr. 25 Centl. &c sent by Mr. Keese	Matthew Adgate	40 8	
			Willm. B. Whiting	40 8
Kings		Albany		
Centl. &c	} Col. Patr. 30	John Lansing Junr.	} Col Pat 380 to JL.	
5. Charles Doughty				Henry Oothoudt
5. Hendrick Wyckoff	20	Jeremiah Van Renselaer		
		Abraham G. Lansing		
Westchester		Peter W. Yates		
Centl. &c.	} Col. Patt. 25. 25. 25. 25. 25.	Washington		
5. Philip Pell Junr.			David Hopkins	Col Pat
5. Jonathan G. Tompkins			Ebenezer Russell	100
5. Abijah Gilbert			John Williams	}
5. Thomas Thomas			Alexr. Webster	
5. Joseph Strang			Albert Baker	
5. Samuel Drake		Peter B. Tierce		
Dutchess		Montgomery		
Centl.	} Col. Patr. 63 62 62 63	Christopher P. Yates	} Col Pat 100	
13 Peter Tappen				Volker Veeder
12 Lewis Dubois				John Frey
12 Theodorus Bailey				William Harpur
13 Matthew Patterson				

<b>York</b>		Ans <sup>r</sup> Charles	
Melanchon Smith x		4 John Mathison	10
John Lamb		3 Eve Sale	10
Thomas Willett		3 Newlin Hopkins	10
Samuel Jones x		4 Thomas Griffiths	10
James M. Hughes		3 Peter Talmons	10
		3 John Shepard	10
<b>Suffolk</b>		<b>Ulster</b>	
Thomas Sedwell	200 Colum. Out <sup>r</sup>	Nathan Smith	15
David Hedges	Ans <sup>r</sup> 30	Patrick Bailey	15
John Smith x		Ganelius C. Schoonmaker	20
Jonathan Bauens	d. David Selam.	Dirck Wynkoop	25
Thomas Wickes		Johannes Snyder	25
Henry Scudder x		<b>Columbia</b>	at. Out.
Caleb Cooper		Peter Van Neps	35
Genetus Smith		John Day	35
		Matthew Adgate	40
		Will <sup>m</sup> P. Whiting	40
<b>Orange</b>		<b>Albany</b>	
Stephen Barnes	150 Col. Out. 25 Ans <sup>r</sup> 1/2 3 out by Mr. Keefe	John Lansing Jun.	300
		Henry Cothout	300
<b>Kings</b>		Jeremiah Van Rensselaer	60
5 Charles Doughty	col. Out. 30	Abraham S. Lansing	
5 Hendrick Wyckoff	20	Peter W. Yates	
<b>Westchester</b>		<b>Washington</b>	
5 Philip Pell Jun.	col. Out. 25	David Hopkins	100
5 Jonathan S. Hopkins	25	Benezet Russell	
5 Arajah Gilbert	25	John Williams	
5 Thomas Truax	25	Alex. Webster	
5 Joseph Strong	25	Albert Baker	
5 Samuel Drake	25	Peter B. Heisel	
<b>Dutchess</b>		<b>Montgomery</b>	
18 Peter Lappin	63	Christopher Yates	100
12 Lewis Dubois	62	Yppin Feeder	
12 Theodosius Bailey	62	John Frey	
12 Matthew Patterson	63	William Anspun	

turn over

NB. Those for Westchester will be directed agreeable to their Names & put under one cover to Philip Pell Esqr., excepting S. Drake's, which will be sent by his Boat.

Dutchess County—to Peter Tappen Esqr. excepting those for M. Patterson, which S. Townsend is to forward.

Orange & Ullster will be given to Mr. Barclay in packages agreeable to the names—

Columbia under cover to Peter Van Ness & sent to Dr. Tappen to be forwarded.—

Albany, Washington & Montgomery to John Lansingh Esqr. with a request to forward those for Washington & Montgomery as early as possible to the one in those Counties, who will forward them with the most Expedition  
C. T.

*Albany Anti-Federal Committee to the New York Federal Republican Committee  
Albany, 12 April 1788<sup>3</sup>*

Gent.

We have received yours of the 6th. and 8th. April Inst. The Pamphlets from Greenleaf are not yet arrived—By this Stage we send a special Messenger to find out what is become of them and if found to bring them up, but they will at any rate arrive too late to be of any Service—We have received yours written by a Columbian Patriot—a well composed piece but in a Stile too sublime & florid for the common people in this Part of the Country. We have this day sent off a Messenger with those destined for Montgomery County and shall to morrow dispatch those for Washington from both of which Counties our political Affairs wear a favorable Aspect. In this County we have exerted every Nerve and we shall be unremitted in our Exertions to the End in Hopes of a compleat Victory as our Prospects are good—and unless some unforeseen Event takes place we flatter ourselves with Success. our opponents here are busy day and Night—and be assured that we are by no means idle.

The Publication of Luther Martins Speech in a Pamphlet would be of great Service, and tend to open the Eyes of our Country more than any Thing yet published.<sup>4</sup>

We are happy to learn that your Prospects in the southern district also increase—exert yourselves, go on and prosper.

We expect a Majority in almost every district of this County except Manor of Renselaer, and even there we shall draw off a pretty considerable detachment.

Yours &c. in Haste  
The Committee of Albany—

PS. We shall also disperse the Residue of your Pamphlets in this County, but do not expect to pay for them, as we are but few in Number who manage the Business in this City and have already incurred a considerable Expence exclusive of throwing away the Money for Greenleafs Pamphlets—

*A Federalist*

*Poughkeepsie Country Journal, 22 April 1788*

*To the PRINTER of the POUGHKEEPSIE ADVERTISER.*

I would beg leave through the channel of your Paper, to detect a gross imposition which is attempted in a certain Pamphlet, entitled, “Observations on the proposed Constitution for the United States of America, clearly shewing it to be a complete System of Aristocracy and Tyranny, and destructive of the Rights and Liberties of the People.” This Pamphlet has been sent up in vast quantities from New-York to this place, and is now in circulation through the county. The compiler has inserted among a number of old pieces, equally inflammatory with the Title-page, an excellent letter from Governor Randolph to the Legislature of Virginia, containing his reasons for not signing the Constitution. In that letter Governor Randolph appears to surmount all the leading objections which have been so profusely raised against the Constitution—he advocates with great ingenuity and precision all its essential principles, and then (to the astonishment of his friends, and as a strong instance of the weakness of human reason) he appears to refuse his assent on some of the lesser and very immaterial parts of its structure. But in this pamphlet, the most interesting paragraph in the whole letter is wantonly suppressed to the great injustice of that liberal patriot, and with the most daring affrontery to the public.

The paragraph I allude to stands in the true letter as the last but one, and for the authenticity of which I appeal to the letter as published in the various news papers throughout the United States. It is as follows: “But as I affect neither mystery nor subtilty in politics, I hesitate not to say that the most fervent prayer of my soul is, the establishment of a firm energetic government; that the most inveterate curse which can befall us, is a dissolution of the Union; and that the present moment, if suffered to pass away unemployed, can never be recalled. These were my opinions while I acted as a Delegate; they sway me while I speak as a private citizen. I shall therefore cling to the Union as to the rock of our salvation; and urge Virginia to finish the salutary work she has begun. And if, after our best efforts for amendments they cannot be obtained, I scruple not to declare (notwithstanding the advantage



which such a declaration may give to the enemies of my proposal) that I will as an individual citizen, accept the Constitution; because I would regulate myself by the spirit of America.”

We can easily perceive the motives which caused these sentiments to be suppressed, for while they breath a spirit of genuine federalism, they teach his own party a lesson of diffidence and moderation, which raises an esteem for the man while we differ from him in opinion. How different is this conduct from that which is held out by many champions in this State, who are for setting the whole continent at defiance, not indeed until they shall regulate themselves by the spirit of America, but until the spirit of America shall regulate itself by them.

I have thought proper to state this matter particularly to the public, not that I conceive it to be of great moment in itself, but merely that they may be the better apprized of the tricks which are practising to delude them, and be the better enabled to analyze the motives of the authors of such infamous impositions. Let me add, that such shameless and unprincipled attempts to deceive the people from the paths of wisdom and true policy, are the less to be tolerated on a question like the present which carries along with it the evidence of its unspeakable importance, and which, if not decided according to a liberal and well-informed judgment, will strike most deeply at our national existence and tranquillity.

To a person who has a breast any ways susceptible of lively and patriotic impressions, and especially to those who have kept a pretty unawed and steadfast eye on the discussions of our political parties, such conduct (and this is not the only instance) I am persuaded must appear with singular aggravation. I frankly own it excites in my mind an indignation almost too warm to be tempered by the admonitions of philosophy. Did I belong to such a party, and discovered its most zealous partizans guilty of acts like these on the credulity of the people, I should believe that they themselves were conscious of the weakness of their side on a fair investigation;—I should immediately distrust all their declamation and invective, and should abandon their cause as “desperate and irretrievable.”

I would only observe, that if we can rely on the public accounts from Virginia, Governor Randolph has changed his mind since the ratification of the Constitution by Massachusetts. If this cannot be depended on, yet we have not only their own papers, but the very authentic evidence of General Washington’s letter to induce a belief that Virginia will undoubtedly ratify the Constitution.<sup>5</sup>

Poughkeepsie, 18th April, 1788.

1. FC, Lamb Papers, NHi. This letter, described on the address page as “Draught of the Letter,” is in the handwriting of an unknown amanuensis. It is docketed: “Copy of Letter from A F Committee 6th april 1788.”

2. MS, Lamb Papers, NHi. This list, initialled “C. T.,” is in the handwriting of Charles Tillinghast.

3. RC, Lamb Papers, NHi.

4. Coincidentally, Philadelphia printer Eleazer Oswald published Luther Martin’s *Genuine Information*, originally serialized in newspapers, as a pamphlet on 12 April (the date of the Albany Anti-Federal Committee’s letter), but it took some time for the pamphlet to reach New York. The *New York Journal* had reprinted the entire series, and between 24 April and 26 July, the *Journal* advertised the pamphlet almost continuously. See “New York Reprinting of Luther Martin’s *Genuine Information*,” 15 January–7 April 1788 (RCS:N.Y., 613–15).

5. In a letter to Caleb Gibbs, dated 29 February, Washington wrote that he had “no doubt” Virginia would adopt the Constitution. A version of this letter was printed in the *Massachusetts Centinel* on 22 March and was reprinted forty-nine times, including six times in New York (CC:638–A). See also Appendix I (below).

### **Peter Ten Broeck to Peter Van Gaasbeek**

#### **Manor Livingston, 7 April 1788 (excerpt)<sup>1</sup>**

. . . We have no news in this Quarter: all we hear here is a Constitution talk: as for my part I trouble my head but very little about: relying that like all other evils it will work its own Cure—tho I could wish it to be adapted as in my Juvenile opinion with a few alterations it to be a very good one & without any alteratn. better then none sensible that something of the kind must be done without which this is a ruined Country & nation & every Citizen must naturally see & feel it: if not remedied at this time at this very Juncture (we have no time to delay) it must be adopted or we will sink beneath the gripe of remedy: thus have I said more then I intended either pro or con as mean to keep myself easy about it—seeing its all one a hundred years hence so god bless you. . . .

1. RC, Van Gaasbeek Papers, NKISH. The writer of this letter, who signed himself “Peter T Broeck,” was possibly Peter Bodine Ten Broeck (b. 1759) of Columbia County, who was an officer in the Continental Army during the Revolution.

### **Albany Federal Herald, 7 April 1788<sup>1</sup>**

Extract of a letter from a gentleman in Montgomery county, to his friend [in] this city, dated April 2.

“Accept, sir, the sincere thanks of him who is thy friend for your favor of the 21st ult.—The copies of the constitution,<sup>2</sup> which you was pleased to forward me, I have distributed among those who stood in need thereof; and it is with sensible pleasure I observe the numerous

proselytes to federalism which they have made in this quarter.—Before their arrival, you might here behold the honest, uninformed (or rather misinformed) peasantry almost ready to fight against that MONSTER, the CONSTITUTION;—but, happy event! their fears are daily vanishing—and their political sentiments are quite different from what they were while kept in the dark.

1. Reprinted in four Massachusetts newspapers and one New Hampshire newspaper by 1 May.

2. The copies were possibly the Dutch- and German-language pamphlets of the Constitution printed by Charles R. Webster of the *Albany Gazette* and *Albany Journal* at the request of the Albany Federal Committee. It should be noted, however, that as late as 8 March Webster and his brother advertised in their *Albany Journal* that they had “a few [English-language] copies” of the Constitution for sale. (See “The Publication of the Constitution in New York,” 21 September 1787–June 1788 [RCS:N.Y., 46].) For more about the Albany Federal Committee’s interest in Montgomery County, see Philip Schuyler to Robert R. Livingston, 29 March (IV below, Albany County Election).

### **A Friend to Good Government**

#### **Poughkeepsie Country Journal, 8 April 1788<sup>1</sup>**

MR. PRINTER, If I know myself I am an inoffensive well meaning ignorant man, my education (if my bringing up may be called such) simple and plain in the way of our grandfathers; I have but a small estate, however it is unincumbered, as my manner is to treat every body with civility, the people suppose me to be a well disposed civil man; I have been elected several times in the course of my life to the offices of poor-master, road-master, &c. and as I have acted as well as I knew how in them, I am supposed to have some small influence among my neighbours under that opinion. Squire Artifice came to me the other morning, inquired in a friendly manner about my domestic concerns, and the health of my family; to be sure I was a little surprised at so unexpected and unseasonable a visit; however, I gave him a hearty welcome, as I do every one that comes to my little house: From the character of the man, I suspected he had some design at the bottom of his friendship, for you must know Mr. Printer, that this is the way that some people among us carry on their schemes both of interest and popularity; after some conversation on subjects of a trifling nature, the Squire, with much seeming indifference, addressed me thus: Well my friend, what think you of this new government that is proposed to us; I told him that I knew very little about it, I had heard my neighbours talk of it, but neither they nor myself had ever read it, and for my part if I had read it, I doubted if I could fully understand it; the Squire said

that it was easy to understand that it was a plot to take away our religious and civil liberties, and make slaves of us; and on my asking why he thought so, he answered, that in the first place, the framers of the Constitution had acted without any authority, that they were usurpers, and deserved to be hanged, that the Constitution gave them as much power as the King of England ever had, that they were agoing to raise an army and billet them on the people, and build a navy, and tax the people to pay for both, that our taxes would be ten times heavier than they now are, that all this was to be done to provide a place for the great mens sons, who would be appointed officers in the navy & army, and tax masters over the honest farmers, that the liberty of the press was taken away to prevent the people concerting any measures for the recovery of their liberties, that the trial by jury was taken away from us, and that every cause was to be determined by judges appointed by them to do as they ordered them, that our religion was taken away from us, and that popery, or no religion at all, would be established in its stead, that the impost that belonged to this State, was to be taken away from us, and to be divided among all the States. I asked the Squire if the people did not choose the members of the new government, he said it was pretended so, but that they had the power of regulating elections, so that they would be chosen again and again forever; I told him I had heard that six States had agreed to the new government, he said that it was false, that it was true that Delaware and Georgia, two small States, each of them about as big as Dutchess county, were to have an equal voice in the new government with Virginia and Massachusetts, for that reason they had agreed to it; that New-Jersey and Connecticut had agreed to it out of spite to this State, because they hated them; but that only a mob in Philadelphia had consented to it, but that a majority of the State opposed it;<sup>2</sup> that Massachusetts had agreed to it if such alterations as they wanted, might take place, which was doing nothing at all;<sup>3</sup> and that New-Hampshire had rejected it.<sup>4</sup> After giving me this information, the Squire showed me a list of candidates for members of Convention, who he said were all opposed to this new-planned tyrannical government as he termed it, and says he my dear friend, you had better talk with your neighbors, and point out to them the danger they are in, and get them to vote for these men; the Squire related this with such an air of sincerity, and with so much apparent disinterestedness, that to be sure Mr. Printer, I felt a little uneasy, although I confess I had doubts in my mind respecting the truth of the relation, yet I could not rest satisfied until I consulted my neighbour, Mr. Candor, who is an old gentleman, that he might retire

from the world has settled down on a very convenient little farm adjoining mine, where he lives in a plain hospitable manner; accordingly I went to his house, and fortunately found him alone reading, and on my entering the room, he laid down his book and gave me a hearty welcome. I then related to him as near as my memory would serve me, what had passed between me and the Squire in the morning, and begged his opinion on the subject; he said that he feared the Squire, his neighbour, had rather acted the part of a partizan, than of a good citizen; that it was a great national question, and that much had been said and wrote on both sides, that he would endeavour to give me as true a state of facts as his abilities and information would admit of.

The State governments (continued he) previous to the revolution, were not constitutionally connected with each other, but each separately dependent on an European head; that they associated together in a time of tumult, war and danger for mutual defence, the object of the confederation was resistance against the common enemy, it was not a time to plan a government for peace to last for ages, very few extended their ideas beyond the defence of the country, rightly considering that if peace and independence should be brought about, it would be easy to plan a government calculated for the happiness and welfare of the community; no man believed (at that time of unanimity and love for the public good) but that a requisition from the federal council would have all the energy of a law, but it was soon found even before the expiration of the war, that the confederation was too feeble, and very inadequate to the public exigencies; that the requisitions of Congress were illy attended to in some States, and in others almost totally neglected, and at best the war carried on by partial supplies; the States in the neighbourhood of the enemy, generally speaking, bore the burthen of the war; this gave rise to complaints, jealousies, and dissatisfaction. But it was hoped that peace would become a balsum to heal these wounds, as they had not taken deep root.—But since that auspicious event, with humiliation I speak it, the States have shown a less inclination to support the federal government than before, the variety of climates and soils, the difference in habits, customs, views, and local situations, creates such a clashing of interests and parties as have in their operation almost totally dissolved all federal authority, and bid fair to involve us in the horrors of domestic war; should we pursue the present system, the evident consequence is, that the national debt must go unpaid, the part that is due to individuals will sink in their hands, attended perhaps with no other evil than a stain of ingratitude and injustice, never to be effaced; however, we may harden our hearts against the stings of conscience, yet we never can survive a total dis-

solution of our credit (which at this moment, has nothing else for its support than the hopes of a new government). France and Holland will not send Commissioners to petition our State Legislature to pay off their loans, a fleet and army will do their business much more expeditiously; private American property in Europe, must be all sacrificed, and our sea-ports laid under contribution to pay the remainder, the horrors attending which is too glaring to need a comment; impressed with these truths the general voice of America called for a reform in the federal government, this give rise to the Convention that framed the Constitution, in question; they were appointed by the State Legislatures, and empowered by the letter of the authority under which they acted to report such alterations and amendments in the Confederation as would render the federal government adequate to the exigencies of government and *the preservation of the Union*<sup>5</sup>—you will here perceive that the latitude given in the instruction, were amply large enough to justify the measures the Convention have taken. The objects in view were the welfare and preservation of the Union, and their business so far to new model our government as to encompass those objects.

(The remainder in our next.)

1. For the remainder of this essay, see “A Friend to Good Government,” *Country Journal*, 15 April (below).

2. For mob action in Philadelphia, see “New York Reprinting of the Address of the Seceding Members of the Pennsylvania Assembly,” 9–18 October 1787 (RCS:N.Y., 76–77).

3. On 6 February the Massachusetts Convention ratified the Constitution with recommendatory amendments. See “New York and the Massachusetts Convention’s Amendments to the Constitution,” 6 February (above).

4. On 22 February the New Hampshire Convention adjourned without taking any action on the Constitution. See “New York and the Adjournment of the New Hampshire Convention,” 22 February (above).

5. For the 21 February 1787 resolution of Congress calling the Constitutional Convention, see CDR, 187 or CC:1.

## **Poughkeepsie Country Journal, 8 April 1788**

### ANTICIPATION.

From the Poughkeepsie Daily Advertiser published by I. Power (Grandson of the first conductor of a press in that city near 70 years ago.)

1858, Sept. 13th.

Yesterday arrived dispatches in this city for his Excellency the President of the United States, importing, that the Dey of Algiers, immediately upon the arrival of the five men of war, which sailed from hence

in July last, caused the 22 American captives to be delivered to the Commodore. That commander had orders to lay the town of Algiers in ashes if the restitution had not instantly taken place.

Last Saturday arrived his Excellency Sir James Pellney, Ambassador from Frederic II. of Great Britain: He has taken that elegant pile of buildings lately erected by the Attic company. Those superb edifices are said to occupy the very spot, on which the Congress and Montgomery were built, the first ships of war ever constructed in Poughkeepsie. It is said Sir James is particularly charged to apologize for the insult an American Schooner lately received in passing through a British squadron. The spirited proceedings of his Excellency the President upon this occasion does him much honor, and perfectly comports with his repeated declarations that the smallest vessel concerned in the commerce of this country shall enjoy an equal share of the public protection with the greatest.

This day cleared out from the Customhouse five ships, three snows, and seven brigs; besides a number of small vessels, all fully freighted with the productions of this country. There are now in the river and at the piers, eighty-six square rigged vessels.

Accounts from every part of the empire announce the public tranquillity never to have been more complete. To the monarch LAW, every individual bends in homage, and feels himself *free*, in proportion as he is restrained from doing *wrong*.

A gentleman last week on opening an old oaken chest, found it full of pamphlets and papers written in the years 1787 and '88 against the present federal government; the glory, the pride, and the felicity of free Americans. It is really entertaining to look over the arguments and shadows of arguments made use of by its opponents in that day.

Many of the writers appear to have been honest in principle, but deficient in political wisdom; while others betray understandings as crazy, and hearts as warped, as the disjointed cause they were propping.

Could the candid part of them have foreseen the happy consequences that have resulted from the adoption of the liberal government they opposed, they must have exulted in the view, and only contended who should most promote it.

### **Archibald M'Lean to Stephen Van Rensselaer**

**New York, 10 April 1788<sup>1</sup>**

At the particular request of Leonard Gansevoort, Esq. I trouble you with 60 Copies of the First Volume of the Federalist as also the 20 Copies that you subscribed for: Mr. Gansevoort informed me that a

great number had been subscribed for in Albany, but as the List had not yet been received, he desired me to send 40 Copies upon chance to your care; the other 20 Copies were subscribed for in Montgomery County which he said you would likewise take charge of.—At Mr. Gansevoort's desire I bound one of your copies, as also the First Vol. of the Debates of the Pennsylvania Convention.<sup>2</sup>—The Price of the First Vol. of the Federalist is only 3 shillings the Second is in the Press and will be finished with all possible dispatch.—If more Books should be wanted, by your taking the trouble to inform Coll. Hamilton, Mr. Gansevoort, or your humble Servant, they will be sent immediately.

1. RC, Miscellaneous Collection, The Huntington Library, San Marino, California. For the distribution of *The Federalist*, the subject of this letter, see "Publication, Sale, and Distribution in New York of Volume I of the Book Edition of *The Federalist*," 22 March (above).

2. On 11 April Leonard Gansevoort, a New York delegate to Congress, also informed Van Rensselaer of the specially bound volume (below). The only volume of the *Debates of the Convention, of the State of Pennsylvania . . .* (Evans 21365) was first advertised for sale in the Philadelphia *Pennsylvania Mercury*, 7 February, which indicated this volume was available from the principal booksellers in Pennsylvania, New York City, Baltimore, Richmond, and other places throughout the United States. (See CC:511.) A reviewer, probably editor Noah Webster, in the March issue of the New York *American Magazine* praised the volume as "a very useful publication, and calculated to diffuse a true knowledge of the principles of government in general, and particularly of the New Federal Constitution." The reviewer, however, could not understand why the arguments of Antifederalist members of the Pennsylvania Convention were omitted since he believed that the Constitution could "bear the severest scrutiny." He thought that "The omission of the anti-federal arguments as stated by the opposition, may give uneasiness to some warm friends to the Constitution." Nevertheless, he said that he would wait to see if Antifederalist speeches would appear in a second volume before passing judgment (Mfm:Pa. 592 and Mfm:N.Y.).

## Brutus XVI

New York Journal, 10 April 1788<sup>1</sup>

When great and extraordinary powers are vested in any man, or body of men, which in their exercise, may operate to the oppression of the people, it is of high importance that powerful checks should be formed to prevent the abuse of it.

Perhaps no restraints are more forcible, than such as arise from responsibility to some superior power.—Hence it is that the true policy of a republican government is, to frame it in such manner, that all persons who are concerned in the government, are made accountable to some superior for their conduct in office.—This responsibility should ultimately rest with the People. To have a government well administered in all its parts, it is requisite the different departments of it should be separated and lodged as much as may be in different hands.



The legislative power should be in one body, the executive in another, and the judicial in one different from either—But still each of these bodies should be accountable for their conduct. Hence it is impracticable, perhaps, to maintain a perfect distinction between these several departments—For it is difficult, if not impossible, to call to account the several officers in government, without in some degree mixing the legislative and judicial. The legislature in a free republic<sup>2</sup> are chosen by the people at stated periods, and their responsibility consists, in their being amenable to the people. When the term, for which they are chosen, shall expire, who will then have opportunity to displace them if they disapprove of their conduct—but it would be improper that the judicial should be elective, because their business requires that they should possess a degree of law knowledge, which is acquired only by a regular education, and besides it is fit that they should be placed, in a certain degree in an independent situation, that they may maintain firmness and steadiness in their decisions. As the people therefore ought not to elect the judges, they cannot be amenable to them immediately, some other mode of amenability must therefore be devised for these, as well as for all other officers which do not spring from the immediate choice of the people: this is to be effected by making one court subordinate to another, and by giving them cognizance of the behaviour of all officers; but on this plan we at last arrive at some supreme, over whom there is no power to controul but the people themselves. This supreme controlling power should be in the choice of the people, or else you establish an authority independent, and not amenable at all, which is repugnant to the principles of a free government. Agreeable to these principles I suppose the supreme judicial ought to be liable to be called to account, for any misconduct, by some body of men, who depend upon the people for their places; and so also should all other great officers in the State, who are not made amenable to some superior offic[er?]. This policy seems in some measure to have been in view of the framers of the new system, and to have given rise to the institution of a court of impeachments—How far this Court will be properly qualified to execute the trust which will be reposed in them, will be the business of a future paper to investigate. To prepare the way to do this, it shall be the business of this, to make some remarks upon the constitution and powers of the Senate, with whom the power of trying impeachments is lodged.

The following things may be observed with respect to the constitution of the Senate.

1st. They are to be elected by the legislatures of the States and not by the people, and each State is to be represented by an equal number.

2d. They are to serve for six years, except that one third of those first chosen are to go out of office at the expiration of two years, one third at the expiration of four years, and one third at the expiration of six years, after which this rotation is to be preserved, but still every member will serve for the term of six years.

3d. If vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive<sup>3</sup> is authorised to make temporary appointments until the next meeting of the legislature.

4. No person can be a senator who has not arrived to the age of thirty years, been nine years a citizen of the United States, and who is not at the time he is elected an inhabitant of the State for which he is elected.

The apportionment of members of [the] Senate among the States is not according to numbers, or the importance of the States; but is equal. This, on the plan of a consolidated government, is unequal and improper; but is proper on the system of confederation—on this principle I approve of it. It is indeed the only feature of any importance in the constitution of a confederated government. It was obtained after a vigorous struggle of that part of the Convention who were in favor of preserving the state governments. It is to be regret[t]ed, that they were not able to have infused other principles into the plan, to have secured the government of the respective states, and to have marked with sufficient precision the line between them and the general government.

The term for which the senate are to be chosen, is in my judgment too long, and no provision being made for a rotation will, I conceive, be of dangerous consequence.

It is difficult to fix the precise period for which the senate should be chosen. It is a matter of opinion, and our sentiments on the matter must be formed, by attending to certain principles. Some of the duties which are to be performed by the senate, seem evidently to point out the propriety of their term of service being extended beyond the period of that of the assembly. Besides as they are designed to represent the aristocracy of the country, it seems fit they should possess more stability, and so continue a longer period than that branch who represent the democracy. The business of making treaties and some other which it will be proper to commit to the senate, requires that they should have experience, and therefore that they should remain some time in office to acquire it.—But still it is of equal importance that they should not be so long in office as to be likely to forget the hand that formed them, or be insensible of their interests. Men long in office are very apt to feel themselves independent. To form and pursue interests separate from those who appointed them. And this is more likely to be

the case with the senate, as they will for the most part of the time be absent from the state they represent, and associate with such company as will possess very little of the feelings of the middling class of people. For it is to be remembered that there is to be a *federal city*, and the inhabitants of it will be the great and the mighty of the earth. For these reasons I would shorten the term of their service to four years. Six years is a long period for a man to be absent from his home, it would have a tendency to wean him from his constituents.

A rotation in the senate, would also in my opinion be of great use. It is probable that senators once chosen for a state will, as the system now stands, continue in office for life. The office will be honorable if not lucrative. The persons who occupy it will probably wish to continue in it, and therefore use all their influence and that of their friends to continue in office.—Their friends will be numerous and powerful, for they will have it in their power to confer great favors; besides it will before long be considered as disgraceful not to be re-elected. It will therefore be considered as a matter of delicacy to the character of the senator not to return him again.—Every body acquainted with public affairs knows how difficult it is to remove from office a person who is long been in it. It is seldom done except in cases of gross misconduct. It is rare that want of competent ability procures it. To prevent this inconvenience I conceive it would be wise to determine, that a senator should not be eligible after he had served for the period assigned by the constitution for a certain number of years; perhaps three would be sufficient. A farther benefit would be derived from such an arrangement; it would give opportunity to bring forward a greater number of men to serve their country, and would return those, who had served, to their state, and afford them the advantage of becoming better acquainted with the condition and politics of their constituents. It farther appears to me proper, that the legislatures should retain the right which they now hold under the confederation, of recalling their members.<sup>4</sup> It seems an evident dictate of reason, that when a person authorises another to do a piece of business for him, he should retain the power to displace him, when he does not conduct according to his pleasure. This power in the state legislatures, under confederation, has not been exercised to the injury of the government, nor do I see any danger of its being so exercised under the new system. It may operate much to the public benefit.

These brief remarks are all I shall make on the organization of the senate. The powers with which they are invested will require a more minute investigation.

This body will possess a strange mixture of legislative, executive and judicial powers, which in my opinion will in some cases clash with each other.

1. They are one branch of the legislature, and in this respect will possess equal powers in all cases with the house of representatives; for I consider the clause which gives the house of representatives the right of originating bills for raising a revenue as merely nominal, seeing the senate are authorised to propose or concur with amendments.

2. They are a branch of the executive in the appointment of ambassadors and public ministers, and in the appointment of all other officers, not otherwise provided for; whether the forming of treaties, in which they are joined with the president, appertains to the legislative or the executive part of the government, or to neither, is not material.

3. They are part of the judicial, for they form the court of impeachments.

It has been a long established maxim, that the legislative, executive and judicial departments in government should be kept distinct. It is said, I know, that this cannot be done. And therefore that this maxim is not just, or at least that it should only extend to certain leading features in a government. I admit that this distinction cannot be perfectly preserved. In a due ballanced government, it is perhaps absolutely necessary to give the executive qualified legislative powers, and the legislative or a branch of them judicial powers in the last resort. It may possibly also, in some special cases, be adviseable to associate the legislature, or a branch of it, with the executive, in the exercise of acts of great national importance. But still the maxim is a good one, and a separation of these powers should be sought as far as is practicable. I can scarcely imagine that any of the advocates of the system will pretend, that it was necessary to accumulate all these powers in the senate.

There is a propriety in the senate's possessing legislative powers; this is the principal end which should be held in view in their appointment. I need not here repeat what has so often and ably been advanced on the subject of a division of the legislative power into two branches—The arguments in favor of it I think conclusive. But I think it equally evident, that a branch of the legislature should not be invested with the power of appointing officers. This power in the senate is very improperly lodged for a number of reasons—These shall be detailed in a future number.

1. On 3 April the *New York Journal* announced that “Brutus” XVI had been received but “could not possibly be inserted this day.” Instead, the *Journal* promised to print the essay on 10 April. Despite two references in number XVI in which “Brutus” promised “a future number,” no other “Brutus” essays were published. “Brutus” XVI was reprinted in the Boston *American Herald* on 8 May (see also note 2 below).

2. The original reads “The legislature in a free and republic. . . .” The reprint in the *American Herald* corrected this error by deleting the word “and.”

3. Some Antifederalists asserted incorrectly that the President, rather than the state governors, was to fill vacancies in the Senate.

4. Article V of the Articles of Confederation provided for the annual election of delegates to Congress “with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year” (CDR, 87).

### Watchman

#### New York Journal, 10 April 1788<sup>1</sup>

MR. GREENLEAF, When a man, who possesses a mind incapable of aspiring to higher objects of contemplation than the inspection of butter and hogslard, and the culling of staves—who never intentionally performed a patriotic action, and who never felt the force of any other principle than interest—openly declares, that the opponents of the new constitution are either knaves, fools, or interested men—resentment must be excited, by the impudence of the expression, and contempt, by the self-importance of the expressor. A person of the least liberality would never harbour such contracted, such prejudiced sentiments: a person of common sense would never utter them; and a man of the most superficial discernment would never attempt to brand with knavery or folly, the most honest and respectable characters of America—but when we reflect, what better can be expected from one, who possesses all the faults, and none of the good qualities, incident to the mercantile profession? Would it not be as ridiculous to expect, that the purchasing of provisions, the distributing of Whiskey, and the starving of a patriotic army for the sake of pelf, would polish the manners, expand the mind, or meliorate the morals, as it would be to suppose, that comfort could be drawn from presumption, and imprudence, or sand, converted into gold.

1. “Watchman” probably refers to wealthy New York City merchant/speculator William Duer, who, beginning in 1781, was active in supplying provisions (including whiskey) to the Continental Army. He continued to get government contracts until 1792, when he went bankrupt. (See Robert F. Jones, “*The king of the Alley*”: *William Duer, Politician, Entrepreneur, and Speculator, 1768–1799* [Philadelphia, 1992], 72–89.)

**New York Journal, 10 April 1788<sup>1</sup>**

MR. GREENLEAF, *The following Anecdote is a well authenticated Fact, and by giving it a Place in your PATRIOTIC REGISTER you will oblige a constant Reader.*

FIDELIA.

## ANECDOTE.

A few days since, three of the *well-born* of the city of Albany made an excursion to *Nesteggeuna*,<sup>2</sup> where they employed *nine* persons (whom they paid well for their services) to ride through the country and endeavour to collect the freeholders and freemen of that quarter to meet them at a certain place *to confer on the proposed new constitution*. When the day appointed came, their influence extended so far as to collect *seven* freeholders who were all good whigs (or in other words those distinguished by the appellation of Antes) who assured the three *rich* and *well-born* gentlemen they had but one observation to make which was the following, “*We think you are come out on a very foolish errand.*”

1. Reprinted: Boston *American Herald*, 24 April.

2. Probably Niskayuna, twelve miles northwest of Albany.

**Leonard Gansevoort to Stephen Van Rensselaer  
New York, 11 April 1788 (excerpts)<sup>1</sup>**

Dear Stephen

. . . You will likewise receive two packages of the federalist one for Montgomery directed to your Care the other containing fifty Numbers predicated upon the Albany subscription which is not to be found.<sup>2</sup> Coll Hamilton says he does not recollect having received it from Genl. Schuyler one of the Numbers of Publius please to send John Younglove Esqr. whom I have written and informed him that you would forward him one of them which I had subscribed for him. . . .

The Debates of the Pensylvania Convention I have had bound in Calf skin for you as also one Number of Publius<sup>3</sup> when the 2d. Volumes are published one of each will be bound in like Manner & forwarded—

I send you the Papers of today and as I have many Letters to write—  
Adieu

1. RC, Miscellaneous Manuscripts, Gansevoort Folder, NHi.

2. For the distribution of *The Federalist*, see “Publication, Sale, and Distribution in New York of Volume I of the Book Edition of *The Federalist*,” 22 March (above).

3. Archibald M’Lean had these volumes bound at Gansevoort’s request. See M’Lean to Van Rensselaer 10 April, at note 2 (above).

**New York Morning Post, 11 April 1788<sup>1</sup>**

By the new system of government, proposed by the late American Convention, the poor Africans (as if the States, in their bustle about liberty, had discovered a right to enslave them) are doomed to endure a continuance of depredation, rapine, and murder, for 21 years to come. The Congress being, for that time, absolutely precluded from interference with that most flagrant violation of natural justice.

1. The *New York Morning Post* printed this item under a London dateline of 6 February. It subsequently appeared in six more American newspapers by 2 May: Mass. (1), Pa. (1), Md. (1), Va. (3). The *Massachusetts Gazette*, 2 May, printed it under a dateline of London, 2 January.

**Editors' Note**  
**The Doctors' Riot**  
**New York, 13–15 April 1788**

From 13 to 15 April—about two weeks before the election of delegates to the state Convention—parts of New York City were wracked by mob violence in what came to be known as the Doctors' Riot of April 1788. Prominent Federalists and Antifederalists, some of them actively involved in the debate to ratify the Constitution, were involved in trying to quell the riot. Victor Marie DuPont, attaché at the French legation, praised their efforts. He wrote that “It was good to see fighting together for the same cause, Colonel Hamilton, the chief and the support of the Federalists, and Governor Clinton, the mortal enemy of all the Federalists and of the Colonel in particular” (to Pierre Samuel DuPont de Nemours, 7, 18 April, Mfm:N.Y.).

The Doctors' Riot was touched off on 13 April when a small boy, who was looking through a window of the New York Hospital while a corpse was being dissected, was frightened when one of the doctors waved a dissected arm at him during an anatomical lecture. The boy believed the arm belonged to his recently deceased mother. Grave robbing—an ancient and serious problem in the western world—had become a volatile issue in the city earlier in the year. Bodies were stolen not only from cemeteries reserved for African-Americans and paupers, which would not have bothered most people, but from those set aside for the middle and working classes. Grave robbing was an activity that outraged moral sensibilities. The boy's father, a mason, gathered a number of other workmen, and they occupied and searched the hospital, where they wantonly destroyed instruments and equipment. The mob also captured and abused some medical students. Officials, including Mayor James Duane and Sheriff Robert Boyd, rescued the students by convincing the mob that the city would take legal action against them.

On the morning of 14 April, however, a mob formed again and this time the rioters insisted upon searching the houses of the city's doctors. Unwilling to use armed force against the mob, Mayor Duane, Governor George Clinton, Chancellor Robert R. Livingston, and other officials acceded to the mob's request and some officials accompanied the rioters as they searched the homes of doctors. In the afternoon the mob, which had found nothing incriminating in its searches, sought to abuse the jailed medical students, but the authorities would not surrender the prisoners. Fearing that the mob would attack the jail, the governor called out the militia, which did not turn out in large numbers because some of the militiamen were part of the mob while others were sympathetic to it. Some militiamen who answered the call were harassed and intimidated. Other militiamen, however, gathered at the jail, where they were joined by a number prominent citizens, among them Mayor Duane, Governor Clinton, Baron von Steuben, Henry Knox, Alexander Hamilton, John Jay, and Generals Matthew Clarkson and William Malcolm. The mob hurled brickbats and stones at the defenders. Duane and Clinton were injured but not seriously. Jay and von Steuben, however, were both hit in the head by stones. The former had two holes in his head (but no fracture), while the latter lost a great deal of blood. Upon being knocked down, von Steuben, who had counseled Governor Clinton against the use of force, called upon Clinton to order the militia to fire upon the rioters. The officer commanding the militia—without waiting for Clinton's command—ordered his men to open fire, whereupon three rioters were killed and several others wounded. After a running battle, the mob finally dispersed.

On 15 April city authorities, convinced of the need for more troops, brought in a brigade of militia and a regiment of artillery from the surrounding countryside, an action that prevented further violence. The estimates of the size of the mob range from a few hundred to a few thousand. The rioters came from the middle and lower classes, with artisans being prominent. The elite were not among the rioters, even though the grave robbing and anatomical dissections also appalled them. De Witt Clinton believed that the riot "would not have been carried to such a length, if the passions of the people had not been inflamed by exaggerated accounts of the surgical experiments—if the Rioters had not thought, that the Militia would not fire—and if several of them had not been drunk." He also noted that firing on the rioters was "contrary to the Governor's orders" (to James Clinton, 25 April, below. De Witt Clinton was the governor's nephew.).

Levi Hollingsworth, a Philadelphia merchant, linked the riot to the politics of ratifying the Constitution. Hollingsworth told a correspon-



dent that he had it “from good authority that New York will be in favor of the Constitution that the oppositions in that State are daily lessning and the necessity of the Adoption more & more obvious to Governor Clinton & the executive part of Government (who were Supposed to be in the opposition) every day owing to some late tumult in the City of New York in which the Governor and many of the officers were abused & wounded & four of the Citizens killed” (to Richard Dobbs Spaight, 22 April, Levi Hollingsworth Letterbook, PHi). Victor Marie DuPont agreed that the riot “caused more good and showed better the necessity of government to all the Antifederalists of this place [New York City] and, above all, to Governor Clinton, who is their head, than all of the good writings of Colonel Hamilton which they never read” (to Pierre Samuel DuPont de Nemours, 7, 18 April, Mfm:N.Y.). As the elections for state convention delegates and May Day approached, Samuel Blachley Webb, who had been beaten and bruised by the mob, hoped that there would be “no more Mobing” since the elections and May Day alone would render the city “in complete confusion” (to Catherine Hogeboom, 27 April, IV below, New York County Election).

On the other hand, Thomas Jefferson in Paris declared that the riot had nothing to do with politics. After listening to an eyewitness to the riot who had recently arrived in Paris, Jefferson wrote a long account describing the riot to a correspondent. He concluded with this statement: “so ended this chapter of history, which I have detailed to you because it may be represented as a political riot, when politics had nothing to do with it” (to William Carmichael, 3 June, Boyd, XIII, 233. For Jefferson’s mention of John Paradise as the eyewitness to the riot, see Jefferson to Thomas Lee Shippen, 19 June, *ibid.*, 277.).

### **Charleston City Gazette, 14 April 1788<sup>1</sup>**

The new constitution meets with great opposition in the state of New York, which is something singular, when it is considered, that no state in the union will be so immediately benefitted by its adoption, as the general government will then have power to enforce the treaty of peace, and of course the British minister will no longer have a pretence for keeping possession of the Western posts; the fur trade will then center in the state of New York. Last season upwards of one hundred thousand pounds worth of furs were imported into Great Britain from America.

1. Reprinted: *Newport Mercury*, 28 April.

**A Friend to Good Government****Poughkeepsie Country Journal, 15 April 1788<sup>1</sup>**

(Concluded from our last.)

Mr. PRINTER, To bring this reasoning to more familiar objects, suppose sir, your house although the timber were new and strong, yet for the want of workmanship in the builders, it was so illy proportioned and disjointed, as to threaten to totter to pieces and crush your family under its ruins, notwithstanding which you thought it might be altered or amended, and therefore called a number of Carpenters to examine it, and report to you the necessary alterations; but these architects on a thorough examination, were of opinion, that the only way to save the family from ruin, was to take the house entirely down and re-build it, and in pursuit of this opinion, they thought it but their duty to report to you a plan for the execution of it; they could not see any evil in the proposal as it still remained with you to adopt it or reject it.—The object in view was the preservation of your family, if they erred in judgment, it was not a criminal error as they had left you at liberty to make your opinion.—After these men had so faithfully discharged their consciences, if you should rail at them, and tell them that they were usurpers, that they arrogantly assumed a power of prescribing a rule for the government of your conduct, and had exceeded the limits of their authority, would not your neighbours call you a mad-man? and yet on no better ground is the Squire's railing at the Convention founded. I have taken the more pains to get this matter in its proper point of light; because the adversaries of the Constitution think it a more unanswerable charge against the Constitution.

But the Squire tells you that the new Congress will have as much power as the King of England ever had; he must be very ignorant in politics if he does not know that (touching the objects of the federal government) they ought to have more. The King composing only one branch of the Legislature cannot be supposed to have as much power as the whole. If it is necessary to have a government at all, it is also necessary to invest that government with power equal to the ends to be answered by it; it is requisite in all governments to intrust the Legislature with more power than would be safe in the hands of bad men; the only security the people can have in the nature of things, for a wise and virtuous administration is the frequency and purity of election. But you are told that a standing army and an established navy, and consequently increase of taxes are to take place with the new government: This appears to me only a bug-bare to frighten the ignorant and uninformed: One object of the federal government is defence against

foreign invasion, and therefore it is impowered when necessary, to raise an army. It is probable at some future period, perhaps a hundred years hence, it may be proper to build a navy to defend our coast, and protect our trade, and therefore the power of building a navy was granted. It would be ridiculous to tell our Legislature to defend our country and protect our trade, and at the same time keep from them the means of doing it. If we impower our Legislature to raise an army and build a navy when they become necessary for defence, it does not follow that they will exceed the limits of their authority, and do it when it is not necessary. As to the liberty of the press and that of conscience, the State constitution secure[s] them, and federal government says nothing about them, so that any apprehensions on that head are groundless. The Convention, in framing the new Constitution, have gone as far towards securing the trial by jury as was in their power, without breaking in on the juris-prudence of the several States; it has expressly provided for it in all criminal cases: To have gone farther, and established it in all civil, would have been at one blow to have abolished the courts of Chancery, and admiralty in all the States. As to the impost, although it is collected in New-York and other sea-ports; yet as the consumption is general, it is but equity though the revenue arising from it should be applied to the general use of the consumers, who either in impost or excise pay the tax.—If the contrary of which can be established, and the world made to believe, that the importers alone pay the tax, we must reverse the principle of action and reasoning on the subject, which would prove more than the opposers of the Constitution wish to prove, viz. That the importers generally reside in the mercantile cities; if so the tax being paid by them ought to be seized by the corporations for the use of the taxed, unless a new doctrine can be advanced, and the public made to believe, that one part of the community ought to pay a tax for the sole benefit of the other.

It has ever been considered as a mark of wisdom in the formation of any free government to constitute two or more separate interests, which interests, or principles of action ought to derive their power from sources as much as possible independent of each other. In England, the struggles between the hereditary power of the King, and the elective power of the commons constitutes the greatest security for the freedom of the whole, and although some evils have happened in affixing the precise boundaries of each, yet much good has arisen to the nation from the controversy.—In the Constitution before us, one branch of the Legislature (the Senate) derive their power from the State Legislatures, by whom they are elected; when its opposite (the house of representatives) derives its power solely from the people at large, by whom it is also elected, and I firmly believe it is the interest

of America to keep these divisions of power totally independent of each other. Hence arises the power given to the federal government, of regulating the election of the house of representatives, so much complained of by our neighbour the Squire.

If you would be at the pains to take a general view of the federal government and the experience of past ages, I believe you would think with me, that instead of its becoming the grand vortex that shall swallow up all other powers, that there is not yet energy enough in it to support it against the natural tendency in all confederacies of the members abridging the power of the head, by the means of their possessing local attachment and influence.

That you may know the sentiments of the States in general—Georgia, Delaware and New-Jersey have adopted it without a dissenting voice; Pennsylvania and Connecticut by a very respectable majority; Massachusetts has adopted it in its fullest latitude, and only proposed some trivial amendments, the spirits of which are already contained in the Constitution; New-Hampshire Convention has adjourned to June, to consult their constituents—a circumstance favorable to the Constitution, as many of the members who left home anti-federalists, were converted at the Convention.—From the least information, North and South Carolina are favorable to the new Constitution—Rhode-Island, as far gone in vice as it is, has submitted it to the people, so that in all probability, nine or more States will ratify the Constitution before mid-summer; when that takes place, the present confederation is dissolved of course, and the States that do not accede to the Constitution as a matter of choice, must then do it as a matter of expedience. In all changes of government whether for the better or the worse, the general opposers of the measures are the persons in present power; this is the case in this State, and in many others, whether it arises from interest, ambition, or a regard to the welfare of the public—As I know not the secrets of mens hearts, I shall not undertake to determine.—My two neighbours differing so widely of each other, on so important a point, I thought it proper to send you the observations on both sides, that the public may judge between them.

1. For the first half of this essay, see “A Friend to Good Government,” *Country Journal*, 8 April (above).

### **Connecticut Governor Jonathan Trumbull's 1783 Farewell Address Poughkeepsie Country Journal, 15 April 1788**

After fourteen years as governor of Connecticut, seventy-two year old Jonathan Trumbull, Sr., announced his decision not to seek reelection in the spring of 1784. After “a life, worn out almost in the constant cares of office,” Trum-

bull decided in the fall of 1783 to emulate his wartime colleague, General George Washington, and announce his retirement in a public address to the legislature. Washington's June 1783 circular letter to the state executives, which was essentially a farewell address, had been warmly received and widely reprinted. Washington advised the American people on how America might become a great nation. He viewed this advice "as the legacy of one who has ardently wished, on all occasions, to be useful to his country." (For the text and reprinting of Washington's circular letter, see CC:4.)

In his October 1783 address to the Connecticut legislature, Trumbull, like Washington, offered his "last advisory legacy" to his countrymen. Trumbull, who died in 1785, stressed the need for a strong central government and the importance of increasing the powers of Congress so that it would be "competent to the great national purposes for which that body was instituted." According to Trumbull, increased powers were "essential to our national security, establishment and independence." Without remedying the situation, he foresaw "evils, disastrous, if not fatal, to our future union and confederation." Sensitive to his countrymen's fears of granting too much power to Congress, Trumbull stated that Congress' "powers should be distinct; they should be clearly defined, ascertained and understood." Both Congress and the state governments "should be entrusted with powers fully sufficient to answer the design of their several institutions." He warned his countrymen about their "excessive jealousy" of and their "mistaken fear of abuse" by government officials. These officials were "men of our own choice," selected "from among ourselves." They would act "for themselves as well as for us"—they would be "sharers with us in all the general burdens and benefits." If we fail to trust our own officials, declared Trumbull, "we shall lose all confidence and government, and every thing [would] tend to anarchy and confusion." Such a condition, he concluded, would lead to "a government, that may justly make us all to tremble."

State printer Timothy Green published Governor Trumbull's address, along with the legislature's resolution responding to it, as a ten-page pamphlet in 1783 (Evans 17885). (For a facsimile of this pamphlet, see Mfm:N.Y.) Washington received a copy of the address, probably Green's pamphlet, from the governor's son and responded that "The Sentiments contained in it are such as would do honor to a Patriot of any Age or Nation! at least they are too coincident with my own, not to meet my warmest approbation" (to Jonathan Trumbull, Jr., 5 January 1784, Abbot, *Washington*, I, 12).

Like Washington's circular letter, Trumbull's address played a role in the debate over ratifying the Constitution. Both were reprinted as examples of the wisdom of patriot leaders. Trumbull's address was reprinted in the Philadelphia *American Museum* in its issue of January 1788. On 15 April—two weeks before the election of delegates to the New York Convention—the Poughkeepsie *Country Journal* reprinted portions of Trumbull's address, at the request of "A Customer," who described them as "enlightened and truly federal sentiments."

The text of Trumbull's address as printed in the Poughkeepsie *Country Journal* has been compared to the texts as published in the 1783 pamphlet and in the *American Museum* of January 1788. Significant differences appear in notes 2 to 4 (below).

Mr. POWER, I send you for publication, the following extract from a Speech of the late Governor Trumbull of Connecticut, to the Legislature of that State, in October, 1783—I would wish not to anticipate the reflections of the reader. They will naturally and insensibly arise of themselves on the perusal of such enlightened and *truly federal* sentiments delivered upwards of four years since by that amiable and patriotic Magistrate, and long before the spirit of party and the heat of debate had clouded and perverted the powers of the understanding.

A CUSTOMER.

From the AMERICAN MUSEUM.

Age and experience dictate to me—and the zeal with which I have been known to serve the public through a long course of years, will, I trust, recommend to the attention of the people, some few thoughts which I shall offer to their consideration on this occasion, as my last advisory legacy.

I would in the first place intreat my countrymen, as they value their own internal welfare and the good of posterity, that they maintain inviolate, by a strict adherence to its original principles, the happy constitution under which we have so long subsisted as a corporation;<sup>1</sup> that for the purposes of national happiness and glory, they will support and strengthen the federal union by every constitutional means in their power. The existence of a Congress, vested with powers competent to the great national purposes for which that body was instituted, is essential to our national security, establishment and independence. Whether Congress is already vested with such powers, is a question, worthy, in my opinion, of the most serious, candid and dispassionate consideration of this legislature, and those of all the other confederated States. For my own part, I do not hesitate to pronounce, that in my opinion, that body is not possessed of those powers which are fully adequate to the purposes of our general sovereignty; nor competent to that energy and exertion of government, which are absolutely necessary to the (best)<sup>2</sup> management and direction of the general weal; or the fulfilment of our own expectations. This defect in our federal constitution, I have already lamented as the cause of many inconveniencies which we have experienced; and unless wisely remedied, will, I foresee, be productive of evils, disastrous, if not fatal, to our future union and confederation. In my idea a Congress invested with full and sufficient authorities, is as absolutely necessary for the great purposes of our confederated union, as your legislature is for the support of internal order, regulation and government, in the State. Both bodies should be entrusted with powers fully sufficient to answer the design of their several institutions. Their powers should be distinct; they should be clearly defined, ascertained and understood. They should be carefully adhered to; they should be

watched over with a wakeful and distinguishing attention of the people. But this watchfulness is far different from that excess of jealousy, which, from a mistaken fear of abuse, withholds the necessary powers, and denies the means which are essential to the end expected. Just as ridiculous is this latter disposition, as would be the practice of a farmer, who should deprive his laboring man of the tools necessary for his business, lest he should hurt himself, or injure his employer, and yet expects his work to be accomplished. This kind of excessive jealousy is, in my view, too prevalent at this day; and will, I fear, if not abated, prove a principal means of preventing the enjoyment of our national independence and glory, in that extent and perfection, which the aspect of our affairs (were *<we>*<sup>3</sup> to be wise) so pleasingly promises to us. My countrymen! suffer me to ask, who are objects of this jealousy? who, my fellow citizens, are the men *<we have to>*<sup>4</sup> fear? not strangers, who have no connection with our welfare?—no!—they are the men of our own choice, from among ourselves;—a choice (if we are faithful to ourselves) dictated by the most perfect freedom of election; and that election repeated as often as you can wish, or is consistent with the good of the people. They are our brethren—acting for themselves as well as for us—and sharers with us in all the general burdens and benefits. They are men, who from interest, affection and every social tie, have the same attachment to our constitution and government as ourselves:—why, therefore, should we fear them, with this unreasonable jealousy?—In our present temper of mind, are we not rather to fear ourselves? To fear the propriety of our own elections? or rather to fear, that from this excess of jealousy and mistrust, each one, cautious of his neighbour's love of power, and fearing lest if he be trusted, he would misuse it, we shall lose all confidence and government, and every thing tend to anarchy and confusion? from whose horrid womb, should we plunge into it, will spring a government, that may justly make us all to tremble.

1. The reference is to Connecticut's corporate colonial charter of 1662 that became Connecticut's constitution during the American Revolution and which would remain so until a new constitution was adopted in 1818.

2. The word "best" in angle brackets appears only in the 1783 pamphlet.

3. The word "we" in angle brackets appears in the 1783 pamphlet and in the *American Museum*.

4. The text in angle brackets appears in the 1783 pamphlet and the *American Museum*. The *Country Journal* incorrectly printed it as "who have no."

### **A Citizen of New-York: An Address to the People of the State of New York, 15 April 1788**

On 15 April Samuel and John Loudon, publishers of the *New York Packet*, advertised that they had "Just Published" a pamphlet written by "A Citizen of

New-York." The nineteen-page pamphlet was entitled *An Address to the People of the State of New-York, on the Subject of the Constitution, Agreed upon at Philadelphia, the 17th of September, 1787* (Evans 21175). The Loudons stated that "This Address is written with candor, and in a manner truly decent and respectful. It contains many serious truths; and is replete with observations worthy the attention of every Citizen of America, who is anxious for the welfare of his country, at this important crisis." The advertisement ran almost continuously for three months in the tri-weekly *New York Packet* until 11 July 1788, at which time the New York Convention had been meeting for about three and a half weeks.

The pamphlet was written by John Jay—the Confederation Secretary for Foreign Affairs and author of five numbers of *The Federalist*. Jay essentially identified himself as "A Citizen of New-York" when he sent the pamphlet to George Washington on 20 April, five days after it was offered for sale (below. Jay's drafts of this letter were dated 12 April, three days before the Loudons' advertisement. The number "12" on one of the drafts has the number "20" overwritten on it.). In a letter to James Madison, however, Washington would only "conjecture but upon no certain ground" that Jay had written it (8 June, RCS:Va., 1586). Jay was identified as either the author or the supposed author by Samuel Blachley Webb, John Vaughan, Sarah Jay, the *Massachusetts Centinel*, the *New Jersey Journal*, the Providence *United States Chronicle*, and the Philadelphia *American Museum*. (See below in this editorial note for these identifications of Jay.)

In mid-June, Philadelphia merchant John Vaughan tried to get Jay to acknowledge his authorship publicly, but Jay refused. Vaughan wrote that "I have perused with Singular pleasure some thoughts on the Constitution addressed to the State of N Yk & was expressing my Sentiments to our good friend Dr Franklin—who observed that if you was the Author (as Said) he thought it incumbent upon you to put your name to it—to give it additional Weight at this awful Crisis I call it awful because a rejection in your State would be productive of infinite mischief. . . . Let me request Sir that you will attend to the observation of our Venerable friend Could I presume I could with propriety intrude my own opinion upon the occasion—I would urge it from myself—being actuated not by intemperate Zeal—but by a Strong impression & persuasion that you will by it add one more to the many Signal Services you have rendred this Country" (n.d., John Jay Papers, NNC-RB). On 27 June Jay, a delegate to the New York Convention, replied from Poughkeepsie: "I have considered the Hint suggested in your Letter of the \_\_\_\_\_ very long, and I may say habitual Respect for the Sentiments of Dr. Franklin, at first inclined me [to] adopt them relative to the Subject in Question. Further Consideration induced me to suspect that he has estimated the Influence of my opinions beyond their value. If the Reasoning in the Pamphlet you allude to is just, it will have its Effect on candid and discerning minds—if weak & inconclusive my name cannot render it otherwise" (Mfm:N.Y. For another example of the apparently close relationship of Jay and Vaughan, see "John Jay and the Constitution," 24 November–7 December 1787, RCS:N.Y., 306–8.).

"A Citizen of New-York" appeared two weeks before the elections for delegates to the New York Convention (29 April–3 May) and was part of the campaign to elect Federalist delegates. In Jay's letter of 20 April, in which he sent Washington the pamphlet, he appears to explain why he wrote the pamphlet:



“The Constitution still continues to cause great party Zeal and Ferment, and the opposition is yet so formidable that the Issue appears problematical” (below. In his retained drafts of the letter, Jay described “the Issue” as “very problematical.”). “A Citizen of New-York” was a highpoint in the campaign to elect Federalist Convention delegates, which included the publication of pamphlets, broadsides, handbills, newspaper articles, and nomination tickets. This campaign began intensely in early February, after the New York legislature adopted a resolution calling the Convention and setting the dates for the elections. (See IV below for the election of Convention delegates.)

Wherever “A Citizen of New-York” circulated in New York, it solidified support for the Constitution and converted some Antifederalists. Writing from New York City, Samuel Blachley Webb declared that the pamphlet “has had a most astonishing influence in converting Antifeederalists, to a knowledge and belief that the New Constitution was their only political Salvation” (to Joseph Barrell, 27 April, IV below, New York County Election). William Bingham, a Pennsylvania delegate to Congress in New York City, claimed that the pamphlet “has operated very forcibly on the Minds of the People here” (to Tench Coxe, 30 May, Smith, *Letters*, XXV, 130). A reviewer in the April issue of the *New York American Magazine*, probably editor Noah Webster, praised the pamphlet’s “moderation of temper, and sound judgement.” In particular, the reviewer believed that “the author’s arguments against appointing a new general Convention for the purpose of altering and amending the constitution, are altogether unanswerable” (Mfm:N.Y., 2 May).

On 23 April New York Chancellor Robert R. Livingston wrote an unidentified correspondent from his Clermont estate in Columbia County: “I enclose you a number of copies of the address to the citizens of New York. Be pleased to distribute them as soon as possible” (John Heise, *Catalogue of Autograph Letters [and] Signatures* [Syracuse, N.Y., 1912], Catalogue no. 53, p. 22). Samuel Blachley Webb mailed the pamphlet to his fiancée’s brother in Claverack, Columbia County, although it was apparently lost in transit, causing Webb to lament that “the Mail is not altogether so sacred as it should be” (Webb to Catherine Hogeboom, 27 April and 4 May [both IV below, New York County Election]). On 3 June a correspondent, commenting on the Convention election in Dutchess County, noted in the *Country Journal* that “at least one third” of the voters chose Federalist candidates, while at the beginning of the year only one-twentieth were “inclined to the federal side.” “Had the pamphlet attributed to Mr. Jay made its appearance a little sooner, I am well persuaded there would have been a still more compleat Revolution in the minds of the people” (IV below, Dutchess County Election). And in Suffolk County, Antifederalist John Smith noted that “A Citizen of New-York” circulated before the Convention election and that people “are halting” between the opinions expressed in it and an Antifederalist pamphlet written by “A Plebeian” (Smith to David Gelston, pre-29 April, IV below, Suffolk County Election).

“A Citizen of New-York” also circulated widely outside New York, most significantly in New Hampshire, where the second session of that state’s ratifying convention was scheduled to meet on 18 June. The first session had adjourned on 22 February without taking action on the Constitution. “A Citizen of New-York” was reprinted in toto in the *New Hampshire Spy*, 2, 6, 10, and 13 May;

*New Jersey Journal*, 7, 14 May; Exeter, N.H., *Freeman's Oracle*, 16, 23 May; *Carlisle Gazette*, 21, 28 May, and 4 June; Providence *United States Chronicle*, 22, 29 May, and 26 June; *Pennsylvania Packet*, 5, 9, and 10 June; and the June issue of the Philadelphia *American Museum*. It is also probable that the entire pamphlet appeared in no longer extant issues of the *State Gazette of North Carolina*. Federalist Hugh Williamson, a North Carolina delegate to Congress in New York City, sent North Carolina Governor Samuel Johnston an unidentified Federalist pamphlet, probably "A Citizen of New-York," in one of two letters dated 23 and 26 May. Johnston responded on 10 June that the entire pamphlet had already been reprinted in the *State Gazette of North Carolina*, and that it had been "very well received" (Governors' Papers, North Carolina Office of Archives and History).

The two New Hampshire reprintings of "A Citizen of New-York" probably occurred through the efforts of either John Langdon of Portsmouth or John Sullivan of Durham—both members of the New Hampshire Convention. John Langdon, a signer of the Constitution, and John Sullivan, the President of New Hampshire, each received the pamphlet from Rufus King, a Massachusetts delegate to the Constitutional Convention and to the Massachusetts Convention, who had recently taken up permanent residence in New York City. Like many other Federalists, King wanted to make certain that the second session of New Hampshire's Convention would ratify the Constitution. On 16 April, the day after "A Citizen of New-York" was first advertised for sale, King wrote Langdon that the pamphlet "may be of use in New Hampshire—if you should judge it a publication of value, I think the public Happiness will be advanced by circulating it in your State—Be assured that you ought not on any consideration to omit every Exertion which prudence and Virtue will authorise in favor of the constitution; very much will depend on your Decision" (CC:686). On the same day, King wrote Sullivan that "I am ignorant of the Author but think the performance has merit—perhaps in your Judgment it may be worth republication in your State with such alterations as its locality and other circumstances may render proper" (King Family Papers, Cincinnati Historical Society).

In reprinting the first part of the pamphlet on 2 May, the *New Hampshire Spy* noted that "By a gentleman from New-York, we have been favored with the following address to the citizens of that state, on the subject of the New Constitution. This address, supposed to have been written by one of the first characters in America, contains such a fund of reason, and is so well calculated to obliterate the prejudices, and remove the beam from off the eyes of the uninformed (the *candid* opposers of the New Constitution) that we feel a peculiar pleasure in laying it before our readers." (A similar prefatory statement, without any reference to "a gentleman from New-York," also appeared in the Exeter, N.H., *Freeman's Oracle*, 16 May.)

In its reprinting of the first installment of "A Citizen of New-York" on 7 May, the Elizabethtown *New Jersey Journal* noted that the pamphlet was "said to be written by the Hon. John Jay." On 19 June Jay's wife Sarah wrote to him from Elizabethtown (where she was visiting) that the pamphlet "has been received in this State with great approbation, nor has the tribute of applause been withheld from the author that usually accompanies his writings; for tho'

thro' modesty his name was conceal'd it seems the well-known style discovered him" (John Jay Papers, NNC-RB).

When the Providence *United States Chronicle*, 22 May, reprinted the first of its three installments of the pamphlet, it included this preface: "A Publication has lately appeared in New-York, on the Subject of the proposed Federal Constitution—fraught with useful Truths and Sound Argument, and said to be written by a Gentleman, who has been universally acknowledged a Patriot, and Friend to America.—Some Extracts, which we propose to make from it, we have no Doubt will be read with Pleasure, by every *real* Friend to this Country—by those who are *opposed* to the Constitution *from Principle*, as well as those who agree in Sentiment with the worthy Author." In reprinting the second installment on 29 May, the *Chronicle* declared that "*This Address is said to be written by the Hon. JOHN JAY, Esquire,*" but in its third installment on 26 June the *Chronicle* referred to "*the Conclusion of the Hon. Mr. JAY's Address.*"

In addition to the complete reprintings of "A Citizen of New-York," the first eleven paragraphs of the pamphlet appeared in the *Massachusetts Centinel* on 30 April, under the heading "A Gem of the first lustre." The *Centinel* concluded this reprint with this bracketed statement: "Our brethren of the type in New-Hampshire will, we doubt not, do the cause of federalism the justice to insert the forgoing elegant extract, in their papers.—The address is supposed to be written by Mr. Jay." The *Centinel* identified the pamphlet by its title and noted that it was reprinting an extract, but it did not include the pseudonym. The *Centinel's* extract, was reprinted in the *Boston American Herald*, 1 May; *New Hampshire Gazette*, 7 May; and *Massachusetts Spy*, 15 May. None of these reprintings included the statement identifying Jay as the author, and only the *New Hampshire Gazette* used the *Centinel's* heading. The printer of the *American Herald* also published this extract as a broadside (Evans 45277).

The extract printed in the *Massachusetts Centinel* was inserted there by Boston merchant Joseph Barrell, who had received the pamphlet from Samuel Blachley Webb in letters that identified Jay as the author. In his reply to Webb, Barrell described the pamphlet as "Excellent" and the text printed in the *Centinel* as "a choice Morsel." (See Webb to Barrell, 20 April [below] and 27 April [IV below, New York County Election]; and Barrell to Webb, 4 May, Barrell Papers, CtY.)

Like the Providence *United States Chronicle* of 26 June, the Philadelphia *American Museum*, when reprinting the pamphlet in its June issue, stated unequivocally that Jay was the author. It prefaced its printing with this statement: "Address to the people of the state of New York, on the subject of the proposed federal constitution: by the hon. John Jay, esq. minister for foreign affairs to the united states in congress assembled." (See p. 554 of the *Museum's* June issue.)

A number of individuals received copies of "A Citizen of New-York" from Federalists in New York City. In addition to getting two copies from Jay, George Washington received other copies, one of which he forwarded on 8 June to James Madison who was attending the Virginia Convention in Richmond. Washington told Madison that "A Citizen of New-York" was "written with much good sense & moderation" (RCS:Va., 1586. For the second copy that Jay sent to Washington, upon request, see Washington to Jay, 15 May [RCS:Va., 803],

and Jay to Washington, 29 May [below].). In thanking Jay on 15 May, Washington had been even more complimentary: "The good sense, forceable observations, temper and moderation with which it is written cannot fail, I should think, of making a serious impression even upon the anti-fœderal mind where it is not under the influence of such local views as will yield to no arguments—no proofs." Asserting that "A Citizen of New-York" had "considerable Merit," William Bingham transmitted a copy to Tench Coxe in Philadelphia (30 May, Smith, *Letters*, XXV, 130). Edward Carrington, a Virginia delegate to Congress, sent the pamphlet to William Short in Paris, expressing the hope that Short would also allow Thomas Jefferson, the American minister plenipotentiary to France, to peruse it (17 May, Smith, *Letters*, XXV, 103. Short, Jefferson's secretary, probably turned the pamphlet over to Jefferson who had a copy of it in his library [E. Millicent Sowerby, comp. and ed., *Catalogue of the Library of Thomas Jefferson* (5 vols., Washington, D.C., 1952–1959), III, 226].). John Brown, another Virginia delegate to Congress, forwarded what apparently was the pamphlet to a correspondent in Williamsburg, stating that "the Baneful Consequences of a rejection [of the Constitution] were painted [in the pamphlet] in Just & Lively Colours" (to James Breckinridge, 21 June, RCS:Va., 1661–62).

For the most part, New York Antifederalists did not respond to "A Citizen of New-York," despite the pamphlet's wide circulation. The only substantial criticism of the pamphlet was made by "A Plebeian" (possibly Melancton Smith), whose pamphlet was offered for sale on 17 April, two days after "A Citizen of New-York" was first advertised. Since "A Plebeian's" pamphlet was in press when "A Citizen of New-York" appeared, "A Plebeian" appended a four-page postscript attacking "A Citizen of New-York" for overly criticizing the government under the Confederation and for excessively praising the Constitution. "A Plebeian" was especially disturbed by "A Citizen of New-York's" dismissal of the Antifederalist argument that a bill of rights was necessary (immediately below).

*Friends and Fellow Citizens*, There are times and seasons when *general evils* spread general alarm and uneasiness, and yet arise from causes too complicated, and too little understood by many, to produce a unanimity of opinions respecting their remedies. Hence it is, that on such occasions, the conflict of arguments too often excites a conflict of passions, and introduces a degree of discord and animosity, which, by agitating the public mind, dispose it to precipitation and extravagance. They who on the ocean have been unexpectedly inveloped with tempests, or suddenly entangled among rocks and shoals, know the value of that serene, self-possession and presence of mind, to which in such cases they owed their preservation: nor will the heroes who have given us victory and peace, hesitate to acknowledge, that we are as much indebted for those blessings to the calm prevision, and cool intrepidity which planned and conducted our military measures, as to the glowing animation with which they were executed.

While reason retains her rule, while men are as ready to receive as to give advice, and as willing to be convinced themselves, as to convince others, there are few political evils from which a free and enlightened people cannot deliver themselves. It is unquestionably true, that the great body of the people love their country, and wish it prosperity; and this observation is particularly applicable to the people of a *free* country, for they have more and stronger reasons for loving it than others. It is not therefore to vicious motives that the unhappy divisions which sometimes prevail among them are to be imputed; the people at large always mean well, and although they may, on certain occasions, be misled by the counsels, or injured by the efforts of the few who expect more advantage from the wreck, than from the preservation of national prosperity, yet the motives of these few, are by no means to be confounded with those of the community in general.

That such seeds of discord and danger have been disseminated and begin to take root in America, as unless eradicated will soon poison our gardens and our fields, is a truth much to be lamented; and the more so, as their growth rapidly encreases, while we are wasting the season in honestly but imprudently disputing, not whether they shall be pulled up, but by whom, in what manner, and with what instruments the work shall be done.

When the King of Great-Britain, misguided by men who did not merit his confidence, asserted the unjust claim of binding us in all cases whatsoever,<sup>1</sup> and prepared to obtain our submission by force, the object which engrossed our attention, however important, was nevertheless plain and simple. "What shall we do?" was the question—the people answered, let us unite our counsels and our arms. They sent Delegates to Congress, and soldiers to the field. Confiding in the probity and wisdom of Congress, they received their recommendations as if they had been laws; and that ready acquiescence in their advice enabled those patriots to save their country. Then there was little leisure or disposition for controversy respecting the expediency of measures—hostile fleets soon filled our ports, and hostile armies spread desolation on our shores. Union was then considered as the most essential of human means, and we almost worshipped it with as much fervor, as pagans in distress formerly implored the protection of their tutelary deities. That Union was the child of wisdom—Heaven blessed it, and it wrought out our political salvation.

That glorious war was succeeded by an advantageous peace. When danger disappeared, ease, tranquility, and a sense of security loosened the bands of union; and Congress and soldiers and good faith depreciated with their apparent importance. Recommendations lost their influence, and requisitions were rendered nugatory, not by their want of

propriety, but by their want of power. The spirit of private gain expelled the spirit of public good, and men became more intent on the means of enriching and aggrandizing themselves, than of enriching and aggrandizing their country. Hence the war-worn veteran, whose reward for toils and wounds existed in written promises, found Congress without the means, and too many of the States without the disposition to do him justice. Hard necessity compelled him, and others under similar circumstances, to sell their honest claims on the public for a little bread; and thus unmerited misfortunes and patriotic distresses became articles of speculation and commerce.

These and many other evils, too well known to require enumeration, imperceptibly stole in upon us, and acquired an unhappy influence on our public affairs. But such evils, like the worst of weeds, will naturally spring up in so rich a soil; and a good Government is as necessary to subdue the one, as an attentive gardener or husbandman is to destroy the other—Even the garden of Paradise required to be dressed, and while men continue to be constantly impelled to error and to wrong, by innumerable circumstances and temptations, so long will society experience the unceasing necessity of Government.

It is a pity that the expectations which actuated the authors of the existing Confederation, neither have nor can be realized:—accustomed to see and admire the glorious spirit which moved all ranks of people in the most gloomy moments of the war, observing their steadfast attachment to Union, and the wisdom they so often manifested both in choosing and confiding in their rulers, those gentlemen were led to flatter themselves that the people of America only required to know what ought to be done, to do it. This amiable mistake induced them to institute a national Government in such a manner, as though very fit to give advice, was yet destitute of power, and so constructed as to be very unfit to be trusted with it. They seem not to have been sensible that mere advice is a sad substitute for laws; nor to have recollected that the advice even of the all-wise and best of Beings, has been always disregarded by a great majority of all the men that ever lived.

Experience is a severe preceptor, but it teaches useful truths, and however harsh, is always honest—Be calm and dispassionate, and listen to what it tells us.

Prior to the revolution we had little occasion to enquire or know much about national affairs, for although they existed and were managed, yet they were managed *for* us, but not *by* us. Intent on our domestic concerns, our internal legislative business, our agriculture, and our buying and selling, we were seldom anxious about what passed or was doing in foreign Courts. As we had nothing to do with that department of policy, so the affairs of it were not detailed to us, and we

took as little pains to inform ourselves, as others did to inform us of them. War, and peace, alliances, and treaties, and commerce, and navigation, were conducted and regulated without our advice or controul. While we had liberty and justice, and in security enjoyed the fruits of our “vine and fig tree,”<sup>2</sup> we were in general too content and too much occupied, to be at the trouble of investigating the various political combinations in this department, or to examine and perceive how exceedingly important they often were to the advancement and protection of our prosperity. This habit and turn of thinking affords one reason why so much more care was taken, and so much more wisdom displayed, in forming our State Governments, than in forming our foederal or national one.

By the Confederation as it now stands, the direction of general and national affairs is committed to a single body of men, viz. the Congress. They may make war, but are not empowered to raise men or money to carry it on—They may make peace, but without power to see the terms of it observed—They may form alliances, but without ability to comply with the stipulations on their part—They may enter into treaties of commerce, but without power to enforce them at home or abroad—They may borrow money, but without having the means of repayment—They may partly regulate commerce, but without authority to execute their ordinances—They may appoint ministers and other officers of trust, but without power to try or punish them for misdemeanors—They may resolve, but cannot execute either with dispatch or with secrecy—In short, they may consult, and deliberate, and recommend, and make requisitions, and they who please may regard them.

From this new and wonderful system of Government, it has come to pass, that almost every national object of every kind, is at this day unprovided for; and other nations taking the advantage of its imbecility, are daily multiplying commercial restraints upon us. Our fur trade is gone to Canada, and British garrisons keep the keys of it. Our shipyards have almost ceased to disturb the repose of the neighbourhood by the noise of the axe and hammer; and while foreign flags fly triumphantly above our highest houses, the American Stars seldom do more than shed a few feeble rays about the humbler masts of river sloops and coasting schooners. The greater part of our hardy seamen are plowing the ocean in foreign pay; and not a few of our ingenious shipwrights are now building vessels on alien shores. Although our increasing agriculture and industry extend and multiply our productions, yet they constantly diminish in value; and although we permit all nations to fill our country with their merchandizes, yet their best markets are shut against us. Is there an English, or a French, or a Spanish island

or port in the West-Indies to which an American vessel can carry a cargo of flour for sale? Not one. The Algerines exclude us from the Mediterranean, and adjacent countries; and we are neither able to purchase, nor to command the free use of those seas. Can our little towns or larger cities consume the immense productions of our fertile country? or will they without trade be able to pay a good price for the proportion which they do consume? The last season gave a very unequivocal answer to those questions—What numbers of fine cattle have returned from this city to the country for want of buyers? What great quantities of salted and other provisions still lay useless in the stores? To how much below the former price, is our corn and wheat and flour and lumber rapidly falling? Our debts remain undiminished, and the interest on them accumulating—our credit abroad is nearly extinguished, and at home unrestored—they who had money have sent it beyond the reach of our laws, and scarcely any man can borrow of his neighbour. Nay, does not experience also tell us, that it is as difficult to pay as to borrow? That even our houses and lands cannot command money—that law suits and usurious contracts abound—that our farms sell on executions for less than half their value, and that distress in various forms, and in various ways, is approaching fast to the doors of our best citizens.

These things have been gradually coming upon us ever since the peace—they have been perceived and proclaimed, but the universal rage and pursuit of private gain conspired with other causes, to prevent any proper efforts being made to meliorate our condition by due attention to our national affairs, until the late Convention was convened for that purpose. From the result of their deliberations, the States expected to derive much good, and should they be disappointed, it will probably be not less their misfortune than their fault. That Convention was in general composed of excellent and tried men—men who had become conspicuous for their wisdom and public services, and whose names and characters will be venerated by posterity. Generous and candid minds cannot perceive without pain, the illiberal manner in which some have taken the liberty to treat them; nor forbear to impute it to impure and improper motives—zeal for public good, like zeal for religion, may sometimes carry men beyond the bounds of reason, but it is not conceivable, that on this occasion, it should find means so to enebriate any *candid* American, as to make him forget what he owed to truth and to decency, or induce him either to believe or to say, that the almost unanimous advice of the Convention, proceeded from a wicked combination and conspiracy against the liberties of their country. This is not the temper with which we should receive and consider their recommendations, nor the treatment that would be worthy either



of us or of them. Let us continue careful therefore that facts do not warrant historians to tell future generations, that envy, malice and uncharitableness pursued our patriotic benefactors to their graves, and that not even pre-eminence in virtue, nor lives devoted to the public, could shield them from obloquy and detraction. On the contrary, let our bosoms always retain a sufficient degree of honest indignation to disappoint and discourage those who expect our thanks or applause for calumniating our most faithful and meritorious friends.

The Convention concurred in opinion with the people, that a national government *competent to every national object*, was indispensably necessary; and it was as plain to them, as it now is to all America, that the present confederation does not provide for such a government. These points being agreed, they proceeded to consider how and in what manner such a Government could be formed, as on the one hand should be sufficiently energetic to raise us from our prostrate and distressed situation, and on the other be perfectly consistent with the liberties of the people of every State. Like men to whom the experience of other ages and countries had taught wisdom, they not only determined that it should be erected by, and depend on the people; but remembering the many instances in which Governments vested solely in one man, or one body of men, had degenerated into tyrannies, they judged it most prudent that the three great branches of power should be committed to different hands, and therefore that the executive should be separated from the legislative, and the judicial from both. Thus far the propriety of their work is easily seen and understood, and therefore is thus far *almost* universally approved—for no one man or thing under the sun ever yet pleased every body.

The next question was, what particular powers should be given to these three branches? Here the different views and interests of the different States, as well as the different abstract opinions of their members on such points, interposed many difficulties. Here the business became complicated, and presented a wide field for investigation; too wide for every eye to take a quick and comprehensive view of it.

It is said that “in a multitude of counsellors there is safety,”<sup>3</sup> because in the first place, there is greater security for probity; and in the next, if every member casts in only his mite of information and argument, their joint stock of both will thereby become greater than the stock possessed by any one single man out of doors. Gentlemen out of doors therefore should not be hasty in condemning a system, which probably rests on more good reasons than they are aware of, especially when formed under such advantages, and recommended by so many men of distinguished worth and abilities.

The difficulties before mentioned occupied the Convention a long time, and it was not without mutual concessions that they were at last surmounted. These concessions serve to explain to us the reason why some parts of the system please in some States, which displease in others; and why many of the objections which have been made to it, are so contradictory and inconsistent with one another. It does great credit to the temper and talents of the Convention, that they were able so to reconcile the different views and interests of the different States, and the clashing opinions of their members, as to unite with such singular and almost perfect unanimity in any plan whatever, on a subject so intricate and perplexed. It shews that it must have been thoroughly discussed and understood; and probably if the community at large had the same lights and reasons before them, they would, if equally candid and uninfluenced, be equally unanimous.

It would be arduous, and indeed impossible to comprize within the limits of this address, a full discussion of every part of the plan. Such a task would require a volume, and few men have leisure or inclination to read volumes on any subject. The objections made to it are almost without number, and many of them without reason—some of them are real and honest, and others merely ostensible. There are friends to Union and a national Government who have serious doubts, who wish to be informed, and to be convinced; and there are others who, neither wishing for Union nor any national Government at all, will oppose and object to any plan that can be contrived.

We are told, among other strange things, that the liberty of the press is left insecure by the proposed Constitution, and yet that Constitution says neither more nor less about it, than the Constitution of the State of New-York does.<sup>4</sup> We are told that it deprives us of trial by jury, whereas the fact is, that it expressly secures it in certain cases, and takes it away in none—it is absurd to construe the silence of this, or of our own Constitution, relative to a great number of our rights, into a total extinction of them—silence and blank paper neither grant nor take away any thing. Complaints are also made that the proposed Constitution is not accompanied by a bill of rights; and yet they who make these complaints, know and are content that no bill of rights accompanied the Constitution of this State. In days and countries where Monarchs and their subjects were frequently disputing about prerogative and privileges, the latter often found it necessary, as it were to run out the line between them, and oblige the former to admit by solemn acts, called bills of rights, that certain enumerated rights belonged to the people, and were not comprehended in the royal prerogative. But

thank God we have no such disputes—we have no Monarchs to contend with, or demand admissions from—the proposed Government is to be the government of the people—all its officers are to be their officers, and to exercise no rights but such as the people commit to them. The Constitution only serves to point out that part of the people's business, which they think proper by it to refer to the management of the persons therein designated—those persons are to receive that business to manage, not for themselves, and as their own, but as agents and overseers for the people to whom they are constantly responsible, and by whom only they are to be appointed.

But the design of this address is not to investigate the merits of the plan, nor of the objections made to it. They who seriously contemplate the present state of our affairs will be convinced that other considerations of at least equal importance demand their attention. Let it be admitted that this plan, like every thing else devised by man, has its imperfections: That it does not please every body is certain, and there is little reason to expect one that will. It is a question of great moment to you, whether the probability of our being able seasonably to obtain a better, is such as to render it prudent and advisable to reject this, and run the risque.—Candidly to consider this question is the design of this address.

As the importance of this question must be obvious to every man, whatever his private opinions respecting it may be, it becomes us all to treat it in that calm and temperate manner, which a subject so deeply interesting to the future welfare of our country and posterity requires. Let us therefore as much as possible repress and compose that irritation in our minds, which too warm disputes about it may have excited. Let us endeavor to forget that this or that man, is on this or that side; and that we ourselves, perhaps without sufficient reflection, have classed ourselves with one or the other party. Let us remember that this is not to be regarded as a matter that only touches our local parties, but as one so great, so general, and so extensive in its future consequences to America, that for our deciding upon it according to the best of our unbiassed judgment, we must be highly responsible both here and hereafter.

The question now before us naturally leads to *three* enquiries:

1. Whether it is probable that a better plan can be obtained?
2. Whether, if attainable, it is likely to be in season?
3. What would be our situation, if after rejecting this, all our efforts to obtain a better should prove fruitless?

The men who formed this plan are Americans, who had long deserved and enjoyed our confidence, and who are as much interested

in having a good government as any of us are, or can be. They were appointed to that business at a time when the States had become very sensible of the derangement of our national affairs, and of the impossibility of retrieving them under the existing Confederation. Although well persuaded that nothing but a good national Government could oppose and divert the tide of evils that was flowing in upon us, yet those gentlemen met in Convention with minds perfectly unprejudiced in favor of any particular plan. The minds of their Constituents were at that time equally unbiassed, equally cool and dispassionate. All agreed in the necessity of doing something, but no one ventured to say decidedly what precisely ought to be done—opinions were then fluctuating and unfixd, and whatever might have been the wishes of a few individuals, yet while the Convention deliberated, the people remained in silent suspence. Neither wedded to favorite systems of their own, nor influenced by popular ones abroad, the members were more desirous to receive light from, than to impress their private sentiments on one another. These circumstances naturally opened the door to that spirit of candor, of calm enquiry, of mutual accommodation, and mutual respect, which entered into the Convention with them, and regulated their debates and proceedings.

The impossibility of agreeing upon any plan that would exactly quadrate with the local policy and objects of every State, soon became evident; and they wisely thought it better mutually to concede, and accommodate, and in that way to fashion their system as much as possible by the circumstances and wishes of the different States, than by pertinaciously adhering, each to his own ideas, oblige the Convention to rise without doing any thing. They were sensible that obstacles arising from local circumstances, would not cease while those circumstances continue to exist; and so far as those circumstances depended on differences of climate, productions, and commerce, that no change was to be expected. They were likewise sensible that on a subject so comprehensive, and involving such a variety of points and questions, the most able, the most candid, and the most honest men will differ in opinion. The same proposition seldom strikes many minds exactly in the same point or light: different habits of thinking, different degrees and modes of education, different prejudices and opinions early formed and long entertained, conspire with a multitude of other circumstances, to produce among men a diversity and contrariety of opinions on questions of difficulty. Liberality therefore as well as prudence, induced them to treat each other's opinions with tenderness, to argue without asperity, and to endeavor to convince the judgment without hurting the feelings of each other. Although many weeks were passed

in these discussions, some points remained, on which a unison of opinions could not be effected. Here again that same happy disposition to unite and conciliate, induced them to meet each other; and enabled them by mutual concessions, finally to compleat and agree to the plan they have recommended, and that too with a degree of unanimity, which, considering the variety of discordant views and ideas they had to reconcile, is really astonishing.

They tell us very honestly that this plan is the result of accommodation—they do not hold it up as the best of all possible ones, but only as the best which they could unite in, and agree to.<sup>5</sup> If such men, appointed and meeting under such auspicious circumstances, and so sincerely disposed to conciliation, could go no further in their endeavors to please every State and every body, what reason have we at present to expect any system that would give more general satisfaction?

Suppose this plan to be rejected, what measures would you propose for obtaining a better? Some will answer, let us appoint another Convention, and as every thing has been said and written, that can well be said and written on the subject, they will be better informed than the former one was, and consequently be better able to make and agree upon a more eligible one.

This reasoning is fair, and as far as it goes has weight; but it nevertheless takes one thing for granted, which appears very doubtful; for although the new Convention might have more information, and perhaps equal abilities, yet it does not from thence follow that they would be equally *disposed to agree*. The contrary of this position is the most probable. You must have observed that the same temper and equanimity which prevailed among the people on the former occasion, no longer exists. We have unhappily become divided into parties, and this important subject has been handled with such indiscreet and offensive acrimony, and with so many little unhandsome artifices and misrepresentations, that pernicious heats and animosities have been kindled, and spread their flames far and wide among us. When therefore it becomes a question who shall be deputed to the new Convention; we cannot flatter ourselves that the talents and integrity of the candidates will determine who shall be elected. Fœderal electors will vote for fœderal deputies, and anti-fœderal electors for anti-fœderal ones. Nor will either party prefer the most moderate of their adherents, for as the most staunch and active partizans will be the most popular, so the men most willing and able to carry points, to oppose, and divide, and embarrass their opponents will be chosen. A Convention formed at such a season, and of such men, would be but too exact an epitome of the

great body that named them. The same party views, the same propensity to opposition, the same distrusts and jealousies, and the same unaccommodating spirit which prevail without, would be concentrated and ferment with still greater violence within. Each deputy would recollect *who* sent him, and *why* he was sent; and be too apt to consider himself bound in honor, to contend and act vigorously under the standard of his party, and not hazard their displeasure by preferring compromise to victory. As vice does not sow the seeds of virtue, so neither does passion cultivate the fruits of reason. Suspicious and resentments create no disposition to conciliate, nor do they infuse a desire of making partial and personal objects bend to general union and the common good. The utmost efforts of that excellent disposition were necessary to enable the late Convention to perform their task; and although contrary causes sometimes operate similar effects, yet to expect that discord and animosity should produce the fruits of confidence and agreement, is to expect “grapes from thorns, and figs from thistles.”<sup>6</sup>

The States of Georgia, Delaware, Jersey and Connecticut, have adopted the present plan with unexampled unanimity; they are content with it as it is, and consequently their deputies, being apprized of the sentiments of their Constituents, will be little inclined to make alterations, and cannot be otherwise than averse to changes which they have no reason to think would be agreeable to their people—some other States, tho’ less unanimous, have nevertheless adopted it by very respectable majorities; and for reasons so evidently cogent, that even the minority in one of them, have nobly pledged themselves for its promotion and support.<sup>7</sup> From these circumstances the new Convention would derive and experience difficulties unknown to the former. Nor are these the only additional difficulties they would have to encounter. Few are ignorant that there has lately sprung up a sect of politicians who teach and profess to believe, that the extent of our nation is too great for the superintendance of one national Government, and on that principle argue that it ought to be divided into two or three. This doctrine, however mischievous in its tendency and consequences, has its advocates, and should any of them be sent to the Convention, it will naturally be their policy rather to cherish than to prevent divisions: for well knowing that the institution of any good national Government, would blast their favorite system, no measures that lead to it can meet with their aid or approbation.

Nor can we be certain whether or not any and what foreign influence would, on such an occasion, be indirectly exerted, nor for what purposes—delicacy forbids an ample discussion of this question. Thus

much may be said without error or offence, viz. That such foreign nations as desire the prosperity of America, and would rejoice to see her become great and powerful, under the auspices of a Government wisely calculated to extend her commerce, to encourage her navigation and marine, and to direct the whole weight of her power and resources as her interest and honor may require, will doubtless be friendly to the Union of the States, and to the establishment of a Government able to perpetuate, protect and dignify it.—Such other foreign nations, if any such there be, who, jealous of our growing importance, and fearful that our commerce and navigation should impair their own—who behold our rapid population with regret, and apprehend that the enterprising spirit of our people, when seconded by power and probability of success, may be directed to objects not consistent with their policy or interest, cannot fail at least to wish that we may continue a weak and a divided people.

These considerations merit much attention, and candid men will judge how far they render it probable that a new Convention would be able either to agree in a better plan, or with tolerable unanimity, in any plan at all. Any plan forcibly carried by a slender majority, must expect numerous opponents among the people, who, especially in their present temper, would be more inclined to reject than adopt any system so made and carried. We should in such a case again see the press teeming with publications for and against it; for as the minority would take pains to justify their dissent, so would the majority be industrious to display the wisdom of their proceedings. Hence new divisions, new parties, and new distractions would ensue, and no one can foresee or conjecture when or how they would terminate.

Let those who are sanguine in their expectations of a better plan from a new Convention, also reflect on the delays and risques to which it would expose us. Let them consider whether we ought, by continuing much longer in our present humiliated condition, to give other nations further time to perfect their restrictive systems of commerce, to reconcile their own people to them, and to fence and guard and strengthen them by all those regulations and contrivances in which a jealous policy is ever fruitful. Let them consider whether we ought to give further opportunities to discord to alienate the hearts of our citizens from one another, and thereby encourage new Cromwells to bold exploits. Are we certain that our foreign creditors will continue patient, and ready to proportion their forbearance to our delays? Are we sure that our distresses, dissensions and weakness will neither invite hostility nor insult? If they should, how ill prepared shall we be for defence!

without Union, without Government, without money, and without credit!

It seems unnecessary to remind you, that some time must yet elapse, before all the States will have decided on the present plan. If they reject it, some time must also pass before the measure of a new Convention, can be brought about and generally agreed to. A further space of time will then be requisite to elect their deputies, and send them on to Convention. What time they may expend when met, cannot be divined, and it is equally uncertain how much time the several States may take to deliberate and decide on any plan they may recommend—if adopted, still a further space of time will be necessary to organize and set it in motion:—In the mean time our affairs are daily going on from bad to worse, and it is not rash to say that our distresses are accumulating like compound interest.

But if for the reasons already mentioned, and others that we cannot now perceive, the new Convention, instead of producing a better plan, should give us only a history of their disputes, or should offer us one still less pleasing than the present, where should we be then? The old Confederation has done its best, and cannot help us; and is now so relaxed and feeble, that in all probability it would not survive so violent a shock. Then “to your tents Oh Israel!”<sup>8</sup> would be the word. Then every band of Union would be severed. Then every State would be a little nation, jealous of its neighbours, and anxious to strengthen itself by foreign alliances, against its former friends. Then farewell to fraternal affection, unsuspecting intercourse, and mutual participation in commerce, navigation and citizenship. Then would arise mutual restrictions and fears, mutual garrisons,—and standing armies, and all those dreadful evils which for so many ages plagued England, Scotland, Wales and Ireland, while they continued disunited, and were played off against each other.

Consider my fellow citizens what you are about, before it is too late—consider what in such an event would be your particular case.—You know the geography of your State, and the consequences of your local position. Jersey and Connecticut, to whom your impost laws have been unkind—Jersey and Connecticut, who have adopted the present plan, and expect much good from it, will impute its miscarriage and all the consequent evils to you. They now consider your opposition as dictated more by your fondness for your impost, than for those rights to which they have never been behind you in attachment. They cannot, they will not love you—they border upon you, and are your neighbours, but you will soon cease to regard their neighbourhood as a blessing. You have



but one port and outlet to your commerce, and how you are to keep that outlet free and uninterrupted, merits consideration.—What advantages Vermont in combination with others, might take of you, may easily be conjectured; nor will you be at a loss to perceive how much reason the people of Long-Island, whom you cannot protect, have to deprecate being constantly exposed to the depredations of every invader.

These are short hints—they ought not to be more developed—you can easily in your own minds dilate and trace them through all their relative circumstances and connections.—Pause then for a moment, and reflect whether the matters you are disputing about, are of sufficient moment to justify your running such extravagant risques. Reflect that the present plan comes recommended to you by men and fellow-citizens, who have given you the highest proofs that men can give, of their justice, their love for liberty and their country, of their prudence, of their application, and of their talents. They tell you it is the best that they could form; and that in their opinion, it is necessary to redeem you from those calamities which already begin to be heavy upon us all. You find that not only those men, but others of similar characters, and of whom you have also had very ample experience, advise you to adopt it. You find that whole States concur in the sentiment, and among them are your next neighbours; both of whom have shed much blood in the cause of liberty, and have manifested as strong and constant a predilection for a free Republican Government as any States in the Union, and perhaps in the world. They perceive not those latent mischiefs in it, with which some double-sighted politicians endeavor to alarm you. You cannot but be sensible that this plan or Constitution will always be in the hands and power of the people, and that if on experiment, it should be found defective or incompetent, they may either remedy its defects, or substitute another in its room. The objectionable parts of it are certainly very questionable, for otherwise there would not be such a contrariety of opinions about them. Experience will better determine such questions than theoretical arguments, and so far as the danger of abuses is urged against the institution of a Government, remember that a power to do good always involves a power to do harm. We must in the business of Government as well as in all other business, have some degree of confidence, as well as a great degree of caution. Who on a sick bed would refuse medicines from a physician, merely because it is as much in his power to administer deadly poisons, as salutary remedies.

You cannot be certain, that by rejecting the proposed plan you would not place yourselves in a very awkward situation. Suppose nine States

should nevertheless adopt it, would you not in that case be obliged either to separate from the Union, or rescind your dissent? The first would not be eligible, nor could the latter be pleasant—A mere hint is sufficient on this topic—You cannot but be aware of the consequences.

Consider then, how weighty and how many considerations advise and persuade the People of America to remain in the safe and easy path of Union; to continue to move and act as they hitherto have done, as a *Band of Brothers*;<sup>9</sup> to have confidence in themselves and in one another; and since all cannot see with the same eyes, at least to give the proposed Constitution a fair trial, and to mend it as time, occasion and experience may dictate. It would little become us to verify the predictions of those who ventured to prophecy, that *Peace*, instead of blessing us with happiness and tranquility, would serve only as the signal for factions, discords and civil contentions to rage in our land, and overwhelm it with misery and distress.

Let us also be mindful that the cause of freedom greatly depends on the use we make of the singular opportunities we enjoy of governing ourselves wisely; for if the event should prove, that the people of this country either cannot or will not govern themselves, who will hereafter be advocates for systems, which however charming in theory and prospect, are not reducible to practice. If the people of our nation, instead of consenting to be governed by laws of their own making and rulers of their own choosing, should let licentiousness, disorder and confusion reign over them, the minds of men every where, will insensibly become alienated from republican forms, and prepared to prefer and acquiesce in Governments, which, though less friendly to liberty, afford more peace and security.

*Receive this Address with the same candor with which it is written; and may the spirit of wisdom and patriotism direct and distinguish your counsels and your conduct.*

1. A reference to the Declaratory Act, adopted by Parliament in March 1766, which stated that Parliament “had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever.” This act—the cornerstone of British imperial policy—was bitterly resented by the colonists, who often attacked it, demanding its repeal. Although George III did not refer to the act, his proclamation for suppressing rebellion and sedition (August 1775) and his speech to Parliament (October 1775) made it clear that the colonists would be punished for not accepting their constitutional position in the Empire as enunciated in the act. Then on 22 December 1775, Parliament adopted the American Prohibitory Act which declared that the colonies were “in open rebellion and defiance to the just and legal authority of the king and Parliament of Great Britain, to which they ever have been, and of right ought to be, subject.”

2. 1 Kings 4:25; and Micah 4:4.
3. Proverbs 11:14 and 24:6.
4. Neither the New York constitution of 1777 nor New York's Act Concerning Rights of 1787 (RCS:N.Y., 501–6) says anything about freedom of the press.
5. See the President of the Constitutional Convention (George Washington) to the President of Congress, 17 September 1787 (RCS:N.Y., 526–27).
6. Matthew 7:16.
7. See “The Acquiescence of the Massachusetts Minority,” 6 February–24 May, RCS: Mass., 1645–57.
8. 2 Samuel 20:1, 1 Kings 12:16, and 2 Chronicles 10:16.
9. William Shakespeare, *King Henry V*, Act IV, scene 3, line 60. “We few, we happy few, we band of brothers.”

### **A Plebeian: An Address to the People of the State of New York, 17 April 1788**

On 17 April Thomas Greenleaf of the *New York Journal* announced that a pamphlet—entitled *An Address to the People of the State of New-York: Shewing the Necessity of Making Amendments to the Constitution, Proposed for the United States, Previous to Its Adoption* (Evans 21465)—was “Published this Day.” It was available for sale at Greenleaf's New York City printing office and at the shop of Robert Hodge, a New York City printer and bookseller. The advertisement also indicated that the twenty-six-page pamphlet by “A Plebeian” contained a post-script criticizing *An Address to the People of the State of New-York*, a pamphlet written by “A Citizen of New-York” (John Jay) which had been offered for sale two days earlier (immediately above).

Greenleaf ran the advertisement for “A Plebeian” in his daily *New York Journal* almost continuously until 26 July. On that day the New York Convention ratified the Constitution, and in the evening a mob broke into Greenleaf's shop and destroyed most of his type. Between 11 June and 2 July, the pamphlet was also advertised for the price of two shillings in each issue of the weekly North Carolina *Wilmington Centinel*. In 1789 advertisements appeared in the *New York Journal* on 12 March, and in the Worcester *American Herald* on 19, 26 March, and 2, 9 April.

The entire pamphlet was reprinted in four installments in the Philadelphia *Independent Gazetteer* on 23, 24, 27, and 28 May. The editor of the Lansingburgh *Federal Herald* intended to reprint the entire pamphlet, but, after publishing thirteen pages (or about half of the pamphlet) in three installments on 28 April, and 5, 12 May, he discontinued the publication even though he indicated that it was “To be continued.”

Paul Leicester Ford identified “A Plebeian” as New York Antifederalist leader Melancton Smith, but he provided no supporting evidence (*Pamphlets*, 89). Robin Brooks, Smith's biographer, was unable to verify Smith's authorship, but he indicated that the pamphlet's “forceful and unadorned style as well as the point of view closely resembled Smith's rhetoric expressed in speeches at the Poughkeepsie Convention.” Brooks, however, warned his readers that the pseudonym “Plebeian” had been used before the Revolutionary War by John Lamb, another New York Antifederalist leader (“Melancton Smith: New York

Anti-Federalist, 1744–1798” [Ph.D. diss., University of Rochester, 1964], 159, 173n, 181, 226n).

“A Plebeian” was commented upon in at least three articles. In the April issue of the *American Magazine*, which appeared on 2 May, a reviewer (probably editor Noah Webster) challenged “A Plebeian’s” assertions that Antifederalists were winning the propaganda war, that Federalists supported amendments to the Constitution, that Federalists believed that the Constitution endangered the rights and liberties of the people, and that America was serene and prosperous (below). “A Pennsylvanian” (Tench Coxe) also contradicted “A Plebeian” by painting a dismal picture of public and private finances. He chided him for using that pseudonym “in a free and equal government, which rejects every preposterous distinction of blood or titles” (*Pennsylvania Gazette*, 11 June, below).

“Rusticus” defended “A Plebeian.” He applauded the attack upon some members of the Constitutional Convention and advised people not to vote for the Constitution merely because great men were associated with its framing. Since the Constitution had so many flaws, asserted “Rusticus,” the unanimity of the Constitutional Convention was not a virtue (*New York Journal*, 23 May, below).

FRIENDS AND FELLOW CITIZENS, The advocates for the proposed new constitution, having been beaten off the field of argument, on its merits, have now taken new ground. They admit it is liable to well-founded objections—that a number of its articles ought to be amended; that if alterations do not take place, a door will be left open for an undue administration, and encroachments on the liberties of the people; and many of them go so far as to say, if it should continue for any considerable period, in its present form, it will lead to a subversion of our equal republican forms of government.—But still, although they admit this, they urge that it ought to be adopted, and that we should confide in procuring the necessary alterations after we have received it. Most of the leading characters, who advocate its reception, now profess their readiness to concur with those who oppose it, in bringing about the most material amendments contended for, provided they will first agree to accept the proffered system as it is. These concessions afford strong evidence, that the opposers of the constitution have reason on their side, and that they have not been influenced, in the part they have taken, by the mean and unworthy motives of selfish and private interests with which they have been illiberally charged.—As the favourers of the constitution, seem, if their professions are sincere, to be in a situation similar to that of Agrippa, when he cried out upon Paul’s preaching—“almost thou persuadest me to be a christian,” I cannot help indulging myself in expressing the same wish which St. Paul uttered on that occasion, “Would to God you were not only almost, but altogether such an one as I am.”<sup>1</sup> But alas, as we hear no

more of Agrippa's christianity after this interview with Paul, so it is much to be feared, that we shall hear nothing of amendments from most of the warm advocates for adopting the new government, after it gets into operation. When the government is once organized, and all the offices under it filled, the inducements which our great men will have to support it, will be much stronger than they are now to urge its reception. Many of them will then hold places of great honour and emolument, and others will be candidates for such places. It is much harder to relinquish honours or emoluments, which we have in possession, than to abandon the pursuit of them, while the attainment is held in a state of uncertainty.—The amendments contended for as necessary to be made, are of such a nature, as will tend to limit and abridge a number of the powers of the government. And is it probable, that those who enjoy these powers will be so likely to surrender them after they have them in possession, as to consent to have them restricted in the act of granting them? Common sense says—they will not.

When we consider the nature and operation of government, the idea of receiving a form radically defective, under the notion of making the necessary amendments, is evidently absurd.

Government is a compact entered into by mankind, in a state of society, for the promotion of their happiness. In forming this compact, common sense dictates, that no articles should be admitted that tend to defeat the end of its institution. If any such are proposed, they should be rejected. When the compact is once formed and put into operation, it is too late for individuals to object. The deed is executed—the conveyance is made—and the power of reassuming the right is gone, without the consent of the parties.—Besides, when a government is once in operation, it acquires strength by habit, and stability by exercise. If it is tolerably mild in its administration, the people sit down easy under it, be its principles and forms ever so repugnant to the maxims of liberty.—It steals, by insensible degrees, one right from the people after another, until it rivets its powers so as to put it beyond the ability of the community to restrict or limit it. The history of the world furnishes many instances of a people's increasing the powers of their rulers by persuasion, but I believe it would be difficult to produce one in which the rulers have been persuaded to relinquish their powers to the people. Wherever this has taken place, it has always been the effect of compulsion. These observations are so well-founded, that they are become a kind of axioms in politics; and the inference to be drawn from them is equally evident, which is this,—that, in forming a government, care should be taken not to confer powers which it will be

necessary to take back; but if you err at all, let it be on the contrary side, because it is much easier, as well as safer, to enlarge the powers of your rulers, if they should prove not sufficiently extensive, than it is to abridge them if they should be too great.

It is agreed, the plan is defective—that some of the powers granted, are dangerous—others not well defined—and amendments are necessary. Why then not amend it? why not remove the cause of danger, and, if possible, even the apprehension of it? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered, and they have power to give it any form they please.

But it is contended, adopt it first, and then amend it. I ask, why not amend, and then adopt it? Most certainly the latter mode of proceeding is more consistent with our ideas of prudence in the ordinary concerns of life. If men were about entering into a contract respecting their private concerns, it would be highly absurd in them to sign and seal an instrument containing stipulations which are contrary to their interests and wishes, under the expectation, that the parties, after its execution, would agree to make alterations agreeable to their desires.—They would insist upon the exceptionable clauses being altered before they would ratify the contract. And is a compact for the government of ourselves and our posterity of less moment than contracts between individuals? certainly not. But to this reasoning, which at first view would appear to admit of no reply, a variety of objections are made, and a number of reasons urged for adopting the system, and afterwards proposing amendments.—Such as have come under my observation, I shall state, and remark upon.

1. It is insisted, that the present situation of our country is such, as not to admit of a delay in forming a new government, or of time sufficient to deliberate and agree upon the amendments which are proper, without involving ourselves in a state of anarchy and confusion.

On this head, all the powers of rhetoric, and arts of description, are employed to paint the condition of this country, in the most hideous and frightful colours. We are told, that agriculture is without encouragement; trade is languishing; private faith and credit are disregarded, and public credit is prostrate; that the laws and magistrates are contemned and set at nought; that a spirit of licentiousness is rampant, and ready to break over every bound set to it by the government; that private embarrassments and distresses invade the house of every man of middling property, and insecurity threatens every man in affluent circumstances; in short, that we are in a state of the most grievous calamity at home, and that we are contemptible abroad, the scorn of

foreign nations, and the ridicule of the world. From this high-wrought picture, one would suppose, that we were in a condition the most deplorable of any people upon earth. But suffer me, my countrymen, to call your attention to a serious and sober estimate of the situation in which you are placed, while I trace the embarrassments under which you labour, to their true sources. What is your condition? Does not every man sit under his own vine and under his own fig-tree, having none to make him afraid?<sup>2</sup> Does not every one follow his calling without impediments and receive the reward of his well-earned industry? The farmer cultivates his land, and reaps the fruit which the bounty of heaven bestows on his honest toil. The mechanic is exercised in his art, and receives the reward of his labour. The merchant drives his commerce, and none can deprive him of the gain he honestly acquires; all classes and callings of men amongst us are protected in their various pursuits, and secured by the laws in the possession and enjoyment of the property obtained in those pursuits. The laws are as well executed as they ever were, in this or any other country. Neither the hand of private violence, nor the more to be dreaded hand of legal oppression, are reached out to distress us.

It is true, many individuals labour under embarrassments, but these are to be imputed to the unavoidable circumstances of things, rather than to any defect in our governments. We have just emerged from a long and expensive war. During its existence few people were in a situation to encrease their fortunes, but many to diminish them. Debts contracted before the war were left unpaid while it existed, and these were left a burden too heavy to be borne at the commencement of peace. Add to these, that when the war was over, too many of us, instead of reassuming our old habits of frugality and industry, by which alone every country must be placed in a prosperous condition, took up the profuse use of foreign commodities. The country was deluged with articles imported from abroad, and the cash of the country has been sent out to pay for them, and still left us labouring under the weight of a huge debt to persons abroad. These are the true sources to which we are to trace all the private difficulties of individuals: But will a new government relieve you from these? The advocates for it have not yet told you how it will do it—And I will venture to pronounce, that there is but one way in which it can be effected, and that is by industry and œconomy; limit your expences within your earnings; sell more than you buy, and every thing will be well on this score. Your present condition is such as is common to take place after the conclusion of a war. Those who can remember our situation after the termination of the war preceding the last, will recollect that our condition was similar to

the present, but time and industry soon recovered us from it. Money was scarce, the produce of the country much lower than it has been since the peace, and many individuals were extremely embarrassed with debts; and this happened, although we did not experience the ravages, desolations, and loss of property, that were suffered during the late war.

With regard to our public and national concerns, what is there in our condition that threatens us with any immediate danger? We are at peace with all the world; no nation menaces us with war; Nor are we called upon by any cause of sufficient importance to attack any nation. The state governments answer the purposes of preserving the peace, and providing for present exigencies. Our condition as a nation is in no respect worse than it has been for several years past. Our public debt has been lessened in various ways, and the western territory, which has always been relied upon as a productive fund to discharge the national debt, has at length been brought to market, and a considerable part actually applied to its reduction.<sup>3</sup> I mention these things to shew, that there is nothing special, in our present situation, as it respects our national affairs, that should induce us to accept the proffered system, without taking sufficient time to consider and amend it. I do not mean by this, to insinuate, that our government does not stand in need of a reform. It is admitted by all parties, that alterations are necessary in our federal constitution, but the circumstances of our case do by no means oblige us to precipitate this business, or require that we should adopt a system materially defective. We may safely take time to deliberate and amend, without in the mean time hazarding a condition, in any considerable degree, worse than the present.

But it is said, that if we postpone the ratification of this system until the necessary amendments are first incorporated, the consequence will be a civil war among the states. On this head weak minds are alarmed with being told, that the militia of Connecticut and Massachusetts on the one side, and of New-Jersey and Pennsylvania on the other, will attack us with hostile fury; and either destroy us from off the face of the earth, or at best divide us between the two states adjoining us on either side. The apprehension of danger is one of the most powerful incentives to human action, and is therefore generally excited on political questions: But still, a prudent man, though he foreseeth the evil and avoideth it, yet he will not be terrified by imaginary dangers. We ought therefore to enquire what ground there is to fear such an event?—There can be no reason to apprehend, that the other states will make war with us for not receiving the constitution proposed, until it is amended, but from one of the following causes: either that they will have just cause to do it, or that they have a disposition to do it. We



will examine each of these:—That they will have no just cause to quarrel with us for not acceding, is evident, because we are under no obligation to do it, arising from any existing compact or previous stipulation. The confederation is the only compact now existing between the states: By the terms of it, it cannot be changed without the consent of every one of the parties to it.<sup>4</sup> Nothing therefore can be more unreasonable than for part of the states to claim of the others, as matter of right, an accession to a system to which they have material objections. No war can therefore arise from this principle, but on the contrary, it is to be presumed, it will operate strongly the opposite way.—The states will reason on the subject in the following manner: On this momentous question, every state has an indubitable right to judge for itself: This is secured to it by solemn compact, and if any of our sister states disagree with us upon the question, we ought to attend to their objections, and accommodate ourselves as far as possible to the amendments they propose.

As to the inclination of the states to make war with us, for declining to accede, until it is amended, this is highly improbable, not only because such a procedure would be most unjust and unreasonable in itself, but for various other reasons.

The idea of a civil war amongst the states is abhorrent to the principles and feelings of almost every man of every rank in the union. It is so obvious to every one of the least reflection, that in such an event we should hazard the loss of all things, without the hope of gaining any thing, that the man who should entertain a thought of this kind, would be justly deemed more fit to be shut up in Bedlam,<sup>5</sup> than to be reasoned with. But the idea of one or more states attacking another, for insisting upon alterations in this system, before it is adopted, is more extravagant still; it is contradicting every principle of liberty which has been entertained by the states, violating the most solemn compact, and taking from the state the right of deliberation. Indeed to suppose, that a people, entertaining such refined ideas of the rights of human nature as to be induced to wage war with the most powerful nation on earth, upon a speculative point, and from the mere apprehension of danger only, should so far be lost to their own feelings and principles, as to deny to their brethren, who were associated with them in the arduous conflict, the right of free deliberation on a question of the first importance to their political happiness and safety, is equally an insult to the character of the people of America, and to common sense, and could only be suggested by a vicious heart and a corrupt mind.

The idea of being attacked by the other states, will appear visionary and chimerical, if we consider that tho' several of them have adopted

the new constitution, yet the opposition to it has been numerous and formidable. The eastern states from whom we are told we have most to fear, should a civil war be blown up, would have full employ to keep in awe those who are opposed to it in their own governments. Massachusetts, after a long and dubious contest in their convention, has adopted it by an inconsiderable majority, and in the very act has marked it with a stigma in its present form.<sup>6</sup> No man of candour, judging from their public proceedings, will undertake to say, on which side the majority of the people are. Connecticut, it is true, have acceded to it, by a large majority of their convention; but it is a fact well known, that a large proportion of the yeomanry of the country are against it:— And it is equally true, that a considerable part of those who voted for it in the convention, wish to see it altered. In both these states the body of the common people, who always do the fighting of a country, would be more likely to fight against than for it: Can it then be presumed, that a country, divided among themselves, upon a question where even the advocates for it, admit the system they contend for needs amendments, would make war upon a sister state, who only insist that that should be done before they receive it, which it is granted ought to be done after, and where it is confessed no obligation lies upon them by compact to do it. Can it, I say, be imagined, that in such a case they would make war on a sister state? The idea is preposterous and chimerical.

It is farther urged, we must adopt this plan because we have no chance of getting a better. This idea is inconsistent with the principles of those who advance it. They say, it must be altered, but it should be left until after it is put in operation. But if this objection is valid, the proposal of altering, after it is received, is mere delusion.

It is granted, that amendments ought to be made; that the exceptions taken to the constitution, are grounded on just principles, but it is still insisted, that alterations are not to be attempted until after it is received: But why not? Because it is said, there is no probability of agreeing in amendments previous to the adoption, but they may be easily made after it. I wish to be informed what there is in our situation or circumstances that renders it more probable that we shall agree in amendments better after, than before submitting to it? No good reason has as yet been given; it is evident none can be given: On the contrary, there are several considerations which induce a belief, that alterations may be obtained with more ease before, than after its reception, and if so, every one must agree, it is much the safest. The importance of preserving an union, and of establishing a government equal to the purpose of maintaining that union, is a sentiment deeply impressed on

the mind of every citizen of America. It is now no longer doubted, that the confederation, in its present form, is inadequate to that end: Some reform in our government must take place. In this, all parties agree: It is therefore to be presumed, that this object will be pursued with ardour and perseverance, until it is attained by all parties. But when a government is adopted that promises to effect this, we are to expect the ardour of many, yea, of most people, will be abated;—their exertions will cease, or be languid, and they will sit down easy, although they may see, that the constitution which provides for this, does not sufficiently guard the rights of the people, or secure them against the encroachments of their rulers. The great end they had in view, the security of the union, they will consider effected, and this will divert their attention from that which is equally interesting, safety to their liberties. Besides, the human mind cannot continue intensely engaged for any great length of time upon one object. As after a storm, a calm generally succeeds, so after the minds of a people have been ardently employed upon a subject, especially upon that of government, we commonly find that they become cool and inattentive: Add to this, that those in the community who urge the adoption of this system, because they hope by it to be raised above the common level of their fellow citizens; because they expect to be among the number of the few who will be benefitted by it, will more easily be induced to consent to the amendments before it is received than afterwards. Before its reception, they will be inclined to be pliant and condescending; if they cannot obtain all they wish, they will consent to take less. They will yield part to obtain the rest. But when the plan is once agreed to, they will be tenacious of every power, they will strenuously contend to retain all they have got; this is natural to human nature, and it is consonant to the experience of mankind. For history affords us no examples of persons once possessed of power, resigning it willingly.

The reasonings made use of to persuade us, that no alterations can be agreed upon previous to the adoption of the system, are as curious as they are futile. It is alledged, that there was great diversity of sentiments in forming the proposed constitution; that it was the effect of mutual concessions and a spirit of accommodation, and from hence it is inferred, that farther changes cannot be hoped for. I should suppose that the contrary inference was the fair one. If the convention, who framed this plan, were possessed of such a spirit of moderation and condescension, as to be induced to yield to each other certain points, and to accommodate themselves to each other's opinions, and even prejudices, there is reason to expect, that this same spirit will continue and prevail in a future convention, and produce an union of sentiments

on the points objected to. There is the more reason to hope for this, because the subject has received a full discussion, and the minds of the people much better known than they were when the convention sat. Previous to the meeting of the convention, the subject of a new form of government had been little thought of, and scarcely written upon at all. It is true, it was the general opinion, that some alterations were requisite in the federal system. This subject had been contemplated by almost every thinking man in the union. It had been the subject of many well-written essays, and was the anxious wish of every true friend to America. But it never was in the contemplation of one in a thousand of those who had reflected on the matter, to have an entire change in the nature of our federal government—to alter it from a confederation of states, to that of one entire government, which will swallow up that of the individual states. I will venture to say, that the idea of a government similar to the one proposed, never entered the mind of the legislatures who appointed the convention, and of but very few of the members who composed it, until they had assembled and heard it proposed in that body: much less had the people any conception of such a plan until after it was promulgated. While it was agitated, the debates of the convention were kept an impenetrable secret, and no opportunity was given for well informed men to offer their sentiments upon the subject. The system was therefore never publicly discussed, nor indeed could be, because it was not known to the people until after it was proposed. Since that, it has been the object of universal attention—it has been thought of by every reflecting man—been discussed in a public and private manner, in conversation and in print; its defects have been pointed out, and every objection to it stated; able advocates have written in its favour, and able opponents have written against it. And what is the result? It cannot be denied but that the general opinion is, that it contains material errors, and requires important amendments. This then being the general sentiment, both of the friends and foes of the system, can it be doubted, that another convention would concur in such amendments as would quiet the fears of the opposers, and effect a great degree of union on the subject?—An event most devoutly to be wished. But it is farther said, that there can be no prospect of procuring alterations before it is acceded to, because those who oppose it do not agree among themselves with respect to the amendments that are necessary. To this I reply, that this may be urged against attempting alterations after it is received, with as much force as before; and therefore, if it concludes any thing, it is, that we must receive any system of government proposed to us, because those who object to it do not entirely concur in their objections. But the assertion is not true to any

considerable extent. There is a remarkable uniformity in the objections made to the constitution, on the most important points. It is also worthy of notice, that very few of the matters found fault with in it, are of a local nature, or such as affect any particular state; on the contrary, they are such as concern the principles of general liberty, in which the people of New-Hampshire, New-York, and Georgia are equally interested.

It would be easy to shew, that in the leading and most important objections that have been made to the plan, there has been, and is an entire concurrence of opinion among writers, and in public bodies throughout the United States.

I have not time fully to illustrate this by a minute narration of particulars; but to prove that this is the case, I shall adduce a number of important instances.

It has been objected to the new system, that it is calculated to, and will effect such a consolidation of the States, as to supplant and overturn the state governments. In this the minority of Pennsylvania, the opposition in Massachusetts, and all the writers of any ability or note in Philadelphia, New-York, and Boston concur. It may be added, that this appears to have been the opinion of the Massachusetts convention, and gave rise to that article in the amendments proposed, which confines the general government to the exercise only of powers expressly given.<sup>7</sup>

It has been said, that the representation in the general legislature is too small to secure liberty, or to answer the intention of representation. In this there is an union of sentiments in the opposers.

The constitution has been opposed, because it gives to the legislature an unlimited power of taxation, both with respect to direct and indirect taxes, a right to lay and collect taxes, duties, imposts, and excises of every kind and description, and to any amount. In this, there has been as general a concurrence of opinion as in the former.

The opposers to the constitution have said that it is dangerous, because the judicial power may extend to many cases which ought to be reserved to the decision of the State courts, and because the right of trial by jury, is not secured in the judicial courts of the general government, in civil cases. All the opposers are agreed in this objection.

The power of the general legislature to alter and regulate the time, place, and manner of holding elections, has been stated as an argument against the adoption of the system. It has been urged, that this power will place in the hands of the general government, the authority, whenever they shall be disposed, and a favorable opportunity offers, to deprive the body of the people, in effect, of all share in the government.

The opposers to the constitution universally agree in this objection, and of such force is it, that most of its ardent advocates admit its validity, and those who have made attempts to vindicate it, have been reduced to the necessity of using the most trifling arguments to justify it.

The mixture of legislative, judicial, and executive powers in the senate; the little degree of responsibility under which the great officers of government will be held; and the liberty granted by the system to establish and maintain a standing army, without any limitation or restriction, are also objected to the constitution; and in these, there is a great degree of unanimity of sentiment in the opposers.

From these remarks it appears, that the opponents to the system accord in the great and material points on which they wish amendments. For the truth of the assertion, I appeal to the protest of the minority of the convention of Pennsylvania,<sup>8</sup> to all the publications against the constitution, and to the debates of the convention of Massachusetts.<sup>9</sup> As a higher authority than these, I appeal to the amendments proposed by the Massachusetts [Convention]; these are to be considered as the sense of that body upon the defects of the system. And it is a fact, which I will venture to assert, that a large majority of that convention were of opinion, that a number of additional alterations ought to be made.<sup>10</sup> Upon reading the articles which they propose as amendments, it will appear, that they object to indefinite powers in the legislature—to the power of laying direct taxes—to the authority of regulating elections—to the extent of the judicial powers, both as it respects the inferior courts and the appellate jurisdiction—to the smallness of the representation, &c—It is admitted, that some writers have advanced objections that others have not noticed—that exceptions have been taken by some, that have not been insisted upon by others, and it is probable, that some of the opponents may approve what others will reject. But still these differences are on matters of small importance, and of such a nature as the persons who hold different opinions will not be tenacious of. Perfect uniformity of sentiment on so great a political subject is not to be expected. Every sensible man is impressed with this idea, and is therefore prepared to make concessions and accommodate on matters of small importance. It is sufficient that we agree in the great leading principles, which relate to the preservation of public liberty and private security. And on these I will venture to affirm we are as well agreed, as any people ever were on a question of this nature. I dare pronounce, that were the principal advocates for the proposed plan to write comments upon it, they would differ more in the sense they would give the constitution, than those who oppose it do, in the amendments they would wish. I am justified in this opinion,

by the sentiments advanced by the different writers in favour of the constitution.

It is farther insisted, that six states have already adopted the constitution; that probably nine will agree to it: in which case it will be put in operation. That it is unreasonable to expect that those states which have acceded to it, will reconsider the subject in compliance with the wishes of a minority.

To perceive the force of this objection, it is proper to review the conduct and circumstances of the states which have acceded to it. It cannot be controverted, that Connecticut and New-Jersey were very much influenced in their determinations on the question, by local considerations. The duty of impost laid by this state, has been a subject of complaint by those states. The new constitution transfers the power of imposing these duties from the state to the general government, and carries the proceeds to the use of the union, instead of that of those state[s]. This is a very popular matter with the people of those states, and at the same time, is not advanced by the sensible opposers to the system in this state as an objection to it.—To excite in the minds of the people of these states an attachment to the new system, the amount of the revenue arising from our impost has been magnified to a much larger sum than it produces; it has been stated to amount to from sixty to eighty thousand pounds lawful money: and a gentleman of high eminence in Connecticut has lent the authority of his name to support it. It has been said, that Connecticut pays a third of this sum annually for impost,<sup>11</sup> and Jersey nearly as much. It has farther been asserted, that the avails of the impost were applied to the separate use of the state of New-York. By these assertions the people have been grossly imposed upon, for neither of them are true.

The amount of the revenue from impost for two years past, has not exceeded fifty thousand pounds currency, per annum, and a draw-back of duties is allowed by law, upon all goods exported to either of the beforementioned states, in casks or packages unbroken.<sup>12</sup>

The whole of this sum, and more, has been paid into the federal treasury for the support of the government of the union.<sup>13</sup> All the states therefore have actually derived equal benefit with the state of New-York, from the impost. It may be said, I know, that this state has obtained credit for the amount, upon the requisitions of Congress: It is admitted; but still it is a fact, that other states, and especially those who complain, have paid no part of the monies required of them, and have scarcely made an effort to do it.<sup>14</sup> The fact therefore is, that they have received as much advantage from the impost of this state, as we ourselves have. The proposed constitution directs to no mode, in which the deficiencies of states on former requisitions, are to be collected, but seems to

hold out the idea, that we are to start anew, and all past payments be forgotten. It is natural to expect, that selfish motives will have too powerful an influence on mens minds, and that too often, they will shut the eyes of a people to their best and true interest. The people of those states have been persuaded to believe, that this new constitution will relieve them from the burden of taxes, by providing for all the exigencies of the union, by duties which can be raised only in the neighbouring states. When they come to be convinced, that this promise is a mere delusion, as they assuredly will, by finding the continental tax-gatherer knocking at their doors, if not before, they will be among the first to urge amendments, and perhaps the most violent to obtain them. But notwithstanding the local prejudices which operate upon the people of these states, a considerable part of them wish for amendments. It is not to be doubted, that a considerable majority of the people of Connecticut wish for them, and many in Jersey have the same desires, and their numbers are increasing. It cannot be disputed, that amendments would accord with the sentiments of a great majority in Massachusetts, or that they would be agreeable to the greater part of the people of Pennsylvania: There is no reason to doubt but that they would be agreeable to Delaware and Georgia—If then, the states who have already ratified the constitution, are desirous to have alterations made in it, what reason can be assigned why they should not cordially meet with overtures for that purpose from any state, and concur in appointing a convention to effect it? Mankind are easily induced to fall upon measures to obtain an object agreeable to them. In this case, the states would not only be moved by this universal principle of human nature, but by the strong and powerful motive of uniting all the states under a form of government agreeable to them.

I shall now dismiss the consideration of objections made to attempting alterations previous to the adoption of the plan, but before I close, I beg your indulgence, while I make some remarks on the splendid advantages, which the advocates for this system say are to be derived from it.—Hope and fear are two of the most active principles of our nature: We have considered how the latter is addressed on this occasion, and with how little reason: It will appear that the promises it makes, are as little to be relied upon, as its threatenings. We are amused with the fair prospects that are to open, when this government is put into operation—Agriculture is to flourish, and our fields to yield an hundred fold—Commerce is to expand her wings, and bear our productions to all the ports in the world—Money is to pour into our country through every channel—Arts and manufactures are to rear their heads, and every mec[h]anic find full employ—Those who are in debt, are to find easy means to procure money to pay them—Public burdens



and taxes are to be lightened, and yet all our public debts are soon to be discharged.—With such vain and delusive hopes are the minds of many honest and well meaning people fed, and by these means are they led inconsiderately to contend for a government, which is made to promise what it cannot perform; while their minds are diverted from contemplating its true nature, or considering whether it will not endanger their liberties, and work oppression.

Far be it from me to object to granting the general government the power of regulating trade, and of laying imposts and duties for that purpose, as well as for raising a revenue: But it is as far from me to flatter people with hopes of benefits to be derived from such a change in our government, which can never be realized. Some advantages may accrue from vesting in one general government, the right to regulate commerce, but it is a vain delusion to expect any thing like what is promised. The truth is, this country buys more than it sells: It imports more than it exports. There are too many merchants in proportion to the farmers and manufacturers. Until these defects are remedied, no government can relieve us. Common sense dictates, that if a man buys more than he sells, he will remain in debt; the same is true of a country.—And as long as this country imports more goods than she exports—the overplus must be paid for in money or not paid at all. These few remarks may convince us, that the radical remedy for the scarcity of cash is frugality and industry. Earn much and spend little, and you will be enabled to pay your debts, and have money in your pockets; and if you do not follow this advice, no government that can be framed, will relieve you.

As to the idea of being relieved from taxes by this government, it is an affront to common sense, to advance it. There is no complaint made against the present confederation more justly founded than this, that it is incompetent to provide the means to discharge our national debt, and to support the national government. Its inefficacy to these purposes, which was early seen and felt, was the first thing that suggested the necessity of changing the government; other things, it is true, were afterwards found to require alterations; but this was the most important, and accordingly we find, that while in some other things the powers of this government seem to be in some measure limited, on the subject of raising money, no bounds are set to it. It is authorised to raise money to any amount, and in any way it pleases. If then, the capital embarrassment in our present government arises from the want of money, and this constitution effectually authorises the raising of it, how are the taxes to be lessened by it? Certainly money can only be raised by taxes of some kind or other; it must be got either by additional

impositions on trade, by excise, or by direct taxes, or what is more probable, by all together. In either way, it amounts to the same thing, and the position is clear, that as the necessities of the nation require more money than is now raised, the taxes must be enhanced. This you ought to know, and prepare yourselves to submit to.—Besides, how is it possible that the taxes can be decreased when the expences of your government will be greatly advanced? It does not require any great skill in politics, or ability at calculation to shew, that the new government will cost more money to administer it, than the present. I shall not descend to an estimate of the cost of a federal town, the salaries of the president, vice-president, judges, and other great officers of state, nor calculate the amount of the pay the legislature will vote themselves, or the salaries that will be paid the innumerable revenue and subordinate officers. The bare mention of these things is sufficient to convince you, that the new government will be vastly more expensive than the old: And how is the money to answer these purposes to be obtained? It is obvious, it must be taken out of the pockets of the people, by taxes, in some mode or other.

Having remarked upon the arguments which have been advanced, to induce you to accede to this government, without amendments, and I trust refuted them, suffer me to close with an address dedicated by the affection of a brother, and the honest zeal of a lover of his country.

*Friends, countrymen, and fellow citizens,*

The present is the most important crisis at which you ever have arrived. You have before you a question big with consequences, unutterably important to yourselves, to your children, to generations yet unborn, to the cause of liberty and of mankind; every motive of religion and virtue, of private happiness and public good, of honour and dignity, should urge you to consider coolly and determine wisely.

Almost all the governments that have arisen among mankind, have sprung from force and violence. The records of history inform us of none that have been the result of cool and dispassionate reason and reflection: It is reserved for this favoured country to exhibit to mankind the first example.—This opportunity is now given us, and we are to exercise our rights in the choice of persons to represent us in convention, to deliberate and determine upon the constitution proposed: It will be to our everlasting disgrace to be indifferent on such a subject, for it is impossible, we can contemplate any thing that relates to the affairs of this life of half the importance.

You have heard that both sides on this great question, agree, that there are in it great defects; yet the one side tell you, choose such men

as will adopt it, and then amend it—while the other say, amend previous to its adoption.—I have stated to you my reasons for the latter, and I think they are unanswerable.—Consider you the common people, the yeomanry of the country, for to such I principally address myself, you are to be the principal losers, if the constitution should prove oppressive: When a tyranny is established, there are always masters as well as slaves; the great and the well-born are generally the former, and the middling class the latter—Attempts have been made, and will be repeated, to alarm you with the fear of consequences; but reflect, there are consequences on both sides, and none can be apprehended more dreadful, than entailing on ourselves and posterity a government which will raise a few to the height of human greatness and wealth, while it will depress the many to the extreme of poverty and wretchedness. Consequences are under the controul of that all-wise and all-powerful being, whose providence directs the affairs of men: Our part is to act right, and we may then have confidence that the consequences will be favourable. The path in which you should walk is plain and open before you; be united as one man, and direct your choice to such men as have been uniform in their opposition to the proposed system in its present form, or without proper alterations: In men of this description you have reason to place confidence, while on the other hand, you have just cause to distrust those who urge the adoption of a bad constitution, under the delusive expectation of making amendments after it is acceded to. Your jealousy of such characters should be the more excited, when you consider that the advocates for the constitution have shifted their ground. When men are uniform in their opinions, it affords evidence that they are sincere: When they are shifting, it gives reason to believe, they do not change from conviction. It must be recollected, that when this plan was first announced to the public, its supporters cried it up as the most perfect production of human wisdom: It was represented either as having no defects, or if it had, they were so trifling and inconsiderable, that they served only, as the shades in a fine picture, to set off the piece to the greater advantage. One gentleman in Philadelphia went so far, in the ardour of his enthusiasm in its favour, as to pronounce, that the men who formed it were as really under the guidance of Divine Revelation, as was Moses, the Jewish lawgiver.<sup>15</sup> Their language is now changed; the question has been discussed; the objections to the plan ably stated, and they are admitted to be unanswerable. The same men who held it almost perfect, now admit it is very imperfect; that it is necessary it should be amended. The only question between us, is simply this: Shall we accede to a bad constitution, under the uncertain prospect of getting it amended, after we have received

it, or shall we amend it before we adopt it? Common sense will point out which is the most rational, which is the most secure line of conduct. May heaven inspire you with wisdom, union, moderation and firmness, and give you hearts to make a proper estimate of your invaluable privileges, and preserve them to you, to be transmitted to your posterity unimpaired, and may they be maintained in this our country, while Sun and Moon endure.

*POSTSCRIPT.*

Since the foregoing pages have been put to the press, a pamphlet has appeared, entitled, "An address to the people of the state of New-York, on the subject of the new constitution, &c."<sup>16</sup> Upon a cursory examination of this performance (for I have not had leisure to give it more than a cursory examination) it appears to contain little more than declamation and observations that have been often repeated by the advocates of the new constitution.

An attentive reader will readily perceive, that almost every thing deserving the name of an argument in this publication, has received consideration, and, I trust, a satisfactory answer in the preceding remarks, so far as they apply to prove the necessity of an immediate adoption of the plan, without amendments.

I shall therefore only beg the patience of my readers, while I make a few very brief remarks on this piece.

The author introduces his observations with a short history of the revolution, and of the establishment of the present existing federal government. He draws a frightful picture of our condition under the present confederation. The whole of what he says on that head, stripped of its artificial colouring, amounts to this, that the existing system is rather recommendatory than coercive, or that Congress have not, in most cases, the power of enforcing their own resolves. This he calls "a new and wonderful system." However "wonderful" it may seem, it certainly is not "new." For most of the *federal governments* that have been in the world, have been of the same nature.—The United Netherlands are governed on the same plan. There are other governments also now existing, which are in a similar condition with our's, with regard to several particulars, on account of which this author denominates it "new and wonderful."—The king of Great-Britain "may make war, but has not power to raise money to carry it on." He [""] may borrow money, but is without the means of repayment," &c. For these he is dependent on his parliament. But it is needless to add on this head, because it is admitted that the powers of the general government ought to be increased in several of the particulars this author instances. But these things are mentioned to shew, that the outcry made against

the confederation, as being a system new, unheard of, and absurd, is really without foundation.

The author proceeds to depicture our present condition in the high-wrought strains common to his party.—I shall add nothing to what I have said on this subject in the former part of this pamphlet, but will only observe, that his imputing our being kept out of the possession of the western posts, and our want of peace with the Algerines, to the defects in our present government, is much easier said than proved. The British keep possession of these posts, because it subserves their interest, and probably will do so, until they perceive that we have gathered strength and resources sufficient to assert our rights with the sword. Let our government be what it will, this cannot be done without time and patience. In the present exhausted situation of the country, it would be madness in us, had we ever so perfect a government, to commence a war for the recovery of these posts.—With regard to the Algerines, there are but two ways in which their ravages can be prevented. The one is, by a successful war against them, and the other is by treaty.<sup>17</sup> The powers of Congress under the confederation are completely competent either to declare war against them, or to form treaties. Money, it is true, is necessary to do both these. This only brings us to this conclusion, that the great defect in our present government, is the want of powers to provide money for the public exigencies. I am willing to grant *reasonable* powers on this score, but not unlimited ones; commercial treaties may be made under the present powers of Congress. I am persuaded we flatter ourselves with advantages which will result from them, that will never be realized. I know of no benefits that we receive from any that have yet been formed.

This author tells us, “it is not his design to investigate the merits of the plan, nor of the objections made to it.” It is well he did not undertake it, for if he had, from the specimen he has given, the cause he assumes would not have probably gained much strength by it.

He however takes notice of two or three of the many objections brought against the plan.

“We are told, (says he) among other strange things, that the liberty of the press is left insecure by the proposed constitution, and yet that constitution says neither more nor less about it, than the constitution of the state of New-York does. We are told it deprives us of trial by jury, whereas the fact is, that it expressly secures it in certain cases, and takes it away in none, &c. it is absurd to construe the silence of this, or of our own constitution relative to a great number of our rights into a total extinction of them; silence and a blank paper neither grant nor take away any thing.”

It may be a strange thing to this author to hear the people of America anxious for the preservation of their rights, but those who understand the true principles of liberty, are no strangers to their importance. The man who supposes the constitution, in any part of it, is like a blank piece of paper, has very erroneous ideas of it. He may be assured every clause has a meaning, and many of them such extensive meaning, as would take a volume to unfold. The suggestion, that the liberty of the press is secure, because it is not in express words spoken of in the constitution, and that the trial by jury is not taken away, because it is not said in so many words and letters it is so, is puerile and unworthy of a man who pretends to reason. We contend, that by the indefinite powers granted to the general government, the liberty of the press may be restricted by duties, &c. and therefore the constitution ought to have stipulated for its freedom. The trial by jury, in all civil cases is left at the discretion of the general government, except in the supreme court on the appellate jurisdiction, and in this I affirm it is taken away, not by express words, but by fair and legitimate construction and inference; for the supreme court have expressly given them an appellate jurisdiction, in every case to which their powers extend (with two or three exceptions) both as to *law and fact*. The court are the judges; every man in the country, who has served as a juror, knows, that there is a distinction between the court and the jury, and that the lawyers in their pleading, make the distinction. If the court, upon appeals, are to determine both the law and the fact, there is no room for a jury, and the right of trial in this mode is taken away.

The author manifests equal levity in referring to the constitution of this state, to shew that it was useless to stipulate for the liberty of the press, or to insert a bill of rights in the constitution. With regard to the first, it is perhaps an imperfection in our constitution that the liberty of the press is not expressly reserved; but still there was not equal necessity of making this reservation in our State as in the general Constitution, for the common and statute law of England, and the laws of the colony are established,<sup>18</sup> in which this privilege is fully defined and secured. It is true, a bill of rights is not prefixed to our constitution, as it is in that of some of the states; but still this author knows, that many essential rights are reserved in the body of it;<sup>19</sup> and I will promise, that every opposer of this system will be satisfied, if the stipulations that they contend for are agreed to, whether they are prefixed, affixed, or inserted in the body of the constitution, and that they will not contend which way this is done, if it be but done. I shall add but one remark, and that is upon the hackneyed argument introduced by the author,

drawn from the character and ability of the framers of the new constitution. The favourers of this system are not very prudent in bringing this forward. It provokes to an investigation of characters, which is an invidious task. I do not wish to detract from their merits, but I will venture to affirm, that twenty assemblies of equal number might be collected, equally respectable both in point of ability, integrity, and patriotism. Some of the characters which compose it I revere; others I consider as of small consequence, and a number are suspected of being great public defaulters,<sup>20</sup> and to have been guilty of notorious speculation and fraud, with regard to public property in the hour of our distress. I will not descend to personalities, nor would I have said so much on the subject, had it not been in self defence. Let the constitution stand on its own merits. If it be good, it stands not in need of great men's names to support it. If it be bad, their names ought not to sanction it.

*FINIS.*

1. Acts 26:28–29.
2. Micah 4:4.
3. On the sale of western lands, see RCS:Va., 1174n–75n.
4. Article XIII of the Articles of Confederation provides that amendments to the Articles be approved by Congress and adopted by all of the state legislatures (CDR, 93).
5. St. Mary of Bethlehem, a London hospital for the mentally ill.
6. On 6 February the Massachusetts Convention ratified the Constitution 187 to 168 and appended nine recommendatory amendments to its act of ratification. See “New York and the Massachusetts Convention’s Amendments to the Constitution,” 6 February (above).
7. The first Massachusetts amendment states: “That it be explicitly declared that all Powers not expressly delegated by the aforesaid Constitution are reserved to the several States to be by them exercised” (RCS:Mass., 1469).
8. For the text of the “Dissent of the Minority of the Pennsylvania Convention,” first printed in the *Pennsylvania Packet* on 18 December 1787, see CC:353. See also “New York Reprinting of the Dissent of the Minority of the Pennsylvania Convention,” 27 December 1787–April 1788 (RCS:N.Y., 477–78).
9. The book edition of the debates of the Massachusetts Convention was published and offered for sale in Boston on 18 March. It was advertised for sale in the *New York Journal* on 31 March and 2 and 24 April and 5 May (RCS:Mass., 1132, 1133). The *New York Journal* had been reprinting the debates for more than two months before it began advertising the book edition and, in fact, it was one of the six American newspapers that reprinted the Massachusetts Convention debates almost in their entirety (*ibid.*, 1145–46). For more on the reprinting of the Massachusetts debates in New York newspapers, see *ibid.*, 1145–51.
10. Although Samuel Adams made a motion in the Massachusetts Convention on 6 February for additional amendments, he quickly withdrew it because of considerable opposition. Some Antifederalists reintroduced the motion, but it was soundly defeated (RCS:Mass., 1452–54).

11. The reference is to a statement made by Oliver Ellsworth, a former Connecticut delegate to the Constitutional Convention, who on 4 January 1788 told the Connecticut Convention that “The state of New-York raises 60 or 80,000 l. a year by impost. Connecticut consumes about one third of the goods upon which this impost is laid; and consequently pays one third of this sum to New-York” (*Connecticut Courant*, 7 January, CC:413. This speech was reprinted in the *New York Journal* on 16 January.). On this matter, see also RCS:N.Y., Vol. 1, xxxvii; and Hugh Ledlie to John Lamb, 15 January (RCS:N.Y., 610, 612n).

12. A financial report made to the New York legislature in January 1788 indicates that New York collected £32,852 in 1785 and £48,104 in 1787 from customs duties (Thomas C. Cochran, *New York in the Confederation: An Economic Study* [Philadelphia, 1932], 188).

13. Quarterly reports in the papers of the Confederation Congress reveal that, between 1 January 1786 and 31 December 1787, New York paid \$103,381 (or £41,352) of specie and almost \$400,000 in indents to the Continental loan officer for New York (*ibid.*, 186).

14. For payment by the states of the requisitions of Congress, see RCS:N.Y., 14, note 4. New York paid the highest percentage of its share of specie and indents requested by Congress.

15. The reference is to a speech delivered by Benjamin Rush on 12 December 1787 in the Pennsylvania Convention. See “Democritus,” *New York Journal*, 28 December (RCS:N.Y., 481, note 2).

16. See “A Citizen of New-York,” 15 April (immediately above).

17. During the mid-1780s the Barbary pirates preyed upon American shipping in the Mediterranean. The Algerines captured two vessels, enslaved their crews, and demanded ransoms for their release. (See RCS:Mass., 873, note 3.) Among the groups that protested these depredations was the New York City Chamber of Commerce, which in 1785 asked the state legislature to give Congress the power to establish a navy to protect American shipping. Congress tried to negotiate treaties with the Barbary States, but it was successful only with Morocco (1787). No treaties were made with Algiers, Tripoli, or Tunis.

18. See Article XXXV of the state constitution of 1777 (RCS:N.Y., 502).

19. See, for example, Articles XXXV, XXXVIII, XL, and XLI of the state constitution of 1777 (RCS:N.Y., 502–4).

20. Probably a reference to Robert Morris and Thomas Mifflin, both Pennsylvania signers of the Constitution.

### John Jay to George Washington New York, 20 April 1788 (excerpt)<sup>1</sup>

... The Constitution still continues to cause great party Zeal and Ferment, and the opposition is yet so formidable that the Issue appears problematical.<sup>2</sup> I enclose the latest publication of any Consequence that we have on the Subject.<sup>3</sup>—

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington*, VI, 217. Two drafts of this letter, found in the Jay Papers at Columbia University, Rare Book and Manuscript Library, are dated 12 April, although “20” is overwritten on one of the dates.

2. In his drafts, Jay struck out the word “very” before “problematical.”

3. Jay probably refers to his pamphlet on the Constitution, published on 15 April (above), that he signed as “A Citizen of New-York.”



**Samuel Blachley Webb to Joseph Barrell**  
**New York, 20 April 1788 (excerpt)<sup>1</sup>**

. . . Foederalists are gaining ground in this State, & we believe we shall adopt the new Constitution, a Pamphlet written by Mr Jay, & published yesterday I enclose.<sup>2</sup> . . .

1. RC, Webb Papers, CtY.

2. See "A Citizen of New-York," 15 April (above). In a letter of 27 April, Webb again says that he is sending Barrell a copy of the pamphlet (IV below, New York County Election).

**De Witt Clinton to James Clinton**  
**New York, 25 April 1788 (excerpt)<sup>1</sup>**

. . . I suppose you have been informed of the late riot in this City.<sup>2</sup> It originated from the digging up of the dead by the Physicians and it terminated in the death of three of the living—and in the wounding of several—The Physicians had anatomized and dug up several bodies—but report had magnified their exploits and suspicion had fixed the [acurse?] upon every corpse that was interred—Experiment exposed the falsehood in a great measure and wiped away the imputation of needless and wanton dissection from the characters of the sons of Æsculapius<sup>3</sup>—for on examining the graves of several reported to have been dug up, their bodies were found undisturbed. The Mob began [on] a Sunday—on Monday they recollected in the fields and proceeded to the house of Dr. Jos. Young—which they searched and then went to Dr. Miller's—The Governor humored their passions for a while & marched with them to Dr. McKnight's<sup>4</sup>—examined his house and endeavored to quiet their minds and pacify their rage—this, however, was found an ineffectual expedient,<sup>5</sup> for they threatened to storm the Gaol in which some of the Doctors were lodged for security—this rash step rendered the calling out of the Militia for the protection of the Gaol necessary—they were called out and in going, several of them had their guns broken by the mobility and received great insult—Towards Night others with several respectable Citizens attempted to get in the Gaol and upon being saluted with brickbats and wounded, a few guns were fired of[f] contrary to the Governor's orders<sup>6</sup>—shortly after the mob principally dispersed—some respectable characters were wounded—they are not dangerous—the Governor was honored with a brickbat in his side—but it hurt him but little, owing to its striking a Gentleman's arm before it touched him. I am informed that three of the young Quacks are indicted for their mal-practices. This is as nearly as I can recollect a general account of the riot—I believe it would not

have been carried to such a length, if the passions of the people had not been inflamed by exaggerated accounts of the surgical experiments—if the Rioters had not thought, that the Militia would not fire—and if several of them had not been drunk—I imagine the affair will never recommence. I seen Genl. Hathorn<sup>7</sup> to day but had only time to say *how do you do*—It is supposed that antifederalism will prevail in the doubtful Counties of Albany and Columbia—both parties are industrious—If the Constitution is adopted, I am convinced that several people who now warmly advocate its adoption will exclaim—“From the insolence of great men—from the tyranny of the rich—from the unfeeling rapacity of the Excise-man and Tax-gatherer—from the misery of despotism—from the expence of supporting standing Armies, Navies, Placemen, sinecures, federal cities Senators, Presidents and a long train of etceteras Good Lord deliver us”—There is as yet no prospect of its being ratified—

N. B. I sent you for distribution a bundle of pamphlets by Coll. Deniston<sup>8</sup>—I hope it is done—I now send you Newspapers—My [— — —] [George?] wrote to me.

1. RC, Manuscripts and Special Collections, Accession no. 52, N. James Clinton (1733–1812), De Witt Clinton’s father and George Clinton’s brother, represented Ulster County in the First Provincial Congress, 1775. During the Revolution, he was a colonel and then a brigadier general in the Continental Army. Again representing Ulster County, Clinton voted against ratifying the Constitution in the state Convention in July 1788. He represented Ulster County in the state Assembly in 1788, and Orange County in 1800–1801. Clinton also sat in the state Senate, 1788–92.

2. See “The Doctors’ Riot,” 13–15 April (above).

3. Aesculapius, a son of the god Apollo, was the god of medicine.

4. On 16 April the *Daily Advertiser* printed a statement by Dr. Charles McKnight, a professor of surgery and anatomy at Columbia College and a Federalist polemicist (“Examiner”), who swore “upon the Holy Evangelists of Almighty God” that “he hath not been concerned, privy to, or promoted the removal of any dead bodies from any churchyard within the city, and that he hath not encouraged any such practice.”

5. Victor Marie DuPont stated that “Governor Clinton and Major [Peter] Kemble, on the pretext of being democratic, but for a very base political [motive], which caused the people not to respect them any longer, ran on foot throughout the entire city in the mud, acting like rascals at the head of the rabble, in order to restrain and prevent them from breaking the window panes and pulling down the houses of the doctors who had either hidden or fled” (to Pierre Samuel DuPont de Nemours, 7, 18 April, Mfm:N.Y.).

6. Other accounts agree that Governor Clinton never gave the order to fire on the rioters, even though requested to do so by Baron von Steuben who had been hit in the head with a stone. De Witt Clinton, however, was apparently the only commentator to indicate that the militia fired contrary to Clinton’s orders.

7. At this time, Antifederalist John Hathorn, a militia colonel during the Revolution, was brigadier general of the Orange County militia and a member of the state Senate. In 1789 he was elected to the first House of Representatives under the Constitution.

8. For the Antifederalist pamphlets that De Witt Clinton possibly was forwarding to Ulster County, see “New York Federal Republican Committee Distributes Antifederalist

Literature," 6–22 April (above). Another possibility was "A Plebeian" which appeared in New York City on 17 April (above). George J. Denniston, a New Windsor Antifederalist, was adjutant of James Clinton's regiment during the Revolution.

## A Tenant

**New York Journal, 29 April 1788<sup>1</sup>**

Mr. GREENLEAF, Please to insert in your useful paper the enclosed address to the Tenants of the county of Albany, it is written with candor and judgment, and in the most important parts applies to the cause of every  
MECHANIC.

*To the tenants of the county of Albany.*

Permit a fellow tenant to address you in plain language, on the great importance of the next election for delegates in convention.

I am an inhabitant of the county of Albany, and a tenant. My farm is subject to rents and services. These are moderate, nor do I now complain that they are exacted with rigor; but such I believe are the natural effects of all tenures, that they produce a kind of dependence, for I have often given my assent to the will of my landlord in supporting his political importance, without enquiring into the propriety of it; nor do I complain that I hold my farm under him. I inherit it as such, nor do I wish to invade the right or property of another, but to secure my own.

Time brings with it experience, and this has at last convinced me that my landlord has been, and may be wrong as well as others—that he may be for a mode of government very convenient for a great man, but not so for a common farmer; in fact, that he may have an interest to support, at the expence of my own, and that whatever be the event of our present contest, I know my rents will be demanded and that I must pay them: I know too, that in voting by ballot, neither my landlord nor any other person can find out how, or for whom I give my vote.<sup>2</sup>

At the beginning of our troubles with Great-Britain, I was ignorant of my own rights—but the great men of America took pains to inform me in what they consisted. They told me that power in government originated with the people and that the parliament of Great-Britain had no right to tax us, because the people of America did not chuse them, this was self evident; and, it convinced me that I had a right to oppose them. Under this firm persuasion, I stepped forward at an early period, to defend my rights, against the British troops. During the long war I was often called into the field, and suffered with others the distresses incident to it. My family were poorly and coarsely clothed—my sons grew up into manhood without any improvements but in the use of

arms—the produce of my farm I freely parted with, to support our army: all this I bore with manly fortitude—my freedom, my farm, and the constitutional rights of my state are secured by the blessings of peace. But our great and rich men are still unsatisfied; they want a new plan of government. They have by writing, printing and harranging, endeavored to shew it to be good, and the danger if you do not adopt it—you have also heard the many objections which have been made against it—the subject is fairly before you, and I presume that you have read and well considered the arguments for and against it.

You now are to come forward to determine by your votes the fate of yourselves, and your posterity, and I thank kind Heaven, that the appeal is made to you.

If therefore you wish to exclude yourselves forever hereafter from voting for an executive and senate;

If you wish that the national government shall have the power, by a capitation or poll-tax, to rate the poor equal to the rich;

If you chuse to exclude yourselves in civil cases from a trial by jury;

If you wish a standing army in time of peace subject to the will of one man;

If you wish to be at the expence of following a cause upon an appeal to a far distant country;

If you will subject yourselves as militiamen to be called abroad to any state in the union, under the command of continental officers;

If you chuse to double the expence of government;

If you wish the establishment of a national government with powers to usurp and destroy your constitutional rights and liberties; then go and give your votes for the establishment of this new constitution.

But if, on the contrary, you, my fellow tenants, would retain your constitutional rights, and not surrender them to the will and pleasure of a few great and rich men.

If you wish the proposed constitution properly amended before it is adopted; then let us join our interest in voting for such persons whose sentiments and principles agree with our own.

1. Reprinted: *Independent Gazetteer*, 16 May, and *Freeman's Journal*, 21 May, both prominent Philadelphia Antifederalist newspapers. "A Tenant" was printed on the day that the New York elections for state convention delegates were scheduled to commence. If "A Tenant" was indeed intended for the tenants of Albany County, there was not much time for it to be sent to Albany and to be reprinted in that city's newspapers.

2. For a technique devised to allow landlords to determine how their tenants voted, see Albany Anti-Federal Committee to Benjamin Egbertsen, Jonathan Niles, and others of Stephentown, 20 April, at note 4 (IV below, Albany County Election).

### Editors' Note

#### Address of a Maryland Antifederalist to the Members of the New York and Virginia Conventions, Post-30 April 1788

This draft address was probably written by John Francis Mercer after the Maryland Convention ratified the Constitution on 26 April and after efforts by Antifederalists in that Convention to recommend amendments to the first federal Congress failed on 29 April. The address has not been located in any newspaper.

According to the address, Congress under the Constitution, using its “undefined & unlimited authority,” would violate “the rights of their fellow Citizens.” Directed at the members of the New York and Virginia conventions which were scheduled to meet in June, the address asserts that, given “the present temper of America,” a rejection of the Constitution by either New York or Virginia could serve to defend “THE NATURAL & UNALIENABLE RIGHTS OF MEN.”

For the text and authorship of this address, see CC:721.

#### The New York Journal and Maryland's Ratification of the Constitution 1–5 May 1788

The Maryland Convention was scheduled to meet on 21 April, and it was expected to become the seventh state to ratify the Constitution. The Antifederalist *New York Journal*, however, appeared doubtful or at least tried to give the impression that significant opposition existed in Maryland. For example, on 21 March the *Journal* reprinted from the Antifederalist Philadelphia *Independent Gazetteer* of 7 March an article entitled “A real state of the proposed constitution in the United States.” This item, which examined the strength of Antifederalism in each of the states, stated that in “*Maryland*, three-fourths of that state are against it [the Constitution] since the *press* has been opened; convention to meet the latter end of April, supposed they will adjourn till they see what their sister southern states will do” (CC:603).

On 7 April Maryland held its elections for state convention delegates, the returns of which were widely reprinted. For the most part, the *New York Journal* ignored those returns that demonstrated that Federalists would have a significant majority. For example, the *Journal* did not reprint from the *Pennsylvania Gazette* of 23 April the most significant list of Maryland Convention delegates in which it was concluded that the Constitution would be ratified by a vote of 65 to 11. (On 26 April the *Daily Advertiser* reprinted the list.) Instead the *New York Journal* reprinted on 24 April an extract from a Maryland letter that had appeared in the Philadelphia *Independent Gazetteer* on 17 April, in which the letter writer described the easy victory that four Antifederalists, including Luther Martin and William Paca, won in the Harford County election. These four men pledged, if elected, not to assent to the Constitution unless the Maryland

Convention adopted previous amendments to preserve the rights of the states and their people.

On 30 April two New York City newspapers—the *Daily Advertiser* and the *Independent Journal*—printed brief accounts stating that news from Maryland indicated that the Maryland Convention would overwhelmingly ratify the Constitution. On 1 May the *New York Journal* printed a statement by “Detector” challenging such reports, stating that “a great number” of convention delegates opposed the Constitution. “Detector” also suggested that these reports were intended “to unduly bias” the elections for New York Convention delegates that were to begin on 29 April, the day that “Detector” dated this item. In the same issue the *Journal* also reprinted two items from the *Maryland Journal* of 18 April; one described a Federalist victory in Montgomery County, while the other reported on an Antifederalist victory in Anne Arundel County, where all four elected Antifederalists favored previous amendments. The *New York Journal*, however, also published the following statement, preceded by a hand device: “After this paper was ready for press, it was reported—That the Convention of Maryland had adopted the new Constitution, SIXTY-THREE ayes, ELEVEN nays [on 26 April]—and that a committee was appointed to draw up amendments to the system, to be introduced in the same manner as they were by the Convention of Massachusetts.”

On 3 May “Charity” answered “Detector” in the *New York Journal*. “Charity” produced an extract of a Baltimore letter giving the vote in the Maryland Convention as 63 to 11 for ratification, proof that “‘a great number’” of the delegates did not oppose the Constitution. Two days later the *Journal* printed differing explanations—one Federalist and the other Antifederalist—of why the bells had rung in New York City upon hearing the news of Maryland ratification. On 7 May the *New York Journal* reprinted (from the *Maryland Journal* of 29 April) Convention delegate William Paca’s proposed amendments to the Constitution that the Convention never considered because the committee on amendments, of which Paca was chairman, could not agree on a report. (Seven other New York newspapers reprinted Paca’s amendments. See Appendix III, below.) On 12 May the *New York Journal* reprinted (from the Annapolis *Maryland Gazette* of 1 May) the address of the Maryland minority, signed by Paca and the eleven dissenting delegates. (Despite being an Antifederalist, Paca had voted to ratify the Constitution.) (See “Amendments of the Minority of the Maryland Convention,” 29 April, CC:716 A–B.)

### *Detector*

*New York Journal, 1 May 1788*<sup>1</sup>

MR. GREENLEAF, We are told, that the Maryland convention, without a greater exception than eight or ten members, are for adopting the new constitution! *(Ha, ha, hah!)* This I eagerly revolved in my mind, being in some measure astonished—nor will I believe it until better authenticated. *(Ha, ha, hah!)* I remember a circumstance which took

place at Boston! On the very eve of their convention's adopting the constitution, reports were busily circulated, and it was exultingly inserted in several of the Boston papers, that the convention of North-Carolina had ratified the constitution.<sup>2</sup> *⟨Ha, ha, hah!⟩* Without examining whether the convention was *in session* or not, full credence was given to this report; and after the adoption of the constitution, it was discovered, that the North Carolina convention *were not to set until July!* *⟨HA, HA, HAH!⟩* Judge ye, who will, of the intention of this report. Whether the reports from Maryland are designed to unduly bias the present election, I will not affirm, but I profess, that no other rational reason can be given, as it is known that a great number of the members in that convention are strongly opposed to the constitution, in its present form. *⟨Ha, ha, hah! Eleven only!⟩*

29th April.

*Charity*

*New York Journal, 3 May 1788*

TO DETECTOR.

As you appear to be one of the *unbelieving race*, *Christianity* induces me to lay before you the following piece of intelligence from Maryland, hoping it will have a happy tendency to ease your agitated mind from *doubt*, sooth your feelings, prevent *astonishment*, and convince you "that a *great* number of the members in that convention are" *not* "strongly opposed to the new constitution, in its present form."

Extract of a letter from Baltimore, April 28.

"Our convention have adopted the new government by a *great* majority of votes, 63 to 11. To-morrow it is to be ratified in form."

*New York Journal, 5 May 1788*

MR. GREENLEAF, *As Anecdotes, and Bon Mots, are generally entertaining, you will oblige me by inserting the two following recent ones in your Monday's paper.*

A SUBSCRIBER.

On Saturday last a gentleman observed to his friend, that the bells were ringing: his friend requested to know the reason; on which he replied,—that they rung "*for the funeral of the liberties of Maryland.*"

On the same occasion, another gentleman observed,—that *they were rung for joy, at the downfall of Anti-Federalism.*

1. "Detector" was reprinted on 13 May in the *Massachusetts Gazette*, under the heading "*The DOUBTING ANTI.*" This reprinting includes the text in angle brackets that does not appear in the original printing in the *New York Journal*. These insertions were placed within square brackets by the *Massachusetts Gazette*.

2. On 5 February, the day before the Massachusetts Convention ratified the Constitution, the *Massachusetts Gazette* announced with “great satisfaction” that North Carolina had ratified the Constitution. On 6 February the *Massachusetts Centinel* printed a similar report. (See CC:Vol. 4, pp. 507–9.) Neither item was reprinted in New York. However, on 14 February the *New York Journal*, while referring to the reports on North Carolina, noted that the North Carolina Convention would not meet until July (*ibid.*, 508).

### **New York American Magazine, 2 May 1788**

This review of the pamphlet by “A Plebeian” (17 April, above) was probably written by *American Magazine* editor Noah Webster. It appeared in the April issue, which according to the *New York Packet* of 2 May, was published on that very day. The reviewer supplied the italics in the text that he quoted from “A Plebeian.”

*An ADDRESS to the PEOPLE of the State of NEW-YORK: Shewing the Necessity of making Amendments to the CONSTITUTION proposed by the UNITED STATES, previous to its adoption. By a PLEBEIAN.*

This address begins with several assertions that are not fully proved. It declares that “the advocates for the proposed constitution, having been beaten off the field of argument, on its merits, have taken new ground—admit that it is liable to well founded objections—that a number of its articles ought to be amended—that if alterations do not take place, a door will be left open for an undue administration, and encroachments on the liberties of the people—and many of them go so far as to say, if it should continue for any considerable period, in its present form, it will lead to a subversion of our equal republican forms of government.”

These assertions, it is presumed are too general to be true. *Some* friends (upon the whole) to the proposed government, may have acknowledged all this; but the *most enlightened ones* declare that, in their opinion, the constitution is as little defective as can ever be obtained—that it is *not liable to well founded objections*—that it will *preserve* our equal republican forms of government; nay, that it is their only firm support, and the guarantee of their existence—and if they consent to the additions and alterations proposed by the Massachusetts Convention,<sup>1</sup> it is not so much because they think the constitution will be *better* for them; but because they think these additions will reconcile the opposition and unite all parties in a desirable harmony, without making the constitution *worse*.

The writer, to show the happy situation of the citizens of this State, enquires, “*Does not every man sit under his own vine and his own fig-tree?*”<sup>2</sup> Yes, it may be answered, and under the rich vines and fig-trees of his neighbors too, “*having none to make him afraid?*” This was probably written before the late riot:<sup>3</sup> And if the inhabitants of this State are not



afraid of their neighbors, whose *vines* and *fig-trees* they are enjoying, they must be very ignorant or very insensible.

“*Does not every one follow his calling without impediment and receive the reward of his well-earned industry?*”(a) The farmer and mechanic reap the fruits of their labor.<sup>4</sup> *The merchant drives his commerce, and none can deprive him of the gain he honestly acquires.*” Had [these?] assertions been mere queries, the writer might have saved his reputation. While the *war-weary veteran* is paid for his services, at a fourth or fifth of their value; while numbers of mechanics have no employment; while commerce is restricted abroad, and tender laws and depreciated paper money [— — —] at home, the public will not be disposed to believe themselves unhappy—no, not even in this State. In other States, where riots and rebellion have violated private property, disturbed government and ended in bloodshed, the inhabitants will be more incredulous, and wish for the adoption of the proposed constitution.

(a) Well-earned industry! *This wants explanation.*

1. See “New York and the Massachusetts Convention’s Amendments to the Constitution,” 6 February (above).

2. See “A Plebeian,” 17 April, at note 2 (above).

3. The reference is to the “doctors’ riot” that took place in New York City on 13–15 April (above).

4. “Plebeian’s” text concerning the “farmer” and the “mechanic” actually reads: “The farmer cultivates his land, and reaps the fruit which the bounty of heaven bestows on his honest toil. The mechanic is exercised in his art, and receives the reward of his labour.”

## A Spectator

**New York Journal, 2 May 1788<sup>1</sup>**

MR. GREENLEAF, Six states have adopted the new Constitution; one hath rejected it,<sup>2</sup> and six are still to decide the important question. It appears not improbable from all the informations and accounts published by both parties, but three states of these remaining six, may reject and three adopt it. In this case the constitution will be ratified by nine states, and agreeable to the resolve of the convention,<sup>3</sup> the new Congress and president may then be chosen and assemble. It is hardly to be doubted, but they will find it very difficult, and perhaps impossible, to put the new government in execution, unless they adopt the amendments already proposed by Massachusetts,<sup>4</sup> and others, which may still be proposed by the remaining states. Indeed no sincere friend to this country can ever wish to see it organized and executed without amendments, for in that case it may justly be expected, that in less than twenty years it would be equally as arbitrary and despotick as that of

the republic of Venice. It is however no less true, that a government for the thirteen United States, more efficient and more energetick than the present confederation, is absolutely necessary in every point of view, and it is very doubtful, and scarcely to be expected, that a new convention will ever agree upon such a mode of government, considering the local prejudices, passions, and perhaps powers and restrictions of the several legislatures, with which the members of such a new convention will be possessed.—This being admitted, every real patriot ought to exert himself to have the new government adopted and ratified by nine states, so that the new Congress might be chosen and assemble, who will undoubtedly promote such amendments as will be deemed necessary for the civil, religious and political liberty of each individual state, consistent with the good of the whole union. The four states, who will and ought to reject the constitution as it now stands, together with the powerful minority of some of these states who have adopted it, will compel the new Congress to come to such proposals, for whoever is acquainted with the manners, habits and dispositions of the people, who oppose the new government in its present form, must be sensible and convinced, that it would be nearly impossible to make them comply by force, and by these means it is to be hoped, that all the animosities, quarrels and divisions, now subsisting, would cease and die away, and harmony, concord and unanimity take place, without which this country never can be great nor formidable.

1. Reprinted: *Country Journal*, 13 May 1788.

2. A reference to Rhode Island's statewide referendum held within each town on 24 March 1788 when the Constitution was overwhelmingly rejected by a vote of 2,711 to 239.

3. The second resolution adopted by the Constitutional Convention on 17 September 1787 provided that once nine state conventions had ratified the Constitution, Congress should set the date for the appointment of presidential electors and the dates when the electors would cast their ballots, and the time and place for the meeting of the new government (RCS:N.Y., 538–39).

4. See "New York and the Massachusetts Convention's Amendments to the Constitution," 6 February (above).

### **New York Journal, 2 May 1788**

MR. GREENLEAF, Having accidentally met with the enclosed piece, and conceiving it to be well written, and applicable to every state, I enclose it you, requesting a place for it in your Register.

A SUBSCRIBER.

Amid the apprehensions of the times, augmented by the predictions of gloomy speculators, and the heedless declamations of party, there

have not been wanting some enlightened minds who have repeatedly administered an occasional cup of comfort to the people of America, to encourage them in the support of their present difficulties, and to point out the happiness which is really in their power.

Little has he studied the theory of man, or observed his similar life, who has not remarked that the individual finds the highest gratifications in deploring the pleasures of the past, even amid the enjoyments of the present. Prompted thus by temper, men have in every age made complaints of the badness of the times, the loss of their commerce, the ruin of their country. But these murmurers should know that nothing continues in one stay, that there are ebbs and flows in all governments, and a point of depression beyond which there is no declension; but from which there is a gradual rising, and frequently beyond the extent of former greatness.

That a kind of despondency has gone through the continent, is evident from the public prints of every state; insomuch that a foreigner could hardly believe we were that brave people who so nobly struggled for our independence.—The universality of these murmurs, and this despondency, must be ascribed to some cause, which we cannot think altogether friendly to this country; but it is hoped that these dark clouds may be dispelled, and the people become wiser and better informed; and consequently less subject to the dominion of temporary terrors, and far less to the hurtful impressions of fancied misery.—That America is comparatively happy, must not, cannot be denied, but that a revolution of the most important nature, a political convulsion, which threatened our very existence as a people should be severely felt, and bring ruin on thousands, is not to be wondered at. The same distresses have always happened in similar cases. That as our medium of commerce, during the uncertainties of war, was in a fluctuating state, and our property rising and falling with the news of the day, it cannot be marvellous that multitudes were mistaken in their calculations, and found themselves entangled in schemes which they had fabricated with the most consummate wisdom.—The foundations of government were out of course—the security of life, liberty and fortune, was shaken; and, amid the bustle and clamor of war, the people did not see, or comprehend, what would be the eventual losses and extent of their sufferings—they have perceived, they have felt them since—but shall we therefore despair? Heaven forbid! We are now in possession of this country—a country equal for natural advantages, for liberty, civil and religious, to any other on the face of the globe. To say we are incapable of governing ourselves, is disgraceful in the highest degree; the idea degrades us to idiotism. But there have been so many specimens of

American genius, so many instances of philosophic and enlarged minds, who have appeared among us, that we cannot doubt of our abilities for self-government, one single moment; while we have a Franklin, a Washington, a Morris, the Adamases, a Dickinson, and other able patriots in our service, we cannot despair of the Republic.—With respect to the country we have to govern, what do we want? Has not God and nature done wonderful things for us? With an abundance of the necessaries of life, have we not materials for manufactures of every kind? Is not an American farmer as independent a man as any under heaven? Will not ingenuity, industry and economy, meet with encouragement? We know it will; it cannot fail. There is great reason to apprehend, that our querulous, discordant passions arise more from a desire of foreign luxuries than from a real want of what can make us truly and rationally happy. We ungratefully overlook the substantial blessings we have in our hands, while we are anxious for such articles, as neither improve our health, nor mend our morals. The retrospect of one century, in the history of America, its unparalleled progress, important improvements and revolution, will give us a glimpse of its future greatness; perhaps it will not be an irksome speculation, briefly to consider what has been the gradual progress of a country from a state of nature, to that of civilization, wealth and commerce. That which we formerly considered as the parent State, will give us an example. Who ever would have supposed that those Iroquois, as we may call them, separated from the rest of the world, whom Julius Cesar discovered, and Agricola deigned to conquer,<sup>1</sup> whose faces were in ancient times exhibited as spectacles of derision, and they employed in the most servile offices; that these *ultimi orbis*, as Horace terms them,<sup>2</sup> should one day become equal, if not superior, to most of the nations in Europe, in power, wealth and science, that those who formerly were unacquainted with the most simple branches of husbandry, and lived entirely upon milk & flesh, should now become so many Serrani, their island the Egypt of France, of Spain and Portugal? Who could have imagined that a people terrified at the sight of the Italian vessels, and afterwards so much delighted with a galley laden with sausages and musk wine, which Julius the second sent in order to excite them to take arms against France, should in the issue transport to all parts of the world the riches of the Indies, and their own, and cover the sea with their ships of war? How gradual has been the increase of their trade and navigation from the days of Elizabeth to the present period? What will not industry and perseverance atchieve? America can boast of natural advantages as well as Great Britain. Let us look to our situation, extent[,] soil, productions, rivers and ports. Do we not see an

immense source of wealth? Do we not see a country blessed with the means of maintaining an infinite number of people, superior in this respect to any other in the world? Ye citizens of America, be not discouraged—United, be industrious, and you must be happy. Reverence yourselves as the sovereigns of an empire more extensive than any in ancient history. Leave your murmuring, and come forth, like the Patriarch Abraham, and contemplate the stars of heaven, or the sands upon the sea shore; for such shall be the number of your posterity.<sup>3</sup> Remember, as rational beings, to adore and worship the Supreme Goodness and as citizens, to love one another, and cultivate the useful arts of life. Then will divine Providence make of you a great and mighty nation, and a blessing to all the families upon earth!

1. Julius Caesar launched expeditions to Britain in 55 and 54 B.C., but did not conquer it. In 43 A.D., during the reign of the emperor Claudius, Britain was annexed to the Roman Empire, but it was not effectively subdued until the eighth and ninth decades of the first century when Gnaeus Julius Agricola (37–93) became governor in 77 A.D. Six years later he won a great victory over the Caledonians (Scots).

2. The reference is to Horace, *Odes*, Book I, chapter 35, lines 29–32. Latin: “Serves iturum Caesarem in ultimos/orbis Britannos et iuvenum recens/examen, Eois timendum/partibus Oceanoque rubro.” Translation: “Keep Caesar safe, we pray, as he moves against/The Britons at the edge of the world; protect/The forces newly formed for striking/Fear in the Eastern and Red Sea regions.”

3. Genesis 22:17.

### **Federal Farmer: An Additional Number of Letters to the Republican, New York, 2 May 1788**

On 2 May nearly identical advertisements in the *New York Journal* and the *New York Packet* announced as “Just Published” a pamphlet entitled *An Additional Number of Letters from the Federal Farmer to the Republican; Leading to a Fair Examination of the System of Government, Proposed by the Late Convention; and to Several Essential and Necessary Alterations in It; and Calculated to Illustrate and Support the Principles and Positions Laid Down in the Preceding Letters* (Evans 21197). This Antifederalist pamphlet could be purchased from Thomas Greenleaf of the *Journal* and Samuel and John Loudon of the *Packet* and from New York City booksellers Robert Hodge, Thomas Allen, Samuel Campbell, and John Reid.

The advertisement, which appeared in the daily *New York Journal* until 26 July and in the semiweekly *New York Packet* until 13 June, added that “The former letters, published under the signature of the Federal Farmer [RCS:N.Y., 203–45], have undergone several impressions in the different states, and several thousands of them have been sold. They are admitted, by candid men of both parties, to be written with a spirit of moderation and candour.

“A number of principles are laid down in them, highly interesting to the people of America, which ought to be more fully illustrated, than the bounds which the author set to himself, in the former letters, would permit.

“The design of these additional letters, is, more fully to explain and enforce the positions laid down in the former. The author does not aim to foment the passions; his appeal is to the reason of his readers. He wishes every man to examine for himself, and form his own opinion on the merits of the question.

“There are very few dispassionate men, who do not wish to see amendments made to this system. The great drift of these additional letters, is, to point out what these amendments ought to be, and to adduce arguments to support them.

“It is a matter of small importance, whether these amendments precede or succeed the adoption of the constitution, so that they be made.

“It is hoped, therefore, that gentlemen who are sincere in declaring that they wish for amendments, will unite in turning their attention to the subject, that they may be prepared to accede to such as are proper.—To those who are thus disposed, this publication is recommended.”

The title page indicates only that the pamphlet was printed in the year 1788. Neither the place of publication nor the name of the printer appears. The first two pages of the *Additional Letters* (43 and 44 in roman numerals) consist of an “Advertisement,” dated “UNITED STATES, *Jan.* 30, 1788,” which reads: “Four editions, (and several thousands) of the pamphlets entitled the FEDERAL FARMER, being in a few months printed and sold in the several states; and as they appear to be much esteemed by one party, on the great question, and, by the other, generally allowed to possess merit; and as they contain positions highly interesting, which ought to be fully illustrated, an additional number of letters have been written.

“The subject before the public is interesting, and ought to receive a candid and full investigation. These letters are not calculated to foment the passions; they appeal to reason; they are written in a plain stile, with all the perspicuity and brevity that can be expected in writing on a subject so new, so intricate and extensive; and they have this peculiar excellency, that they lead people to examine and think for themselves, in an affair of the last importance to them.

“As to any attempts to injure the members of the convention, or any other characters whatever, the writer has no disposition to do it. Whoever will examine his letters, will perceive he is well acquainted with the members of the convention, the characters, parties, and politics of the country; and, on the whole, says, the convention was as respectable a body of men as America, probably, ever will see assembled: at the same time they will perceive, that he saw unwarrantable attempts, among designing ardent men without doors, to impose upon a free people, by a parade of names, that in the hurry of affairs defects in the system might escape their observation. Whoever reflects coolly upon the conduct of many individuals, when the constitution first appeared, will perceive, that it was the duty of men, who saw the pernicious tendency of such conduct, in a decent manner, to disapprove it, and to endeavour to induce the people to decide upon the all-important subject before them, by its own intrinsic merits and faults.”

Letters I–V in the “Federal Farmer” are dated between 8 and 13 October 1787 (RCS:N.Y., 203–45) and end on page 40. Letters VI–XVIII of the *Additional Letters*, dated between 25 December 1787 and 25 January 1788, begin on

page 45 and end on page 181. The author of “Federal Farmer” has not been identified. For speculation about his identity, see RCS:N.Y., 204–5.

The New York Federal Republican Committee, a group of Antifederalists in and around New York City, distributed the *Additional Letters* widely, although there is no evidence that the committee distributed the pamphlets in New York as it had other Antifederalist pamphlets in April. In mid-May, John Lamb, the committee’s chairman, sent a circular letter to prominent Antifederalists in New Hampshire, Pennsylvania, Maryland, Virginia, North and South Carolina, and possibly Rhode Island calling for cooperation in obtaining amendments before nine states ratified the Constitution. (For the letter, see “The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution,” 18 May–6 August, below; and for the responses to the letter, see CC:750 C–Q.) In addition to explaining the importance of cooperation among Antifederalists, Lamb told his correspondents that he was transmitting “a series of Letters from the Federal Farmer to the Republican.” It is possible that Lamb meant both the *Letters* and the *Additional Letters*. (For the angry reactions of some Federalists in these states to the distribution of the pamphlets, see CC:Vol. 5, p. 267.)

The ideas expressed by “Federal Farmer” produced little Federalist response. Writing from New York, Virginia congressman Edward Carrington informed Thomas Jefferson that the two “Federal Farmer” pamphlets “are reputed the best of any thing that has been written in the opposition” (9 June, RCS:Va., 1591). A reviewer in the May issue of the New York *American Magazine*, probably Noah Webster, complimented “Federal Farmer” for his “many judicious remarks on the proposed federal government” even though “the arguments want method, and the reader is consequently fatigued with numberless repetitions.” The reviewer agreed with “Federal Farmer” that the general government might abuse its powers, thereby endangering the liberties of the people, but he believed that it was impossible to frame “a system of government which shall not be liable to the same objection.” “The only question then,” the reviewer continued, “is, whether the new constitution is as good as it may or can be. The political wisdom of neither party can solve this question—the decision of it *must* be left to *experiment*.” He also challenged “Federal Farmer’s” positions on representation in Congress and on rotation in office. (See notes 5 and 25, below.) The reviewer concluded that “Several passages in the work before us are equally exceptionable; but on the whole, it is conducted with more candor and good sense, than most of the publications against the new constitution” (Mfm:N.Y.). In a speech to the New York Convention on 21 June, Alexander Hamilton attacked the description of what “Federal Farmer” called the “natural aristocracy.” (See note 11, below.)

On 12 March 1789, a week after the first federal Congress was scheduled to convene, the *New York Journal* advertised the sale of the two “Federal Farmer” pamphlets, along with three other Antifederalist pamphlets by “A Columbian Patriot,” Luther Martin, and “A Plebeian” (“New York Federal Republican Committee Distributes Antifederalist Literature,” 6–22 April [above]; “New York Reprinting of Luther Martin’s *Genuine Information*,” 15 January–7 April [RCS:N.Y., 613–15]; and 17 April [above].) The *New York Journal* also advertised

John Adams's *Defence of the Constitutions* (CC:16) and copies of the new Constitution. From 19 March to 9 April 1789, Antifederalist printer Edward E. Powars advertised the sale of "A Few Copies" of the *Letters* and *Additional Letters* in his weekly Worcester *American Herald*.

## LETTER VI.

DECEMBER 25, 1787.

DEAR SIR, My former letters to you, respecting the constitution proposed, were calculated merely to lead to a fuller investigation of the subject; having more extensively considered it, and the opinions of others relative to it, I shall, in a few letters, more particularly endeavour to point out the defects, and propose amendments. I shall in this make only a few general and introductory observations, which, in the present state of the momentous question, may not be improper; and I leave you, in all cases, to decide by a careful examination of my works, upon the weight of my arguments, the propriety of my remarks, the uprightness of my intentions, and the extent of my candor—I presume I am writing to a man of candor and reflection, and not to an ardent, peevish, or impatient man.

When the constitution was first published, there appeared to prevail a misguided zeal to prevent a fair unbiassed examination of a subject of infinite importance to this people and their posterity—to the cause of liberty and the rights of mankind—and it was the duty of those who saw a restless ardor, or design, attempting to mislead the people by a parade of names and misrepresentations, to endeavour to prevent their having their intended effects. The only way to stop the passions of men in their career is, coolly to state facts, and deliberately to avow the truth—and to do this we are frequently forced into a painful view of men and measures.

Since I wrote to you in October, I have heard much said, and seen many pieces written, upon the subject in question; and on carefully examining them on both sides, I find much less reason for changing my sentiments, respecting the good and defective parts of the system proposed than I expected—The opposers, as well as the advocates of it, confirm me in my opinion, that this system affords, all circumstances considered, a better basis to build upon than the confederation. And as to the principal defects, as the smallness of the representation, the insecurity of elections, the undue mixture of powers in the senate, the insecurity of some essential rights, &c. the opposition appears, generally, to agree respecting them, and many of the ablest advocates virtually to admit them—Clear it is, the latter do not attempt manfully to defend these defective parts, but to cover them with a mysterious veil; they



concede, they retract; they say we could do no better; and some of them, when a little out of temper, and hard pushed, use arguments that do more honor to their ingenuity, than to their candor and firmness.

Three states have now adopted the constitution without amendments; these, and other circumstances, ought to have their weight in deciding the question, whether we will put the system into operation, adopt it, enumerate and recommend the necessary amendments, which afterwards, by three-fourths of the states, may be ingrafted into the system, or whether we will make the amendments prior to the adoption—I only undertake to shew amendments are essential and necessary—how far it is practicable to ingraft them into the plan, prior to the adoption, the state conventions must determine. Our situation is critical, and we have but our choice of evils—We may hazard much by adopting the constitution in its present form—we may hazard more by rejecting it wholly—we may hazard much by long contending about amendments prior to the adoption. The greatest political evils that can befall us, are discords and civil wars—the greatest blessings we can wish for, are peace, union, and industry, under a mild, free, and steady government. Amendments recommended will tend to guard and direct the administration—but there will be danger that the people, after the system shall be adopted, will become inattentive to amendments—Their attention is now awake—the discussion of the subject, which has already taken place, has had a happy effect—it has called forth the able advocates of liberty, and tends to renew, in the minds of the people, their true republican jealousy and vigilance, the strongest guard against the abuses of power; but the vigilance of the people is not sufficiently constant to be depended on—Fortunate it is for the body of a people, if they can continue attentive to their liberties, long enough to erect for them a temple, and constitutional barriers for their permanent security: when they are well fixed between the powers of the rulers and the rights of the people, they become visible boundaries, constantly seen by all, and any transgression of them is immediately discovered: they serve as centinels for the people at all times, and especially in those unavoidable intervals of inattention.

Some of the advocates, I believe, will agree to recommend *good* amendments; but some of them will only consent to recommend indefinite, specious, but unimportant ones; and this only with a view to keep the door open for obtaining in some favourable moment, their main object, a complete consolidation of the states, and a government much higher toned, less republican and free than the one proposed.

If necessity, therefore, should ever oblige us to adopt the system, and recommend amendments, the true friends of a federal republic must see they are well defined, and well calculated, not only to prevent our system of government moving further from republican principles and equality, but to bring it back nearer to them—they must be constantly on their guard against the address, flattery, and manœuvres of their adversaries.

The gentlemen who oppose the constitution, or contend for amendments in it, are frequently, and with much bitterness, charged with wantonly attacking the men who framed it. The unjustness of this charge leads me to make one observation upon the conduct of parties, &c. Some of the advocates are only pretended federalists; in fact they wish for an abolition of the state governments. Some of them I believe to be honest federalists, who wish to preserve *substantially* the state governments united under an efficient federal head; and many of them are blind tools without any object. Some of the opposers also are only pretended federalists, who want no federal government, or one merely advisory. Some of them are the true federalists, their object, perhaps, more clearly seen, is the same with that of the honest federalists; and some of them, probably, have no distinct object. We might as well call the advocates and opposers tories and whigs, or any thing else, as federalists and anti-federalists. To be for or against the constitution, as it stands, is not much evidence of a federal disposition; if any names are applicable to the parties, on account of their general politics, they are those of republicans and anti-republicans. The opposers are generally men who support the rights of the body of the people, and are properly republicans. The advocates are generally men not very friendly to those rights, and properly anti-republicans.

Had the advocates left the constitution, as they ought to have done, to be adopted or rejected on account of its own merits or imperfections, I do not believe the gentlemen who framed it would ever have been even alluded to in the contest by the opposers. Instead of this, the ardent advocates begun by quoting names as incontestible authorities for the implicit adoption of the system, without any examination—treated all who opposed it as friends of anarchy; and with an indecent virulence addressed M—n G—y, L—e,<sup>1</sup> and almost every man of weight they could find in the opposition by name. If they had been candid men they would have applauded the moderation of the opposers for not retaliating in this pointed manner, when so fair an opportunity was given them; but the opposers generally saw that it was no time to heat the passions; but, at the same time, they saw there was

something more than mere zeal in many of their adversaries; they saw them attempting to mislead the people, and to precipitate their divisions, by the sound of names, and forced to do it, the opposers, in general terms, alledged those names were not of sufficient authority to justify the hasty adoption of the system contended for. The convention, as a body, was undoubtedly respectable; it was, generally, composed of members of the then and preceding Congresses: as a body of respectable men we ought to view it. To select individual names, is an invitation to personal attacks, and the advocates, for their own sake, ought to have known the abilities, politics, and situation of some of their favourite characters better, before they held them up to view in the manner they did, as men entitled to our implicit political belief: they ought to have known, whether all the men they so held up to view could, for their past conduct in public offices, be approved or not by the public records, and the honest part of the community. These ardent advocates seem now to be peevish and angry, because, by their own folly, they have led to an investigation of facts and of political characters, unfavourable to them, which they had not the discernment to foresee. They may well apprehend they have opened a door to some Junius,<sup>2</sup> or to some man, after his manner, with his polite addresses to men by name, to state serious facts, and unfold the truth; but these advocates may rest assured, that cool men in the opposition, best acquainted with the affairs of the country, will not, in the critical passage of a people from one constitution to another, pursue inquiries, which, in other circumstances, will be deserving of the highest praise. I will say nothing further about political characters, but examine the constitution; and as a necessary and previous measure to a particular examination, I shall state a few general positions and principles, which receive a general assent, and briefly notice the leading features of the confederation, and several state conventions [i.e., constitutions], to which, through the whole investigation, we must frequently have recourse, to aid the mind in its determinations.

We can put but little dependance on the partial and vague information transmitted to us respecting antient governments; our situation as a people is peculiar: our people in general have a high sense of freedom; they are high spirited, though capable of deliberate measures; they are intelligent, discerning, and well informed; and it is to their condition we must mould the constitution and laws. We have no royal or noble families, and all things concur in favour of a government entirely elective. We have tried our abilities as freemen in a most arduous contest, and have succeeded; but we now find the main spring

of our movements were the love of liberty, and a temporary ardor, and not any energetic principle in the federal system.

Our territories are far too extensive for a limited monarchy, in which the representatives must frequently assemble, and the laws operate mildly and systematically. The most eligible system is a federal republic, that is, a system in which national concerns may be transacted in the centre, and local affairs in state or district governments.

The powers of the union ought to be extended to commerce, the coin, and national objects; and a division of powers, and a deposit of them in different hands, is safest.

Good government is generally the result of experience and gradual improvements, and a punctual execution of the laws is essential to the preservation of life, liberty, and property. Taxes are always necessary, and the power to raise them can never be safely lodged without checks and limitation, but in a full and substantial representation of the body of the people; the quantity of power delegated ought to be compensated by the brevity of the time of holding it, in order to prevent the possessors increasing it. The supreme power is in the people, and rulers possess only that portion which is expressly given them; yet the wisest people have often declared this is the case on proper occasions, and have carefully formed stipulations to fix the extent, and limit the exercise of the power given.

The people by *Magna Charta*, &c. did not acquire powers, or receive privileges from the king, they only ascertained and fixed those they were entitled to as Englishmen; the title used by the king “we grant,” was mere form. Representation, and the jury trial, are the best features of a free government ever as yet discovered, and the only means by which the body of the people can have their proper influence in the affairs of government.

In a federal system we must not only balance the parts of the same government, as that of the state, or that of the union; but we must find a balancing influence between the general and local governments—the latter is what men or writers have but very little or imperfectly considered.

A free and mild government is that in which no laws can be made without the formal and free consent of the people, or of their constitutional representatives; that is, of a substantial representative branch. Liberty, in its genuine sense, is security to enjoy the effects of our honest industry and labours, in a free and mild government, and personal security from all illegal restraints.

Of rights, some are natural and unalienable, of which even the people cannot deprive individuals: Some are constitutional or fundamental; these cannot be altered or abolished by the ordinary laws; but the

people, by express acts, may alter or abolish them—These, such as the trial by jury, the benefits of the writ of habeas corpus, &c. individuals claim under the solemn compacts of the people, as constitutions, or at least under laws so strengthened by long usage as not to be repealable by the ordinary legislature—and some are common or mere legal rights, that is, such as individuals claim under laws which the ordinary legislature may alter or abolish at pleasure.

The confederation is a league of friendship among the states or sovereignties for the common defence and mutual welfare—Each state expressly retains its sovereignty, and all powers not expressly given to congress—All federal powers are lodged in a congress of delegates annually elected by the state legislatures, except in Connecticut and Rhode-Island, where they are chosen by the people—Each state has a vote in congress, pays its delegates, and may instruct or recall them; no delegate can hold any office of profit, or serve more than three years in any six years—Each state may be represented by not less than two, or more than seven delegates.<sup>3</sup>

Congress (nine states agreeing) may make peace and war, treaties and alliances, grant letters of marque and reprisal, coin money, regulate the alloy and value of the coin, require men and monies of the states by fixed proportions, and appropriate monies, form armies and navies, emit bills of credit, and borrow monies.

Congress (seven states agreeing) may send and receive ambassadors, regulate captures, make rules for governing the army and navy, institute courts for the trial of piracies and felonies committed on the high seas, and for settling territorial disputes between the individual states, regulate weight and measures, post offices, and Indian affairs.

No state, without the consent of congress, can send or receive embassies, make any agreement with any other state, or a foreign state, keep up any vessels of war or bodies of forces in time of peace, or engage in war, or lay any duties which may interfere with the treaties of congress—Each state must appoint regimental officers, and keep up a well regulated militia—Each state may prohibit the importation or exportation of any species of goods.

The free inhabitants of one state are intitled to the privileges and immunities of the free citizens of the other states—Credit in each state shall be given to the records and judicial proceedings in the others.

Canada, acceding, may be admitted, and any other colony may be admitted by the consent of nine states.

Alterations may be made by the agreement of congress, and confirmation of all the state legislatures.

The following, I think, will be allowed to be unalienable or fundamental rights in the United States:—

No man, demeaning himself peaceably, shall be molested on account of his religion or mode of worship—The people have a right to hold and enjoy their property according to known standing laws, and which cannot be taken from them without their consent, or the consent of their representatives; and whenever taken in the pressing urgencies of government, they are to receive a reasonable compensation for it—Individual security consists in having free recourse to the laws—The people are subject to no laws or taxes not assented to by their representatives constitutionally assembled—They are at all times intitled to the benefits of the writ of habeas corpus, the trial by jury in criminal and civil causes—They have a right, when charged, to a speedy trial in the vicinage; to be heard by themselves or counsel, not to be compelled to furnish evidence against themselves, to have witnesses face to face, and to confront their adversaries before the judge—No man is held to answer a crime charged upon him till it be substantially described to him; and he is subject to no unreasonable searches or seizures of his person, papers or effects—The people have a right to assemble in an orderly manner, and petition the government for a redress of wrongs—The freedom of the press ought not to be restrained—No emoluments, except for actual service—No hereditary honors, or orders of nobility, ought to be allowed—The military ought to be subordinate to the civil authority, and no soldier be quartered on the citizens without their consent—The militia ought always to be armed and disciplined, and the usual defence of the country—The supreme power is in the people, and power delegated ought to return to them at stated periods, and frequently—The legislative, executive, and judicial powers, ought always to be kept distinct—others perhaps might be added.

The organization of the state governments—Each state has a legislature, an executive, and a judicial branch—In general legislators are excluded from the important executive and judicial offices—Except in the Carolinas there is no constitutional distinction among Christian sects—The constitutions of New York, Delaware, and Virginia, exclude the clergy from offices civil and military—the other states do nearly the same in practice.

Each state has a democratic branch elected twice a-year in Rhode-Island and Connecticut, biennially in South-Carolina, and annually in the other states—There are about 1500 representatives in all the states, or one to each 1700 inhabitants, reckoning five blacks for three whites—The states do not differ as to the age or moral characters of the electors or elected, nor materially as to their property.

Pennsylvania has lodged all her legislative powers in a single branch, and Georgia has done the same; the other eleven states have each in their legislatures a second or senatorial branch. In forming this they

have combined various principles, and aimed at several checks and balances. It is amazing to see how ingenuity has worked in the several states to fix a barrier against popular instability. In Massachusetts the senators are apportioned on districts according to the taxes they pay, nearly according to property. In Connecticut the freemen, in September, vote for twenty counsellors, and return the names of those voted for in the several towns; the legislature takes the twenty who have the most votes, and gives them to the people, who, in April, chuse twelve of them, who, with the governor and deputy governor, form the senatorial branch. In Maryland the senators are chosen by two electors from each county; these electors are chosen by the freemen, and qualified as the members in the democratic branch are: In these two cases checks are aimed at in the mode of election. Several states have taken into view the periods of service, age, property, &c. In South-Carolina a senator is elected for two years, in Delaware three, and in New-York and Virginia four, in Maryland five, and in the other states for one. In New-York and Virginia one-fourth part go out yearly. In Virginia a senator must be twenty-five years old, in South-Carolina thirty. In New-York the electors must each have a freehold worth 250 dollars, in North-Carolina a freehold of fifty acres of land; in the other states the electors of senators are qualified as electors of representatives are. In Massachusetts a senator must have a freehold in his own right worth 1000 dollars, or any estate worth 2000, in New-Jersey any estate worth 2666, in South-Carolina worth 1300 dollars, in North-Carolina 300 acres of land in fee, &c. The numbers of senators in each state are from ten to thirty-one, about 160 in the eleven states, about one to 14000 inhabitants.

Two states, Massachusetts and New-York, have each introduced into their legislatures a third, but incomplete branch. In the former, the governor may negative any law not supported by two-thirds of the senators, and two-thirds of the representatives: in the latter, the governor, chancellor, and judges of the supreme court may do the same.

Each state has a single executive branch. In the five eastern states the people at large elect their governors; in the other states the legislatures elect them. In South Carolina the governor is elected once in two years; in New-York and Delaware once in three, and in the other states annually. The governor of New-York has no executive council, the other governors have. In several states the governor has a vote in the senatorial branch—the governors have similar powers in some instances, and quite dissimilar ones in others. The number of executive counsellors in the states are from five to twelve. In the four eastern states, New-Jersey, Pennsylvania, and Georgia, they are of the men returned legislators by the people. In Pennsylvania the counsellors are

chosen triennially, in Delaware every fourth year, in Virginia every three years, in South-Carolina biennially, and in the other states yearly.

Each state has a judicial branch; each common law courts, superior and inferior; some chancery and admiralty courts: The courts in general sit in different places, in order to accommodate the citizens. The trial by jury is had in all the common law courts, and in some of the admiralty courts. The democratic freemen principally form the juries; men destitute of property, of character, or under age, are excluded as in elections. Some of the judges are during good behaviour, and some appointed for a year, and some for years; and all are dependant on the legislatures for their salaries—Particulars respecting this department are too many to be noticed here.

#### LETTER VII.

DECEMBER 31, 1787.

DEAR SIR, In viewing the various governments instituted by mankind, we see their whole force reducible to two principles—the important springs which alone move the machines, and give them their intended influence and controul, are force and persuasion: by the former men are compelled, by the latter they are drawn. We denominate a government despotic or free, as the one or other principle prevails in it. Perhaps it is not possible for a government to be so despotic, as not to operate persuasively on some of its subjects; nor is it, in the nature of things, I conceive, for a government to be so free, or so supported by voluntary consent, as never to want force to compel obedience to the laws. In despotic governments one man, or a few men, independant of the people, generally make the laws, command obedience, and enforce it by the sword: one-fourth part of the people are armed, and obliged to endure the fatigues of soldiers, to oppress the others and keep them subject to the laws. In free governments the people, or their representatives, make the laws; their execution is principally the effect of voluntary consent and aid; the people respect the magistrate, follow their private pursuits, and enjoy the fruits of their labour with very small deductions for the public use. The body of the people must evidently prefer the latter species of government; and it can be only those few, who may be well paid for the part they take in enforcing despotism, that can, for a moment, prefer the former. Our true object is to give full efficacy to one principle, to arm persuasion on every side, and to render force as little necessary as possible. Persuasion is never dangerous not even in despotic governments; but military force, if often applied internally, can never fail to destroy the love and confidence, and break the spirits, of the people; and to render it totally impracticable



and unnatural for him or them who govern, and yield to this force against the people, to hold their places by the peoples' elections.

I repeat my observation, that the plan proposed will have a doubtful operation between the two principles; and whether it will preponderate towards persuasion or force is uncertain.

Government must exist—If the persuasive principle be feeble, force is infallibly the next resort—The moment the laws of congress shall be disregarded they must languish, and the whole system be convulsed—that moment we must have recourse to this next resort, and all freedom vanish.

It being impracticable for the people to assemble to make laws, they must elect legislators, and assign men to the different departments of the government. In the representative branch we must expect chiefly to collect the confidence of the people, and in it to find almost entirely the force of persuasion. In forming this branch, therefore, several important considerations must be attended to. It must possess abilities to discern the situation of the people and of public affairs, a disposition to sympathize with the people, and a capacity and inclination to make laws congenial to their circumstances and condition: it must afford security against interested combinations, corruption and influence; it must possess the confidence, and have the voluntary support of the people.

I think these positions will not be controverted, nor the one I formerly advanced, that a fair and equal representation is that in which the interests, feelings, opinions and views of the people are collected, in such manner as they would be were the people all assembled.<sup>4</sup> Having made these general observations, I shall proceed to consider further my principal position, viz. that there is no substantial representation of the people provided for in a government, in which the most essential powers, even as to the internal police of the country, are proposed to be lodged; and to propose certain amendments as to the representative branch: 1st, That there ought to be *an increase of the numbers of representatives*: And, 2dly, That the elections of them ought to be better secured.<sup>5</sup>

1. The representation is unsubstantial and ought to be increased. In matters where there is much room for opinion, you will not expect me to establish my positions with mathematical certainty; you must only expect my observations to be candid, and such as are well founded in the mind of the writer. I am in a field where doctors disagree; and as to genuine representation, though no feature in government can be more important, perhaps, no one has been less understood, and no one that has received so imperfect a consideration by political writers.

The ephori in Sparta, and the tribunes in Rome,<sup>6</sup> were but the shadow; the representation in Great-Britain is unequal and insecure. In America we have done more in establishing this important branch on its true principles, than, perhaps, all the world besides: yet even here, I conceive, that very great improvements in representation may be made. In fixing this branch, the situation of the people must be surveyed, and the number of representatives and forms of election apportioned to that situation. When we find a numerous people settled in a fertile and extensive country, possessing equality, and few or none of them oppressed with riches or wants, it ought to be the anxious care of the constitution and laws, to arrest them from national depravity, and to preserve them in their happy condition. A virtuous people make just laws, and good laws tend to preserve unchanged a virtuous people. A virtuous and happy people by laws uncongenial to their characters, may easily be gradually changed into servile and depraved creatures. Where the people, or their representatives, make the laws, it is probable they will generally be fitted to the national character and circumstances, unless the representation be partial, and the imperfect substitute of the people. However, the people may be electors, if the representation be so formed as to give one or more of the natural classes of men in the society an undue ascendancy over the others, it is imperfect; the former will gradually become masters, and the latter slaves. It is the first of all among the political balances, to preserve in its proper station each of these classes. We talk of balances in the legislature, and among the departments of government; we ought to carry them to the body of the people. Since I advanced the idea of balancing the several orders of men in a community, in forming a genuine representation,<sup>7</sup> and seen that idea considered as chimerical, I have been sensibly struck with a sentence in the marquis Beccaria's treatise: this sentence was quoted by congress in 1774, and is as follows:—"In every society there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the others to the extreme of weakness and misery; the intent of good laws is to oppose this effort, and to diffuse their influence universally and equally."<sup>8</sup> Add to this Montesquieu's opinion, that "in a free state every man, who is supposed to be a free agent, ought to be concerned in his own government: therefore, the legislative should reside in the whole body of the people, or their representatives."<sup>9</sup> It is extremely clear that these writers had in view the several orders of men in society, which we call aristocratical, democratical, merchantile, mechanic, &c. and perceived the efforts they are constantly, from interested and ambitious views, disposed to make to elevate themselves and oppress others. Each order must have a share in

the business of legislation actually and efficiently. It is deceiving a people to tell them they are electors, and can chuse their legislators, if they cannot, in the nature of things, chuse men from among themselves, and genuinely like themselves. I wish you to take another idea along with you; we are not only to balance these natural efforts, but we are also to guard against accidental combinations; combinations founded in the connections of offices and private interests, both evils which are increased in proportion as the number of men, among which the elected must be, are decreased. To set this matter in a proper point of view, we must form some general ideas and descriptions of the different classes of men, as they may be divided by occupations and politically: the first class is the aristocratical. There are three kinds of aristocracy spoken of in this country—the first is a constitutional one, which does not exist in the United States in our common acceptation of the word. Montesquieu, it is true, observes, that where a part of the persons in a society, for want of property, age, or moral character, are excluded any share in the government, the others, who alone are the constitutional electors and elected, form this aristocracy;<sup>10</sup> this according to him, exists in each of the United States, where a considerable number of persons, as all convicted of crimes, under age, or not possessed of certain property, are excluded any share in the government; the second is an aristocratic faction, a junto of unprincipled men, often distinguished for their wealth or abilities, who combine together and make their object their private interests and aggrandizement; the existence of this description is merely accidental, but particularly to be guarded against. The third is the natural aristocracy; this term we use to designate a respectable order of men, the line between whom and the natural democracy is in some degree arbitrary; we may place men on one side of this line, which others may place on the other, and in all disputes between the few and the many, a considerable number are wavering and uncertain themselves on which side they are, or ought to be. In my idea of our natural aristocracy in the United States, I include about four or five thousand men; and among these I reckon those who have been placed in the offices of governors, of members of Congress, and state senators generally, in the principal officers of Congress, of the army and militia, the superior judges, the most eminent professional men, &c. and men of large property<sup>11</sup>—the other persons and orders in the community form the natural democracy; this includes in general the yeomanry, the subordinate officers, civil and military, the fishermen, mechanics and traders, many of the merchants and professional men. It is easy to perceive that men of these two classes, the aristocratical, and democratical, with views equally honest, have sentiments

widely different, especially respecting public and private expences, salaries, taxes, &c. Men of the first class associate more extensively, have a high sense of honor, possess abilities, ambition, and general knowledge: men of the second class are not so much used to combining great objects; they possess less ambition, and a larger share of honesty: their dependence is principally on middling and small estates, industrious pursuits, and hard labour, while that of the former is principally on the emoluments of large estates, and of the chief offices of government. Not only the efforts of these two great parties are to be balanced, but other interests and parties also, which do not always oppress each other merely for want of power, and for fear of the consequences; though they, in fact, mutually depend on each other; yet such are their general views, that the merchants alone would never fail to make laws favourable to themselves and oppressive to the farmers, &c. the farmers alone would act on like principles; the former would tax the land, the latter the trade. The manufacturers are often disposed to contend for monopolies, buyers make every exertion to lower prices, and sellers to raise them; men who live by fees and salaries endeavour to raise them, and the part of the people who pay them, endeavour to lower them; the public creditors to augment the taxes, and the people at large to lessen them. Thus, in every period of society, and in all the transactions of men, we see parties verifying the observation made by the Marquis; and those classes which have not their centinels in the government, in proportion to what they have to gain or lose, must infallibly be ruined.

Efforts among parties are not merely confined to property; they contend for rank and distinctions; all their passions in turn are enlisted in political controversies—Men, elevated in society, are often disgusted with the changeableness of the democracy, and the latter are often agitated with the passions of jealousy and envy: the yeomanry possess a large share of property and strength, are nervous and firm in their opinions and habits—the mechanics of towns are ardent and changeable, honest and credulous, they are inconsiderable for numbers, weight and strength, not always sufficiently stable for the supporting free governments; the fishing interest partakes partly of the strength and stability of the landed, and partly of the changeableness of the mechanic interest. As to merchants and traders, they are our agents in almost all money transactions; give activity to government, and possess a considerable share of influence in it. It has been observed by an able writer, that frugal industrious merchants are generally advocates for liberty. It is an observation, I believe, well founded, that the schools produce but few advocates for republican forms of government; gentlemen of the law, divinity, physic, &c. probably form about a fourth

part of the people; yet their political influence, perhaps, is equal to that of all the other descriptions of men; if we may judge from the appointments to Congress, the legal characters will often, in a small representation, be the majority; but the more the representatives are increased, the more of the farmers, merchants, &c. will be found to be brought into the government.

These general observations will enable you to discern what I intend by different classes, and the general scope of my ideas, when I contend for uniting and balancing their interests, feelings, opinions, and views in the legislature; we may not only so unite and balance these as to prevent a change in the government by the gradual exaltation of one part to the depression of others, but we may derive many other advantages from the combination and full representation; a small representation can never be well informed as to the circumstances of the people, the members of it must be too far removed from the people, in general, to sympathize with them, and too few to communicate with them: a representation must be extremely imperfect where the representatives are not circumstanced to make the proper communications to their constituents, and where the constituents in turn cannot, with tolerable convenience, make known their wants, circumstances, and opinions, to their representatives; where there is but one representative to 30,000, or 40,000 inhabitants, it appears to me, he can only mix, and be acquainted with a few respectable characters among his constituents, even double the federal representation, and then there must be a very great distance between the representatives and the people in general represented. On the proposed plan, the state of Delaware, the city of Philadelphia, the state of Rhode Island, the province of Main[e], the county of Suffolk in Massachusetts, will have one representative each; there can be but little personal knowledge, or but few communications, between him and the people at large of either of those districts. It has been observed, that mixing only with the respectable men, he will get the best information and ideas from them; he will also receive impressions favourable to their purposes particularly. Many plausible shifts have been made to divert the mind from dwelling on this defective representation, these I shall consider in another place.<sup>12</sup>

Could we get over all our difficulties respecting a balance of interests and party efforts, to raise some and oppress others, the want of sympathy, information and intercourse between the representatives and the people, an insuperable difficulty will still remain, I mean the constant liability of a small number of representatives to private combinations; the tyranny of the one, or the licentiousness of the multitude, are, in my mind, but small evils, compared with the factions of the few. It is a

consideration well worth pursuing, how far this house of representatives will be liable to be formed into private juntos, how far influenced by expectations of appointments and offices, how far liable to be managed by the president and senate, and how far the people will have confidence in them. To obviate difficulties on this head, as well as objections to the representative branch, generally, several observations have been made—these I will now examine, and if they shall appear to be unfounded, the objections must stand unanswered.

That the people are the electors, must elect good men, and attend to the administration.

It is said that the members of Congress, at stated periods, must return home, and that they must be subject to the laws they may make, and to a share of the burdens they may impose.

That the people possess the strong arm to overawe their rulers, and the best checks in their national character against the abuses of power, that the supreme power will remain in them.

That the state governments will form a part of, and a balance in the system.

That Congress will have only a few national objects to attend to, and the state governments many and local ones.

That the new Congress will be more numerous than the present, and that any numerous body is unwieldy and mobbish.

That the states only are represented in the present Congress, and that the people will require a representation in the new one; that in fifty or an hundred years the representation will be numerous.

That congress will have no temptation to do wrong; and that no system to enslave the people is practicable.

That as long as the people are free they will preserve free governments; and that when they shall become tired of freedom, arbitrary government must take place.

These observations I shall examine in the course of my letters; and, I think, not only shew that they are not well founded, but point out the fallacy of some of them; and shew, that others do not very well comport with the dignified and manly sentiments of a free and enlightened people.

#### LETTER VIII.

JANUARY 3, 1788.

DEAR SIR, Before I proceed to examine the objections, I beg leave to add a valuable idea respecting representation, to be collected from De Lome,<sup>13</sup> and other able writers, which essentially tends to confirm my positions: They very justly impute the establishment of general and

equal liberty in England to a balance of interests and powers among the different orders of men; aided by a series of fortunate events, that never before, and possibly never again will happen.

Before the Norman conquest the people of England enjoyed much of this liberty. The first of the Norman kings, aided by foreign mercenaries and foreign attendants, obnoxious to the English, immediately laid arbitrary taxes, and established arbitrary courts, and severely oppress[ed] all orders of people: The barons and people, who recollected their former liberties, were induced, by those oppressions, to unite their efforts in their common defence: Here it became necessary for the great men, instead of deceiving and depressing the people, to enlighten and court them; the royal power was too strongly fixed to be annihilated, and rational means were, therefore directed to limiting it within proper bounds. In this long and arduous task, in this new species of contests, the barons and people succeeded, because they had been freemen, and knew the value of the object they were contending for; because they were the people of a small island—one people who found it practicable to meet and deliberate in one assembly, and act under one system of resolves, and who were not obliged to meet in different provincial assemblies, as is the case in large countries, as was the case in France, Spain, &c. where their determinations were inconsistent with each other, and where the king could play off one assembly against another.

It was in this united situation the people of England were for several centuries, enabled to combine their exertions, and by compacts, as Magna Charta, a bill of rights, &c. were able to limit, by degrees, the royal prerogatives, and establish their own liberties. The first combination was, probably, the accidental effect of pre-existing circumstances; but there was an admirable balance of interests in it, which has been the parent of English liberty, and excellent regulations enjoyed since that time. The executive power having been uniformly in the king, and he the visible head of the nation, it was chimerical for the greatest lord or most popular leader, consistent with the state of the government, and opinion of the people, to seriously think of becoming the king's rival, or to aim at even a share of the executive power; the greatest subject's prospect was only in acquiring a respectable influence in the house of commons, house of lords, or in the ministry; circumstances at once made it the interests of the leaders of the people to stand by them. Far otherwise was it with the ephori in Sparta, and tribunes in Rome. The leaders in England have led the people to freedom, in almost all other countries to servitude. The people in England have made use of deliberate exertions, their safest and

most efficient weapons. In other countries they have often acted like mobs, and been enslaved by their enemies, or by their own leaders. In England, the people have been led uniformly, and systematically by their representatives to secure their rights by compact, and to abolish innovations upon the government: they successively obtained Magna Charta, the powers of taxation, the power to propose laws, the habeas corpus act, bill of rights, &c. they, in short, secured general and equal liberty, security to their persons and property; and, as an everlasting security and bulwark of their liberties, they fixed the democratic branch in the legislature, and jury trial in the execution of the laws, the freedom of the press, &c.

In Rome, and most other countries, the reverse of all this is true. In Greece, Rome, and wherever the civil law has been adopted, torture has been admitted. In Rome the people were subject to arbitrary confiscations, and even their lives would be arbitrarily disposed of by consuls, tribunes, dictators, masters, &c. half of the inhabitants were slaves, and the other half never knew what equal liberty was; yet in England the people have had king, lords, and commons; in Rome they had consuls, senators and tribunes: why then was the government of England so mild and favourable to the body of the people, and that of Rome an ambitious and oppressive aristocracy? Why in England have the revolutions always ended in stipulations in favour of general liberty, equal laws, and the common rights of the people, and in most other countries in favour only of a few influential men? The reasons, in my mind, are obvious: In England the people have been substantially represented in many respects; in the other countries it has not been so. Perhaps a small degree of attention to a few simple facts will illustrate this.—In England, from the oppressions of the Norman kings to the revolution in 1688, during which period of two or three hundred years, the English liberties were ascertained and established, the aristocratic part of that nation was substantially represented by a very large number of nobles, possessing similar interests and feelings with those they represented. The body of the people, about four or five millions, then mostly a frugal landed people, were represented by about five hundred representatives, taken not from the order of men which formed the aristocracy, but from the body of the people, and possessed of the same interests and feelings. De Lome, speaking of the British representation, expressly founds all his reasons on this union; this similitude of interests, feelings, views and circumstances. He observes, the English have preserved their liberties, because they and their leaders or representatives have been strictly united in interests, and in contending for general liberty.<sup>14</sup> Here we see a genuine balance founded in the actual state



of things. The whole community, probably, not more than two-fifths more numerous than we now are, were represented by seven or eight hundred men; the barons stipulated with the common people, and the king with the whole. Had the legal distinction between lords and commons been broken down, and the people of that island been called upon to elect forty-five senators, and one hundred and twenty representatives, about the proportion we propose to establish, their whole legislature evidently would have been of the natural aristocracy, and the body of the people would not have had scarcely a single sincere advocate; their interests would have been neglected, general and equal liberty forgot, and the balance lost; contests and conciliations, as in most other countries, would have been merely among the few, and as it might have been necessary to serve their purposes, the people at large would have been flattered or threatened, and probably not a single stipulation made in their favour.

In Rome the people were miserable, though they had three orders, the consuls, senators and tribunes, and approved the laws, and all for want of a genuine representation. The people were too numerous to assemble, and do any thing properly themselves; the voice of a few, the dupes of artifice, was called the voice of the people. It is difficult for the people to defend themselves against the arts and intrigues of the great, but by selecting a suitable number of men fixed to their interests to represent them, and to oppose ministers and senators. And the people's all depends on the number of the men selected, and the manner of doing it. To be convinced of this, we need only attend to the reason of the case, the conduct of the British commons, and of the Roman tribunes: equal liberty prevails in England, because there was a representation of the people, in fact and reality, to establish it; equal liberty never prevailed in Rome, because there was but the shadow of a representation. There were consuls in Rome annually elected to execute the laws, several hundred senators represented the great families; the body of the people annually chose tribunes from among themselves to defend them and to secure their rights; I think the number of tribunes annually chosen never exceeded ten. This representation, perhaps, was not proportionally so numerous as the representation proposed in the new plan; but the difference will not appear to be so great, when it shall be recollected, that these tribunes were chosen annually; that the great patrician families were not admitted to these offices of tribunes, and that the people of Italy who elected the tribunes were a long while, if not always, a small people compared with the people of the United States. What was the consequence of this trifling representation? The people of Rome always elected for their tribunes men conspicuous for

their riches, military commands, professional popularity, &c. great commoners, between whom and the noble families there was only the shadowy difference of legal distinction. Among all the tribunes the people chose for several centuries, they had scarcely five real friends to their interests. These tribunes lived, felt and saw, not like the people, but like the great patrician families, like senators and great officers of state, to get into which it was evident, by their conduct, was their sole object. These tribunes often talked about the rights and prerogatives of the people, and that was all; for they never even attempted to establish equal liberty: so far from establishing the rights of the people, they suffered the senate, to the exclusion of the people, to engross the powers of taxation; those excellent and almost only real weapons of defence even the people of England possess. The tribunes obtained that the people should be eligible to some of the great offices of state, and marry, if they pleased, into the noble families; these were advantages in their nature, confined to a few elevated commoners, and of trifling importance to the people at large. Nearly the same observations may be made as to the ephori of Sparta.

We may amuse ourselves with names; but the fact is, men will be governed by the motives and temptations that surround their situation. Political evils to be guarded against are in the human character, and not in the name of patrician or plebian. Had the people of Italy, in the early period of the republic, selected yearly, or biennially, four or five hundred of their best informed men, emphatically from among themselves, these representatives would have formed an honest respectable assembly, capable of combining in them the views and exertions of the people, and their respectability would have procured them honest and able leaders, and we should have seen equal liberty established. True liberty stands in need of a fostering hand; from the days of Adam she has found but one temple to dwell in securely; she has laid the foundation of one, perhaps her last, in America; whether this is to be completed and have duration, is yet a question. Equal liberty never yet found many advocates among the great: it is a disagreeable truth, that power perverts mens views in a greater degree, than public employments inform their understandings—they become hardened in certain maxims, and more lost to fellow feelings. Men may always be too cautious to commit alarming and glaring iniquities: but they, as well as systems, are liable to be corrupted by slow degrees. Junius well observes, we are not only to guard against what men will do, but even against what they may do.<sup>15</sup> Men in high public offices are in stations where they gradually lose sight of the people, and do not often think of attending to them, except when necessary to answer private purposes.

The body of the people must have this true representative security placed some where in the nation; and in the United States, or in any extended empire, I am fully persuaded can be placed no where, but in the forms of a federal republic, where we can divide and place it in several state or district legislatures, giving the people in these the means of opposing heavy internal taxes and oppressive measures in the proper stages. A great empire contains the amities and animosities of a world within itself. We are not like the people of England, one people compactly settled on a small island, with a great city filled with frugal merchants, serving as a common centre of liberty and union: we are dispersed, and it is impracticable for any but the few to assemble in one place: the few must be watched, checked, and often resisted—tyranny has ever shewn a prediliction to be in close amity with them, or the one man. Drive it from kings and it flies to senators, to dicemvirs, to dictators, to tribunes, to popular leaders, to military chiefs, &c.

De Lome well observes, that in societies, laws which were to be equal to all are soon warped to the private interests of the administrators, and made to defend the usurpations of a few.<sup>16</sup> The English, who had tasted the sweets of equal laws, were aware of this, and though they restored their king, they carefully delegated to parliament the advocates of freedom.

I have often lately heard it observed, that it will do very well for a people to make a constitution, and ordain, that at stated periods they will chuse, in a certain manner, a first magistrate, a given number of senators and representatives, and let them have all power to do as they please. This doctrine, however it may do for a small republic, as Connecticut, for instance, where the people may chuse so many senators and representatives to assemble in the legislature, in an eminent degree, the interests, the views, feelings, and genuine sentiments of the people themselves, can never be admitted in an extensive country; and when this power is lodged in the hands of a few, not to limit the few, is but one step short of giving absolute power to one man—in a numerous representation the abuse of power is a common injury, and has no temptation—among the few, the abuse of power may often operate to the private emolument of those who abuse it.

#### LETTER IX.

JANUARY 4, 1788.

DEAR SIR, The advocates of the constitution say we must trust to the administration, and elect good men for representatives. I admit, that in forming the social compact, we can fix only general principles, and, of necessity, must trust something to the wisdom and integrity of the

administration. But the question is, do we not trust too much, and to men also placed in the vortex of temptation, to lay hold of proffered advantages for themselves and their connections, and to oppress the body of the people.

It is one thing to authorise a well organized legislature to make laws, under the restraints of a well guarded constitution, and another to assemble a few men, and to tell them to do what they please. I am not the more shaken in my principles, or disposed to despair of the cause of liberty, because some of our able men have adopted the yielding language of non-resistance, and writers dare insult the people with the signatures of Cæsar, Mark Antony, and of other tyrants; because I see even moderate and amiable men, forced to let go of monarchy in 1775, still in love with it, to use the simile of our countrymen, when the political pot boils, the skum will often get uppermost and make its appearance. I believe the people of America, when they shall fully understand any political subject brought before them, will talk in a very different stile, and use the manly language of freedom.

But “the people must elect good men:”—Examine the system, Is it practicable for them to elect fit and proper representatives where the number is so small? “But the people may chuse whom they please.” This is an observation, I believe, made without due attention to facts and the state of the community. To explain my meaning, I will consider the descriptions of men commonly presented to the people as candidates for the offices of representatives—we may rank them in three classes. 1. The men who form the natural aristocracy, as before defined. 2. Popular demagogues: these men also are often politically elevated, so as to be seen by the people through the extent of large districts; they often have some abilities, without principle, and rise into notice by their noise and arts. 3. The substantial and respectable part of the democracy; they are a numerous and valuable set of men, who discern and judge well, but from being generally silent in public assemblies are often overlooked; they are the most substantial and best informed men in the several towns, who occasionally fill the middle grades of offices, &c. who hold not a splendid, but a respectable rank in private concerns: these men are extensively diffused through all the counties, towns, and small districts in the union; even they, and their immediate connections, are raised above the majority of the people, and as representatives are only brought to a level with a more numerous part of the community, the middle orders, and a degree nearer the mass of the people. Hence it is, that the best practical representation, even in a small state, must be several degrees more aristocratical than the body of the people. A representation so formed as to admit but few or none

of the third class, is, in my opinion, not deserving of the name—even in armies, courts-martial are so formed as to admit subaltern officers into them. The true idea is, so to open and enlarge the representation as to let in a due proportion of the third class with those of the first. Now, my opinion is, that the representation proposed is so small, as that ordinarily very few or none of them can be elected; and, therefore, after all the parade of words and forms, the government must possess the soul of aristocracy, or something worse, the spirit of popular leaders.

I observed in a former letter, that the state of Delaware, of Rhode-Island, the Province of Main[e], and each of the great counties in Massachusetts, &c. would have one member,<sup>17</sup> and rather more than one when the representatives shall be increased to one for each 30,000 inhabitants. In some districts the people are more dispersed and unequal than in others: In Delaware they are compact, in the Province of Main dispersed; how can the elections in either of those districts be regulated so as that a man of the third class can be elected?—Exactly the same principles and motives, the same uncontrollable circumstances, must govern the elections as in the choice of the governors. Call upon the people of either of those districts to chuse a governor, and it will, probably, never happen that they will not bestow a major part, or the greatest number, of their votes on some very conspicuous or very popular character. A man that is known among a few thousands of people, may be quite unknown among thirty or forty thousand. On the whole, it appears to me to be almost a self-evident position, that when we call on thirty or forty thousand inhabitants to unite in giving their votes for one man, it will be uniformly impracticable for them to unite in any man, except those few who have become eminent for their civil or military rank, or their popular legal abilities: it will be found totally impracticable for men in the private walks of life, except in the profession of the law, to become conspicuous enough to attract the notice of so many electors and have their suffrages.

But if I am right, it is asked why so many respectable men advocate the adoption of the proposed system. Several reasons may be given—many of our gentlemen are attached to the principles of monarchy and aristocracy; they have an aversion to democratic republics. The body of the people have acquired large powers and substantial influence by the revolution. In the unsettled state of things, their numerous representatives, in some instances, misused their powers, and have induced many good men suddenly to adopt ideas unfavourable to such republics, and which ideas they will discard on reflection. Without scrutinizing into the particulars of the proposed system, we immediately perceive that its general tendency is to collect the powers of government,

now in the body of the people in reality, and to place them in the higher orders and fewer hands; no wonder then that all those of and about these orders are attached to it: they feel there is something in this system advantageous to them. On the other hand, the body of the people evidently feel there is something wrong and disadvantageous to them; both descriptions perceive there is something tending to bestow on the former the height of power and happiness, and to reduce the latter to weakness, insignificance, and misery. The people evidently feel all this though they want expressions to convey their ideas. Further, even the respectable part of the democracy, have never yet been able to distinguish clearly where the fallacy lies; they find there are defects in the confederation; they see a system presented, they think something must be done, and, while their minds are in suspense, the zealous advocates force a reluctant consent. Nothing can be a stronger evidence of the nature of this system, than the general sense of the several orders in the community respecting its tendency; the parts taken generally by them proves my position, that notwithstanding the parade of words and forms, the government must possess the soul of aristocracy.

Congress, heretofore, have asked for moderate additional powers, the cry was give them—be federal: but the proper distinction between the cases that produce this disposition, and the system proposed, has not been fairly made and seen in all its consequences. We have seen some of our state representations too numerous, and without examining a medium we run into the opposite extreme. It is true, the proper number of federal representatives, is matter of opinion in some degree; but there are extremes which we immediately perceive, and others which we clearly discover on examination. We should readily pronounce a representative branch of 15 members small in a federal government, having complete powers as to taxes, military matters, commerce, the coin, &c. &c. On the other hand, we should readily pronounce a federal representation as numerous as those of the several states, consisting of about 1500 representatives, unwieldly and totally improper. It is asked, has not the wisdom of the convention found the medium? perhaps not: The convention was divided on this point of numbers: at least some of its ablest members urged, that instead of 65 representatives there ought to be 130 in the first instance: They fixed one representative for each 40,000 inhabitants, and at the close of the work, the president suggested, that the representation appeared to be too small and without debate, it was put at, not exceeding one for each 30,000.<sup>18</sup> I mention these facts to shew, that the convention went on no fixed data. In this extensive country it is difficult to get a representation sufficiently numerous: Necessity, I believe, will oblige us to sacrifice in some degree the true genuine principles of representation: But this

sacrifice ought to be as little as possible: How far we ought to increase the representation I will not pretend to say; but that we ought to increase it very considerably, is clear—to double it at least, making full allowances for the state representations: and this we may evidently do, and approach accordingly towards safety and perfection, without encountering any inconveniences. It is with great difficulty the people can unite these different interests and views even tolerably, in the state senators, who are more than twice as numerous as the federal representatives, as proposed by the convention; even these senators are considered as so far removed from the people, that they are not allowed immediately to hold their purse strings.

The principle objections made to the increase of the representation are, the expence and difficulty in getting the members to attend. The first cannot be important; the last, if founded, is against any federal government. As to the expence, I presume, the house of representatives will not be in sessions more than four months in the year. We find by experience, that about two-thirds of the members of representative assemblies usually attend; therefore, of the representation proposed by the convention, about forty-five members probably will attend, doubling their number, about 90 will probably attend: their pay, in one case, at four dollars a day each (which is putting it high enough) will amount to, yearly, 21,600 dollars; in the other case, 43,200 dollars difference 21,600 dollars;—reduce the state representatives from 1500 down to 1000, and thereby save the attendance of two-thirds of the 500, say three months in a year, at one dollar and a quarter a day each 37,125 dollars. Thus we may leave the state representations sufficient large, and yet save enough by the reduction nearly to support exceeding well the whole federal representation I propose. Surely we never can be so unwise as to sacrifice, essentially, the all-important principles of representation for so small a sum as 21,600 dollars a year for the United States; a single company of soldiers would cost this sum. It is a fact that can easily be shewn, that we expend three times this sum every year upon useless inferior offices and very trifling concerns. It is also a fact which can be shewn, that the United States in the late war suffered more by a faction in the federal government, than the pay of the federal representation will amount to for twenty years.

As to the attendance—Can we be so unwise as to establish an unsafe and inadequate representative branch, and give it as a reason, that we believe only a few members will be induced to attend; we ought certainly to establish an adequate representative branch, and adopt measures to induce an attendance; I believe that a due proportion of 130 or 140 members may be induced to attend: there are various reasons

for the non-attendance of the members of the present congress; it is to be presumed that these will not exist under the new system.

To compensate for the want of a genuine representation in a government, where the purse and sword, and all important powers, are proposed to be lodged, a variety of unimportant things are enumerated by the advocates of it.

In the second place, it is said the members of congress must return home, and share in the burdens they may impose; and, therefore, private motives will induce them to make mild laws, to support liberty, and ease the burdens of the people: this brings us to a mere question of interest under this head. I think these observations will appear, on examination, altogether fallacious; because this individual interest, which may coincide with the rights and interests of the people, will be far more than balanced by opposite motives and opposite interests. If, on a fair calculation, a man will gain more by measures oppressive to others than he will lose by them, he is interested in their adoption. It is true, that those who govern, generally, by increasing the public burdens increase their own share of them; but by this increase they may, and often do, increase their salaries, fees, and emoluments, in a ten-fold proportion, by increasing salaries, forming armies and navies, and by making offices—If it shall appear the members of congress will have these temptations before them, the argument is on my side—they will view the account, and be induced continually to make efforts advantageous to themselves and connections, and oppressive to others.

We must examine facts—Congress, in its present form, have but few offices to dispose of worth the attention of the members, or of men of the aristocracy; yet, from 1774 to this time, we find a large proportion of those offices assigned to those who were or had been members of congress, and though the states chuse annually sixty or seventy members, many of them have been provided for; but few men are known to congress in this extensive country, and, probably, but few will be to the president and senate, except those who have or shall appear as members of congress, or those whom the members may bring forward. The states may now chuse yearly ninety-one members of congress;<sup>19</sup> under the new constitution they will have it in their power to chuse exactly the same number, perhaps afterwards, one hundred and fifteen, but these must be chosen once in two and six years; so that, in the course of ten years together, not more than two-thirds so many members of congress will be elected and brought into view, as there now are under the confederation in the same term of time: but at least there will be five, if not ten times, as many offices and places worthy the attention of the members, under the new constitution, as there are



under the confederation: therefore, we may fairly presume, that a very great proportion of the members of congress, especially the influential ones, instead of returning to private life, will be provided for with lucrative offices, in the civil or military department, and not only the members, but many of their sons, friends, and connection. These offices will be in the constitutional disposition of the president and senate, and, corruption out of the question, what kind of security can we expect in a representation, so many of the members of which may rationally feel themselves candidates for these offices?—let common sense decide. It is true, that members chosen to offices must leave their seats in congress, and to some few offices they cannot be elected till the time shall be expired for which they were elected members; but this scarcely will effect the bias arising from the hopes and expectations of office.

It is not only in this point of view, the members of congress, by their efforts, may make themselves and friends powerful and happy, while the people may be oppressed: but there is another way in which they may soon warp laws, which ought to be equal, to their own advantages, by those imperceptible means, and on those doubtful principles which may not alarm. No society can do without taxes; they are the efficient means of safety and defence, and they too have often been the weapons by which the blessings of society have been destroyed. Congress will have power to lay taxes at pleasure for the general welfare; and if they mis-judge of the general welfare, and lay unnecessary oppressive taxes, the constitution will provide, as I shall hereafter shew, no remedy for the people or states—the people must bear them, or have recourse, not to any constitutional checks or remedies, but to that resistance which is the last resort, and founded in self-defence.<sup>20</sup>

It is well stipulated, that all duties, imposts, and excises shall be equal; and that direct taxes shall be apportioned on the several states by a fixed rule, but nothing further. Here commences a dangerous power in matters of taxation, lodged without any regard to the balance of interests of the different orders of men, and without any regard to the internal policy of the states. Congress having assigned to any state its quota, say to New-Jersey, 80,000 dollars in a given tax, congress will be entirely at liberty to apportion that sum on the counties and towns, polls, lands, houses, labour, &c. and appoint the assessors and collectors in that state in what manner they please; there will be nothing to prevent a system of tax laws being made, unduly to ease some descriptions of men and burden others; though such a system may be unjust and injudicious, though we may complain, the answer will be, congress have

the power delegated by the people, and, probably, congress has done what it thought best.

By the confederation taxes must be quotaed on the several states by fixed rules, as before mentioned: but then each state's quota is apportioned on the several numbers and classes of citizens in the state by the state legislature, assessed and collected by state laws. Great pains have been taken to confound the two cases, which are as distinct as light and darkness; this I shall endeavour to illustrate, when I come to the amendment respecting internal taxes. I shall only observe, at present, that in the state legislatures the body of the people will be genuinely represented, and in congress not; that the right of resisting oppressive measures is inherent in the people, and that a constitutional barrier should be so formed, that their genuine representatives may stop an oppressive ruinous measure in its early progress, before it shall come to maturity, and the evils of it become in a degree fixed.

It has lately been often observed, that the power or body of men intrusted with the national defence and tranquility, must necessarily possess the purse unlimitedly, that the purse and sword must go together—this is new doctrine in a free country, and by no means tenable. In the British government the king is particularly intrusted with the national honor and defence, but the commons solely hold the purse. I think I have amply shewn that the representation in congress will be totally inadequate in matters of taxation, &c. and, therefore, that the ultimate controul over the purse must be lodged elsewhere.

We are not to expect even honest men rigidly to adhere to the line of strict impartiality, where the interest of themselves or friends is particularly concerned; if we do expect it, we shall deceive ourselves, and make a wrong estimate of human nature.

But it is asked how shall we remedy the evil, so as to complete and perpetuate the temple of equal laws and equal liberty? Perhaps we never can do it. Possibly we never may be able to do it, in this immense country, under any one system of laws however modified; nevertheless, at present, I think the experiment worth a making. I feel an aversion to the disunion of the states, and to separate confederacies; the states have fought and bled in a common cause, and great dangers too may attend these confederacies. I think the system proposed capable of very considerable degrees of perfection, if we pursue first principles. I do not think that De Lome, or any writer I have seen, has sufficiently pursued the proper inquiries and efficient means for making representation and balances in government more perfect; it is our task to do this in America. Our object is equal liberty, and equal laws diffusing

their influence among all orders of men; to obtain this we must guard against the bias of interest and passions, against interested combinations, secret or open; we must aim at a balance of efforts and strength.

Clear it is, by increasing the representation we lessen the prospects of each member of congress being provided for in public offices; we proportionably lessen official influence, and strengthen his prospects of becoming a private citizen, subject to the common burdens, without the compensation of the emoluments of office. By increasing the representation we make it more difficult to corrupt and influence the members; we diffuse them more extensively among the body of the people, perfect the balance, multiply information, strengthen the confidence of the people, and consequently support the laws on equal and free principles. There are two other ways, I think, of obtaining in some degree the security we want; the one is, by excluding more extensively the members from being appointed to offices; the other is, by limiting some of their powers; but these two I shall examine hereafter.

#### LETTER X.

JANUARY 7, 1788.

DEAR SIR, It is said that our people have a high sense of freedom, possess power, property, and the strong arm; meaning, I presume, that the body of the people can take care of themselves, and awe their rulers; and, therefore, particular provision in the constitution for their security may not be essential. When I come to examine these observations, they appear to me too trifling and loose to deserve a serious answer.

To palliate for the smallness of the representation, it is observed, that the state governments in which the people are fully represented, necessarily form a part of the system. This idea ought to be fully examined. We ought to enquire if the convention have made the proper use of these essential parts; the state governments then we are told will stand between the arbitrary exercise of power and the people: true they may, but armless and helpless, perhaps, with the privilege of making a noise when hurt—this is no more than individuals may do. Does the constitution provide a single check for a single measure, by which the state governments can constitutionally and regularly check the arbitrary measures of congress? Congress may raise immediately fifty thousand men, and twenty millions of dollars in taxes, build a navy, model the militia, &c. and all this constitutionally. Congress may arm on every point, and the state governments can do no more than an individual, by petition to congress, suggest their measures are alarming and not right.

I conceive the position to be undeniable, that the federal government will be principally in the hands of the natural aristocracy, and the state governments principally in the hands of the democracy, the representatives of the body of the people. These representatives in Great-Britain hold the purse, and have a negative upon all laws. We must yield to circumstances, and depart something from this plan, and strike out a new medium, so as to give efficacy to the whole system, supply the wants of the union, and leave the several states, or the people assembled in the state legislatures, the means of defence.

It has been often mentioned, that the objects of congress will be few and national, and require a small representation; that the objects of each state will be many and local, and require a numerous representation. This circumstance has not the weight of a feather in my mind. It is certainly unadvisable to lodge in 65 representatives, and 26 senators, unlimited power to establish systems of taxation, armies, navies, model the militia, and to do every thing that may essentially tend soon to change, totally, the affairs of the community; and to assemble 1500 state representatives, and 160 senators, to make fence laws, and laws to regulate the descent and conveyance of property, the administration of justice between man and man, to appoint militia officers, &c.

It is not merely the quantity of information I contend for. Two taxing powers may be inconvenient; but the point is, congress, like the senate of Rome, will have taxing powers, and the people no check—when the power is abused, the people may complain and grow angry, so may the state governments; they may remonstrate and counteract, by passing laws to prohibit the collection of congressional taxes; but these will be acts of the people, acts of sovereign power, the dernier resort unknown to the constitution; acts operating in terrorum, acts of resistance, and not the exercise of any constitutional power to stop or check a measure before matured: a check properly is the stopping, by one branch in the same legislature, a measure proposed by the other in it. In fact the constitution provides for the states no check, properly speaking, upon the measures of congress—Congress can immediately enlist soldiers, and apply to the pockets of the people.

These few considerations bring us to the very strong distinction between the plan that operates on federal principles, and the plan that operates on consolidated principles. A plan may be federal or not as to its organization; each state may retain its vote or not; the sovereignty of the state may be represented, or the people of it. A plan may be federal or not as to its operations—federal when it requires men and monies of the states, and the states as such make the laws for raising

the men and monies—Not federal, when it leaves the states governments out of the question, and operates immediately upon the persons and property of the citizens. The first is the case with the confederation, the second with the new plan: in the first the state governments may be [a] check, in the last none at all. This distinction I shall pursue further hereafter, under the head before mentioned, of amendments as to internal taxes.<sup>21</sup> And here I shall pursue a species of checks which writers have not often noticed.

To excuse the smallness of the representation, it is said the new congress will be more numerous than the old one. This is not true; and for the facts I refer you to my letter of the 4th instant, to the plan and confederation;<sup>22</sup> besides there is no kind of similitude between the two plans. The confederation is a mere league of the states, and congress is formed with the particular checks, and possess the united powers, enumerated in my letter of the 25th ult.<sup>23</sup> The new plan is totally a different thing: a national government to many purposes administered, by men chosen for two, four, and six years, not recallable, and among whom there will be no rotation; operating immediately in all money and military matters, &c. on the persons and property of the citizens—I think, therefore, that no part of the confederation ought to be adduced for supporting or injuring the new constitution. It is also said that the constitution gives no more power to congress than the confederation, respecting money and military matters; that congress, under the confederation, may require men and monies to any amount, and the states are bound to comply. This is generally true; but, I think, I shall in a subsequent letter satisfactorily prove, that the states have well founded checks for securing their liberties.<sup>24</sup>

I admit the force of the observation, that all the federal powers, by the confederation, are lodged in a single assembly; however, I think much more may be said in defence of the leading principles of the confederation. I do not object to the qualifications of the electors of representatives, and I fully agree that the people ought to elect one branch.

Further, it may be observed, that the present congress is principally an executive body, which ought not to be numerous; that the house of representatives will be a mere legislative branch, and being the democratic one, ought to be numerous. It is one of the greatest advantages of a government of different branches, that each branch may be conveniently made conformable to the nature of the business assigned it, and all be made conformable to the condition of the several orders of the people. After all the possible checks and limitations we can devise, the powers of the union must be very extensive; the sovereignty of the

nation cannot produce the object in view, the defence and tranquility of the whole, without such powers, executive and judicial. I dislike the present congress a single, assembly, because it is impossible to fit it to receive those powers: the executive and judicial powers, in the nature of things, ought to be lodged in a few hands, the legislature in many hands; therefore, want of safety, and unavoidable hasty measures, out of the question, they never can all be lodged in one assembly properly—it, in its very formation, must imply a contradiction.

In objection to increasing the representation, it has also been observed, that it is difficult to assemble a hundred men or more without making them tumultuous and a mere mob; reason and experience do not support this observation. The most respectable assemblies we have any knowledge of and the wisest, have been those, each of which consisted of several hundred members; as the senate of Rome, of Carthage, of Venice, the British Parliament, &c. &c. I think I may without hazarding much, affirm, that our more numerous state assemblies and conventions have universally discovered more wisdom, and as much order, as the less numerous ones: There must be also a very great difference between the characters of two or three hundred men assembled from a single state, and the characters of the number or half the number assembled from all the united states.

It is added, that on the proposed plan the house of representatives in fifty or a hundred years, will consist of several hundred members: The plan will begin with sixty-five, and we have no certainty that the number ever will be encreased, for this plain reason—that all that combination of interests and influence which has produced this plan, and supported so far, will constantly oppose the increase of the representation, knowing that thereby the government will become more free and democratic: But admitting, after a few years, there will be a member for each 30,000 inhabitants, the observation is trifling, the government is in a considerable measure to take its tone from its early movements, and by means of a small representation it may in half of 50 or 100 years, get moved from its basis, or at least so far as to be incapable of ever being recovered. We ought, therefore, on every principle now to fix the government on proper principles, and fit to our present condition—when the representation shall become too numerous, alter it; or we may now make provision, that when the representation shall be increased to a given number, that then there shall be one for each given number of inhabitants, &c.

Another observation is, that congress will have no temptations to do wrong—the men that make it must be very uninformed, or suppose they are talking to children. In the first place, the members will be

governed by all those motives which govern the conduct of men, and have before them all the allurements of offices and temptations, to establish unequal burdens, before described. In the second place, they and their friends, probably, will find it for their interests to keep up large armies, navies, salaries, &c. and in laying adequate taxes. In the third place, we have no good grounds to presume, from reason or experience, that it will be agreeable to their characters or views, that the body of the people should continue to have power effectually to interfere in the affairs of government. But it is confidently added, that congress will not have it in their power to oppress or enslave the people, that the people will not bear it. It is not supposed that congress will act the tyrant immediately, and in the face of day light. It is not supposed congress will adopt important measures, without plausible pretences, especially those which may tend to alarm or produce opposition. We are to consider the natural progress of things: that men unfriendly to republican equality will go systematically to work, gradually to exclude the body of the people from any share in the government, first of the substance, and then of the forms. The men who will have these views will not be without their agents and supporters. When we reflect, that a few years ago we established democratic republics, and fixed the state governments as the barriers between congress and the pockets of the people; what great progress has been made in less than seven years to break down those barriers, and essentially to change the principles of our governments, even by the armless few: is it chimerical to suppose that in fifteen or twenty years to come, that much more can be performed, especially after the adoption of the constitution, when the few will be so much better armed with power and influence, to continue the struggle? probably, they will be wise enough never to alarm, but gradually prepare the minds of the people for one specious change after another, till the final object shall be obtained. Say the advocates, these are only possibilities—they are probabilities, a wise people ought to guard against; and the address made use of to keep the evils out of sight, and the means to prevent them, confirm my opinion.

But to obviate all objections to the proposed plan in the last resort: it is said our people will be free, so long as they possess the habits of freemen, and when they lose them, they must receive some other forms of government. To this I shall only observe, that this is very humiliating language, and can, I trust, never suit a manly people, who have contended nobly for liberty, and declared to the world they will be free.

I have dwelt much longer than I expected upon the increasing the representation, the democratic interest in the federal system; but I

hope the importance of the subject will justify my dwelling upon it. I have pursued it in a manner new, and I have found it necessary to be somewhat prolix, to illustrate the point I had in view. My idea has ever been, when the democratic branch is weak and small, the body of the people have no defence, and every thing to fear; if they expect to find genuine political friends in kings and nobles, in great and powerful men, they deceive themselves. On the other hand, fix a genuine democratic branch in the government, solely to hold the purse, and with the power of impeachment, and to propose and negative laws, cautiously limit the king and nobles, or the executive and the senate, as the case may be, and the people, I conceive, have but little to fear, and their liberties will be always secure.

I think we are now arrived to a new æra in the affairs of men, when the true principles of government will be more fully unfolded than heretofore, and a new world, as it were, grow up in America. In contemplating representation, the next thing is the security of elections. Before I proceed to this, I beg leave to observe, that the pay of the representatives of the people is essentially connected with their interests.

Congress may put the pay of the members unreasonably high, or so low as that none but the rich and opulent can attend; there are very strong reasons for supposing the latter, probably, will be the case, and a part of the same policy, which uniformly and constantly exerts itself to transfer power from the many to the few. Should the pay be well fixed, and made alterable by congress, with the consent of a majority of the state legislatures, perhaps, all the evils to be feared on this head might, in the best practicable manner, be guarded against, and proper security introduced. It is said the state legislatures fix their own pay—the answer is, that congress is not, nor can it ever be well formed on those equal principles the state legislatures are. I shall not dwell on this point, but conclude this letter with one general observation, that the check[s] I contend for in the system proposed, do not, in the least, any of them tend to lessen the energy of it; but giving grounds for the confidence of the people, greatly to increase its real energy, by insuring their constant and hearty support.

#### LETTER XI.

JANUARY 10, 1788.

DEAR SIR, I shall now add a few observations respecting the organization of the senate, the manner of appointing it, and its powers.

The senate is an assembly of 26 members, two from each state, though the senators are apportioned on the federal plan, they will vote



individually; they represent the states, as bodies politic, sovereign to certain purposes; the states being sovereign and independent, are all considered equal, each with the other in the senate. In this we are governed solely by the ideal equalities of sovereignties; the federal and state governments forming one whole, and the state governments an essential part, which ought always to be kept distinctly in view, and preserved: I feel more disposed, on reflection, to acquiesce in making them the basis of the senate, and thereby to make it the interest and duty of the senators to preserve distinct, and to perpetuate the respective sovereignties they shall represent.

As to the appointments of senators, I have already observed, that they must be appointed by the legislatures, by concurrent acts, and each branch have an equal share of power, as I do not see any probability of amendments, if advisable, in these points, I shall not dwell upon them.

The senate, as a legislative branch, is not large, but as an executive branch quite too numerous. It is not to be presumed that we can form a genuine senatorial branch in the United States, a real representation of the aristocracy and balance in the legislature, any more than we can form a genuine representation of the people. Could we separate the aristocratical and democratical interests; compose the senate of the former, and the house of assembly of the latter, they are too unequal in the United States to produce a balance. Form them on pure principles, and leave each to be supported by its real weight and connections, the senate would be feeble, and the house powerful:—I say, on pure principles; because I make a distinction between a senate that derives its weight and influence from a pure source, its numbers and wisdom, its extensive property, its extensive and permanent connections; and a senate composed of a few men, possessing small property, small and unstable connections, that derives its weight and influence from a corrupt or pernicious source; that is, merely from the power given it by the constitution and laws, to dispose of the public offices, and the annexed emoluments, and by those means to interest officers, and the hungry expectants of offices, in support of its measures. I wish the proposed senate may not partake too much of the latter description.

To produce a balance and checks, the constitution proposes two branches in the legislature; but they are so formed, that the members of both must generally be the same kind of men—men having similar interests and views, feelings and connections—men of the same grade in society, and who associate on all occasions (probably, if there be any difference, the senators will be the most democratic.) Senators and representatives thus circumstanced, as men, though convened in two

rooms, to make laws, must be governed generally by the same motives and views, and therefore pursue the same system of politics; the partitions between the two branches will be merely those of the building in which they sit: there will not be found in them any of those genuine balances and checks, among the real different interests, and efforts of the several classes of men in the community we aim at; nor can any such balances and checks be formed in the present condition of the United States in any considerable degree of perfection: but to give them the greatest degree of perfection practicable, we ought to make the senate respectable as to numbers, the qualifications of the electors and of the elected; to increase the numbers of the representatives, and so to model the elections of them, as always to draw a majority of them substantially from the body of the people. Though I conclude the senators and representatives will not form in the legislature those balances and checks which correspond with the actual state of the people; yet I approve of two branches, because we may notwithstanding derive several advantages from them. The senate, from the mode of its appointment, will probably be influenced to support the state governments, and, from its periods of service will produce stability in legislation, while frequent elections may take place in the other branch. There is generally a degree of competition between two assemblies even composed of the same kind of men; and by this, and by means of every law's passing a revision in the second branch, caution, coolness, and deliberation are produced in the business of making laws. By means of a democratic branch we may particularly secure personal liberty; and by means of a senatorial branch we may particularly protect property. By the division, the house becomes the proper body to impeach all officers for misconduct in office, and the senate the proper court to try them; and in a country where limited powers must be lodged in the first magistrate, the senate, perhaps, may be the most proper body to be found to have a negative upon him in making treaties, and in managing foreign affairs.

Though I agree the federal senate, in the form proposed, may be useful to many purposes, and that it is not very necessary to alter the organization, modes of appointment, and powers of it in several respects; yet, without alterations in others, I sincerely believe it will, in a very few years, become the source of the greatest evils. Some of these alterations, I conceive, to be absolutely necessary, and some of them at least advisable.

1. By the confederation the members of congress are chosen annually. By art. 1. sect. 2. of the constitution, the senators shall be chosen for six years. As the period of service must be, in a considerable degree,

matter of opinion on this head, I shall only make a few observations, to explain why I think it more advisable to limit it to three or four years.

The people of this country have not been accustomed to so long appointments in their state governments, they have generally adopted annual elections. The members of the present congress are chosen yearly, who, from the nature and multiplicity of their business, ought to be chosen for longer periods than the federal senators—Men six years in office absolutely contract callous habits, and cease, in too great a degree, to feel their dependance, and for the condition of their constituents. Senators continued in offices three or four years, will be in them longer than any popular erroneous opinions will probably continue to actuate their electors—men appointed for three or four years, will generally be long enough in office to give stability, and amply to acquire political information. By a change of legislators, as often as circumstances will permit, political knowledge is diffused more extensively among the people, and the attention of the electors and elected more constantly kept alive; circumstances of infinite importance in a free country. Other reasons might be added, but my subject is too extensive to admit of my dwelling upon less material points.

2. When the confederation was formed, it was considered essentially necessary that the members of congress should at any time be recalled by their respective states, when the states should see fit, and others be sent in their room. I do not think it less necessary that this principle should be extended to the members of congress under the new constitution, and especially to the senators. I have had occasion several times to observe, that let us form a federal constitution as extensively, and on the best principles in our power, we must, after all, trust a vast deal to a few men, who, far removed from their constituents, will administer the federal government; there is but little danger these men will feel too great a degree of dependance: the necessary and important object to be attended to, is to make them feel dependant enough. Men elected for several years, several hundred miles distant from their states, possessed of very extensive powers, and the means of paying themselves, will not, probably, be oppressed with a sense of dependance and responsibility.

The senators will represent sovereignties, which generally have, and always ought to retain, the power of recalling their agents; the principle of responsibility is strongly felt in men who are liable to be recalled and censured for their misconduct; and, if we may judge from experience, the latter will not abuse the power of recalling their members; to possess it, will, at least be a valuable check. It is in the nature of all

delegated power, that the constituents should retain the right to judge concerning the conduct of their representatives; they must exercise the power, and their decision itself, their approving or disapproving that conduct implies a right, a power to continue in office, or to remove from it. But whenever the substitute acts under a constitution, then it becomes necessary that the power of recalling him be expressed. The reasons for lodging a power to recall are stronger, as they respect the senate, than as they respect the representatives; the latter will be more frequently elected, and changed of course, and being chosen by the people at large, it would be more difficult for the people than for the legislatures to take the necessary measures for recalling; but even the people, if the powers will be more beneficial to them than injurious, ought to possess it. The people are not apt to wrong a man who is steady and true to their interests; they may for a while be misled by party representations, and leave a good man out of office unheard; but every recall supposes a deliberate decision, and a fair hearing; and no man who believes his conduct proper, and the result of honest views, will be the less useful in his public character, on account of the examination his actions may be liable to; and a man conscious of the contrary conduct, ought clearly to be restrained by the apprehensions of a trial. I repeat it, it is interested combinations and factions we are particularly to guard against in the federal government, and all the rational means that can be put into the hands of the people to prevent them, ought to be provided and furnished for them. Where there is a power to recall, trusty centinels among the people, or in the state legislatures, will have a fair opportunity to become useful. If the members in congress from the states join in such combinations, or favour them, or pursue a pernicious line of conduct, the most attentive among the people, or in the state legislatures, may formally charge them before their constituents; the very apprehensions of such constitutional charges may prevent many of the evils mentioned, and the recalling the members of a single state, a single senator, or representative, may often prevent many more; nor do I, at present, discover any danger in such proceedings, as every man who shall move for a recall will put his reputation at stake, to shew he has reasonable grounds for his motion; and it is not probable such motions will be made unless there be good apparent grounds for succeeding; nor can the charge or motion be any thing more than the attack of an individual or individuals, unless a majority of the constituents shall see cause to go into the enquiry. Further, the circumstance of such a power being lodged in the constituents, will tend continually to keep up their watchfulness, as well as the attention and dependance of the federal senators and representatives.

3. By the confederation it is provided, that no delegate shall serve more than three years in any term of six years, and thus, by the forms of the government, a rotation of members is produced: a like principle has been adopted in some of the state governments, and also in some antient and modern republics. Whether this exclusion of a man for a given period, after he shall have served a given time, ought to be in-graf[t]ed into a constitution or not, is a question, the proper decision materially depends upon the leading features of the government: some governments are so formed as to produce a sufficient fluctuation and change of members of course, in the ordinary course of elections, proper numbers of new members are, from time to time, brought into the legislature, and a proportionate number of old ones go out, mix, and become diffused among the people. This is the case with all numerous representative legislatures, the members of which are frequently elected, and constantly within the view of their constituents. This is the case with our state governments, and in them a constitutional rotation is unimportant. But in a government consisting of but a few members, elected for long periods, and far removed from the observation of the people, but few changes in the ordinary course of elections take place among the members; they become in some measure a fixed body, and often inattentive to the public good, callous, selfish, and the fountain of corruption. To prevent these evils, and to force a principle of pure animation into the federal government, which will be formed much in this last manner mentioned, and to produce attention, activity, and a diffusion of knowledge in the community, we ought to establish among others the principle of rotation. Even good men in office, in time, imperceptibly lose sight of the people, and gradually fall into measures prejudicial to them. It is only a rotation among the members of the federal legislature I shall contend for: judges and officers at the heads of the judicial and executive departments, are in a very different situation, their offices and duties require the information and studies of many years for performing them in a manner advantageous to the people. These judges and officers must apply their whole time to the detail business of their offices, and depend on them for their support; then they always act under masters or superiors, and may be removed from office for misconduct; they pursue a certain round of executive business: their offices must be in all societies confined to a few men, because but few can become qualified to fill them: and were they, by annual appointments, open to the people at large, they are offices of such a nature as to be of no service to them; they must leave these offices in the possession of the few individuals qualified to fill them, or have them badly filled. In the judicial and executive

departments also, the body of the people possess a large share of power and influence, as jurors and subordinate officers, among whom there are many and frequent rotations. But in every free country the legislatures are all on a level, and legislation becomes partial whenever, in practice, it rests for any considerable time in a few hands. It is the true republican principle to diffuse the power of making the laws among the people, and so to modify the forms of the government as to draw in turn the well informed of every class into the legislature.

To determine the propriety or impropriety of this rotation, we must take the inconveniencies as well as the advantages attending it into view: on the one hand, by this rotation, we may sometimes exclude good men from being elected. On the other hand, we guard against those pernicious connections, which usually grow up among men left to continue long periods in office, we increase the number of those who make the laws and return to their constituents; and thereby spread information, and preserve a spirit of activity and investigation among the people: hence a balance of interests and exertions are preserved, and the ruinous measures of factions rendered more impracticable. I would not urge the principle of rotation, if I believed the consequence would be an uninformed federal legislature; but I have no apprehension of this in this enlightened country. The members of congress, at any one time, must be but very few, compared with the respectable well informed men in the United States; and I have no idea there will be any want of such men for members of congress, though by a principle of rotation the constitution should exclude from being elected for two years those federal legislators, who may have served the four years immediately preceding, or any four years in the six preceding years. If we may judge from experience and fair calculations, this principle will never operate to exclude at any one period a fifteenth part, even of those men who have been members of congress. Though no man can sit in congress, by the confederation, more than three years in any term of six years, yet not more than three, four, or five men in any one state, have been made ineligible at any one period; and if a good man happen to be excluded by this rotation, it is only for a short time. All things considered, the inconveniencies of the principle must be very inconsiderable compared with the many advantages of it. It will generally be expedient for a man who has served four years in congress to return home, mix with the people, and reside some time with them: this will tend to reinstate him in the interests, feelings, and views similar to theirs, and thereby confirm in him the essential qualifications of a legislator. Even in point of information, it may be observed, the useful information of legislators is not acquired merely in studies in offices,

and in meeting to make laws from day to day; they must learn the actual situation of the people, by being among them, and when they have made laws, return home, and observe how they operate. Thus occasionally to be among the people, is not only necessary to prevent or banish the callous habits and self-interested views of office in legislators, but to afford them necessary information, and to render them useful: another valuable end is answered by it, sympathy, and the means of communication between them and their constituents, is substantially promoted; so that on every principle legislators, at certain periods, ought to live among their constituents.

Some men of science are undoubtedly necessary in every legislature; but the knowledge, generally, necessary for men who make laws, is a knowledge of the common concerns, and particular circumstances of the people. In a republican government seats in the legislature are highly honorable; I believe but few do, and surely none ought to consider them as places of profit and permanent support. Were the people always properly attentive, they would, at proper periods, call their law-makers home, by sending others in their room: but this is not often the case, and therefore, in making constitutions, when the people are attentive, they ought cautiously to provide for those benefits, those advantageous changes in the administration of their affairs, which they are often apt to be inattentive to in practice. On the whole, to guard against the evils, and to secure the advantages I have mentioned, with the greatest degree of certainty, we ought clearly, in my opinion, to increase the federal representation, to secure elections on proper principles, to establish a right to recall members, and a rotation among them.<sup>25</sup>

4. By the art. 2. sect. 2. treaties must be made with the advice and consent of the senate, and two-thirds of those present must concur: also, with consent of the senate, almost all federal officers, civil and military, must be appointed. As to treaties I have my doubts; but as to the appointments of officers, I think we may clearly shew the senate to be a very improper body indeed to have any thing to do with them. I am not perfectly satisfied, that the senate, a branch of the legislature, and court for trying impeachments, ought to have a controuling power in making all treaties; yet, I confess, I do not discern how a restraint upon the president in this important business, can be better or more safely lodged: a power to make and conclude all treaties is too important to be vested in him alone, or in him and an executive council, only sufficiently numerous for other purpose[s], and the house of representatives is too numerous to be concerned in treaties of peace and of alliance. This power is now lodged in congress, to be exercised by

the consent of nine states. The federal senate, like the delegations in the present congress, will represent the states, and the consent of two-thirds of that senate will bear some similitude to the consent of nine states. It is probable the United States will not make more than one treaty, on an average, in two or three years, and this power may always be exercised with great deliberation: perhaps the senate is sufficiently numerous to be trusted with this power, sufficiently small to proceed with secrecy, and sufficiently permanent to exercise this power with proper consistency and due deliberation. To lodge this power in a less respectable and less numerous body might not be safe; we must place great confidence in the hands that hold it, and we deceive ourselves if we give it under an idea, that we can impeach, to any valuable purpose, the man or men who may abuse it.

On a fair construction of the constitution, I think the legislature has a proper controul over the president and senate in settling commercial treaties. By art. 1. sect. 2. the legislature will have power to regulate commerce with foreign nations, &c. By art. 2. sect. 2. the president, with the advice and consent of two-thirds of the senate, may make treaties. These clauses must be considered together, and we ought never to make one part of the same instrument contradict another, if it can be avoided by any reasonable construction. By the first recited clause, the legislature has the power, that is, as I understand it, the sole power to regulate commerce with foreign nations, or to make all the rules and regulations respecting trade and commerce between our citizens and foreigners: by the second recited clause, the president and senate have power generally to make treaties.—There are several kinds of treaties—as treaties of commerce, of peace, of alliance, &c. I think the words to “make treaties,” may be consistently construed, and yet so as it shall be left to the legislature to confirm commercial treaties; they are in their nature and operation very distinct from treaties of peace and of alliance; the latter generally require secrecy, it is but very seldom they interfere with the laws and internal police of the country; to make them is properly the exercise of executive powers, and the constitution authorises the president and senate to make treaties, and gives the legislature no power, directly or indirectly, respecting these treaties of peace and alliance. As to treaties of commerce, they do not generally require secrecy, they almost always involve in them legislative powers, interfere with the laws and internal police of the country, and operate immediately on persons and property, especially in the commercial towns: (they have in Great-Britain usually been confirmed by parliament;) they consist of rules and regulations respecting commerce; and to regulate commerce, or to make regulations respecting commerce,



the federal legislature, by the constitution, has the power. I do not see that any commercial regulations can be made in treaties, that will not infringe upon this power in the legislature; therefore, I infer, that the true construction is, that the president and senate shall make treaties; but all commercial treaties shall be subject to be confirmed by the legislature. This construction will render the clauses consistent, and make the powers of the president and senate, respecting treaties, much less exceptionable.

## LETTER XII.

JANUARY 12, 1788.

DEAR SIR, On carefully examining the parts of the proposed system, respecting the elections of senators, and especially of the representatives, they appear to me to be both ambiguous and very defective. I shall endeavour to pursue a course of reasoning, which shall fairly lead to establishing the impartiality and security of elections, and then to point out an amendment in this respect.

It is well observed by Montesquieu, that in republican governments, the forms of elections are fundamental; and that it is an essential part of the social compact, to ascertain by whom, to whom, when, and in what manner suffrages are to be given.<sup>26</sup>

Wherever we find the regulation of elections have not been carefully fixed by the constitution, or the principles of them, we constantly see the legislatures new modifying its own form, and changing the spirit of the government to answer partial purposes.

By the proposed plan it is fixed, that the qualifications of the electors of the federal representatives shall be the same as those of the electors of state representatives; though these vary some in the several states the electors are fixed and designated.

The qualifications of the representatives are also fixed and designated, and no person under 25 years of age, not an inhabitant of the state, and not having been seven years a citizen of the United States, can be elected; the clear inference is, that all persons 25 years of age, and upwards, inhabitants of the state, and having been, at any period or periods, seven years citizens of the United States, may be elected representatives. They have a right to be elected by the constitution, and the electors have a right to chuse them. This is fixing the federal representation, as to the elected, on a very broad basis: it can be no objection to the elected, that they are Christians, Pagans, Mahometans, or Jews; that they are of any colour, rich or poor, convict or not: Hence many men may be elected, who cannot be electors. Gentlemen who

have commented so largely upon the wisdom of the constitution, for excluding from being elected young men under a certain age, would have done well to have recollected, that it positively makes pagans, convicts, &c. eligible. The people make the constitution; they exclude a few persons, by certain descriptions, from being elected, and all not thus excluded are clearly admitted. Now a man 25 years old, an inhabitant of the state, and having been a citizen of the the states seven years, though afterwards convicted, may be elected, because not within any of the excluding clauses, the same of a beggar, an absentee, &c.

The right of the electors, and eligibility of the elected being fixed by the people, they cannot be narrowed by the state legislatures, or congress: it is established, that a man being (among other qualifications) an inhabitant of the state, shall be eligible. Now it would be narrowing the right of the people to confine them in their choice to a man, an inhabitant of a particular county or district in the state. Hence it follows, that neither the state legislatures or congress can establish district elections; that is, divide the state into districts, and confine the electors of each district to the choice of a man resident in it. If the electors could be thus limited in one respect, they might in another be confined to chuse a man of a particular religion, of certain property, &c. and thereby half of the persons made eligible by the constitution be excluded. All laws, therefore, for regulating elections must be made on the broad basis of the constitution.

Next, we may observe, that representatives are to be chosen by the people of the state. What is a choice by the people of the state? If each given district in it choose one, will that be a choice within the meaning of the constitution? Must the choice be by plurality of votes, or a majority? In connection with these questions, we must take the 4th sect. art. 1. where it is said the state legislatures shall prescribe the times, places, and manner of holding elections; but congress may make or alter such regulations. By this clause, I suppose, the electors of different towns and districts in the state may be assembled in different places, to give their votes; but when so assembled, by another clause they cannot, by congress or the state legislatures, be restrained from giving their votes for any man an inhabitant of the state, and qualified as to age, and having been a citizen the time required. But I see nothing in the constitution by which to decide, whether the choice shall be by a plurality or a majority of votes: this, in my mind, is by far the most important question in the business of elections. When we say a representative shall be chosen by the people, it seems to imply that he shall be chosen by a majority of them; but states which use the same phraseology in

this respect, practice both ways. I believe a majority of the states, chuse by pluralities, and, I think it probable, that the federal house of representatives will decide that a choice of its members by pluralities is constitutional. A man who has the most votes is chosen in Great-Britain. It is this, among other things, that gives every man fair play in the game of influence and corruption. I believe that not much stress was laid upon the objection that congress may assemble the electors at some out of the way place. However, the advocates seem to think they obtain a victory of no small glory and importance, when they can shew, with some degree of colour, that the evils is rather a possibility than a probability.

When I observed that the elections were not secured on proper principles,<sup>27</sup> I had an idea of far more probable and extensive evils, secret mischiefs, and not so glaring transgressions, the exclusions of proper district elections, and of the choice by a majority.

It is easy to perceive that there is an essential difference between elections by pluralities and by majorities, between choosing a man in a small or limited district, and choosing a number of men promiscuously by the people of a large state; and while we are almost secure of judicious unbiassed elections by majorities in such districts, we have no security against deceptions, influence and corruption in states or large districts in electing by pluralities. When a choice is made by a plurality of votes, it is often made by a very small part of the electors, who attend and give their votes, when by a majority, never by so few as one half of them. The partialities and improprieties attending the former mode may be illustrated by a case that lately happened in one of the middle states.—Several representatives were to be chosen by a large number of inhabitants compactly settled, among whom there were four or five thousand voters. Previous to the time of election a number of lists of candidates were published, to divide and distract the voters in general—about half a dozen men of some influence, who had a favourite list to carry, met several times, fixed their list, and agreed to hand it about among all who could probably be induced to adopt it, and to circulate the other lists among their opponents, to divide them. The poll was opened, and several hundred electors, suspecting nothing, attended and put in their votes; the list of the half dozen was carried, and men were found to be chosen, some of whom were very disagreeable to a large majority of the electors: though several hundred electors voted, men on that list were chosen who had only 45, 43, 44, &c. votes each; they had a plurality, that is, more than any other persons: the

votes generally were scattered, and those who made even a feeble combination succeeded in placing highest upon the list several very unthought of and very unpopular men. This evil never could have happened in a town where all the voters meet in one place, and consider no man as elected unless he have a majority, or more than half of all the votes; clear it is, that the men on whom thus but a small part of the votes are bestowed, cannot possess the confidence of the people, or have any considerable degree of influence over them.

But as partial, as liable to secret influence, and corruption as the choice by pluralities may be, I think, we cannot avoid it, without essentially increasing the federal representation, and adopting the principles of district elections. There is but one case in which the choice by the majority is practicable, and that is, where districts are formed of such moderate extent that the electors in each can conveniently meet in one place, and at one time, and proceed to the choice of a representative; when, if no man have a majority, or more than half of all the votes the first time, the voters may examine the characters of those brought forward, accommodate, and proceed to repeat their votes till some one shall have that majority. This, I believe, cannot be a case under the constitution proposed in its present form. To explain my ideas, take Massachusetts, for instance, she is entitled to eight representatives, she has 370,000 inhabitants, about 46,000 to one representative; if the elections be so held that the electors throughout the state meet in their several towns or places, and each elector puts in his vote for eight representatives, the votes of the electors will ninety-nine times in a hundred, be so scattered that on collecting the votes from the several towns or places, no men will be found, each of whom have a majority of the votes, and therefore the election will not be made. On the other hand, there may be such a combination of votes, that in thus attempting to chuse eight representatives, the electors may chuse even fifteen. Suppose 10,000 voters to attend and give their votes, each voter will give eight votes, one for each of eight representatives; in the whole 80,000 votes will be given—eight men, each having 5001 votes, in the whole 40,008 will have each a majority, and be chosen—39,092 votes will be bestowed on other men, and if they all be bestowed on seven men, they may have each a considerable majority, and also be chosen. This indeed is a very rare combination; but the bestowing all the votes pretty equally upon nine, ten, or eleven men, and chusing them all, is an event too probable not to be guarded against.

If Massachusetts be divided into eight districts, each having about 46,000 inhabitants, and each district directed to chuse one representative, it will be found totally impracticable for the electors of it to meet

in one place; and, when they meet in several towns and places in the district, they will vote for different men, and nineteen times in twenty, so scatter their votes, that no one man will have a majority of the whole and be chosen: we must, therefore, take the man who has the most votes, whether he has three quarters, one quarter, or one tenth part of the whole; the inconveniencies of scattering votes will be increased, as men not of the district, as well as those that are in it, may be voted for.<sup>28</sup>

I might add many other observations to evince the superiority and solid advantages of proper district elections, and a choice by a majority, and to prove, that many evils attend the contrary practice: these evils we must encounter as the constitution now stands.

I see no way to fix elections on a proper footing, and to render tolerably equal and secure the federal representation, but by increasing the representation, so as to have one representative for each district in which the electors may conveniently meet in one place, and at one time, and chuse by a majority. Perhaps this might be effected pretty generally, by fixing one representative for each twelve thousand inhabitants; dividing, or fixing the principles for dividing the states into proper districts; and directing the electors of each district to the choice, by a majority, of some men having a permanent interest and residence in it. I speak of a representation tolerably equal, &c. because I am still of opinion, that it is impracticable in this extensive country to have a federal representation sufficiently democratic, or substantially drawn from the body of the people: the principles just mentioned may be the best practical ones we can expect to establish. By thus increasing the representation, we not only make it more democratical and secure, strengthen the confidence of the people in it, and thereby render it more nervous<sup>29</sup> and energetic; but it will also enable the people essentially to change, for the better, the principles and forms of elections. To provide for the people's wandering throughout the state for a representative, may sometimes enable them to elect a more brilliant or an abler man, than by confining them to districts, but generally this latitude will be used to pernicious purposes, especially connected with the choice by plurality; when a man in the remote part of the state, perhaps, obnoxious at home, but ambitious and intriguing, may be chosen to represent the people in another part of the state far distant, and by a small part of them, or by a faction, or by a combination of some particular description of men among them. This has been long the case in Great-Britain, it is the case in several of the states, nor do I think that such pernicious practices will be merely possible in our federal

concerns, but highly probable. By establishing district elections, we exclude none of the best men from being elected; and we fix what, in my mind, is of far more importance than brilliant talents, I mean a sameness, as to residence and interests, between the representative and his constituents; and by the election by a majority, he is sure to be the man, the choice of more than half of them.

Though it is impossible to put elections on a proper footing as the constitution stands, yet I think regulations respecting them may be introduced of considerable service: it is not only, therefore, important to enquire how they may be made, but also what body has the controuling power over them. An intelligent, free and unbiassed choice of representatives by the people is of the last importance: we must then carefully guard against all combinations, secret arts, and influence to the contrary. Various expedients have been adopted in different countries and states to effect genuine elections; as the constitution now stands, I confess, I do not discover any better than those adopted in Connecticut, in the choice of counsellors, before mentioned.<sup>30</sup>

The federal representatives are to be chosen every second year (an odd mode of expression). In all the states, except South-Carolina, the people, the same electors, meet twice in that time to elect state representatives. For instance, let the electors in Massachusetts, when they meet to chuse state representatives, put in their votes for eight federal representatives, the number that state may chuse, (merely for distinction sake, we may call these the votes of nomination), and return a list of the men voted for, in the several towns and places, to the legislature, or some proper body; let this list be immediately examined and published, and some proper number, say 15 or 20, who shall have the most votes upon the list, be sent out to the people; and when the electors shall meet the next year to chuse state representatives, let them put in their votes for the eight federal representatives, confining their votes to the proper number so sent out; and let the eight highest of those thus voted for in the two votes (which we may call, by way of distinction, votes of election), be the federal representatives: thus a choice may be made by the people, once in two years, without much trouble and expence, and, I believe, with some degree of security. As soon as the votes of nomination shall be collected and made known, the people will know who are voted for, and who are candidates for their votes the succeeding year; the electors will have near a year to enquire into their characters and politics, and also into any undue means, if any were taken, to bring any of them forward; and such as they find to be the best men, and agreeable to the people, they may vote for in giving the

votes of election. By these means the men chosen will ultimately always have a majority, or near a majority, of the votes of the electors, who shall attend and give their votes. The mode itself will lead to the discovery of truth and of political characters, and to prevent private combinations, by rendering them in a great measure of no effect. As the choice is to be made by the people, all combinations and checks must be confined to their votes. No supplying the want of a majority by the legislatures, as in Massachusetts in the choice of senators,<sup>31</sup> &c. can be admitted: the people generally judge right when informed, and, in giving their votes the second time, they may always correct their former errors.

I think we are all sufficiently acquainted with the progress of elections to see, that the regulations, as to times, places, and the manner merely of holding elections, may, under the constitution, easily be made useful or injurious. It is important then to enquire, who has the power to make regulations, and who ought to have it. By the constitution, the state legislatures shall prescribe the times, places, and manner of holding elections, but congress may make or alter such regulations. Power in congress merely to alter those regulations, made by the states, could answer no valuable purposes; the states might make, and congress alter them *ad infinitum*: and when the state should cease to make, or should annihilate its regulations, congress would have nothing to alter. But the states shall make regulations, and congress may make such regulations as the clause stands: the true construction is, that when congress shall see fit to regulate the times, places, and manner of holding elections, congress may do it, and state regulations, on this head, must cease: for if state regulations could exist, after congress should make a system of regulations, there would, or might, be two incompatible systems of regulations relative to the same subject.

It has been often urged, that congress ought to have power to make these regulations, otherwise the state legislatures, by neglecting to make provision for elections, or by making improper regulations, may destroy the general government. It is very improbable that any state legislature will adopt measures to destroy the representation of its own constituents in congress, especially when the state must, represented in congress or not, pay its proportion of the expence of keeping up the government, and even of the representatives of the other states, and be subject to their laws. Should the state legislatures be disposed to be negligent, or to combine to break up congress, they have a very simple way to do it, as the constitution now stands—they have only to neglect to chuse senators, or to appoint the electors of the president, and vice-president: there is no remedy provided against these last evils: nor is it

to be presumed, that if a sufficient number of state legislatures to break up congress, should, by neglect or otherwise, attempt to do it, that the people, who yearly elect those legislatures, would elect under the regulations of congress. These and many other reasons must evince, that it was not merely to prevent an annihilation of the federal government that congress has power to regulate elections.

It has been urged also, that the state legislatures chuse the federal senators, one branch, and may injure the people, who chuse the other, by improper regulations; that therefore congress, in which the people will immediately have one, the representative branch, ought to have power to interfere in behalf of the people, and rectify such improper regulations. The advocates have said much about the opponents dwelling upon possibilities: but to suppose the people will find it necessary to appeal to congress to restrain the oppressions of the state legislatures, is supposing a possibility indeed. Can any man in his senses suppose that the state legislatures, which are so numerous as almost to be the people themselves, all branches of them depending yearly, for the most part, on the elections of the people, will abuse them in regulating federal elections, and make it proper to transfer the power to congress, a body, one branch of which is chosen once in six years by these very legislatures, and the other biennially, and not half so numerous as even the senatorial branches in those legislatures?

Senators are to be chosen by the state legislatures, where there are two branches the appointment must be, I presume, by a concurrent resolution, in passing which, as in passing all other legislative acts, each branch will have a negative; this will give the senatorial branch just as much weight in the appointment as the democratic: the two branches form a legislature only when acting separately, and therefore, whenever the members of the two branches meet, mix and vote individually in one room, for making an election, it is expressly so directed by the constitutions. If the constitution, by fixing the choice to be made by the legislatures, has given each branch an equal vote, as I think it has, it cannot be altered by any regulations.

On the whole, I think, all general principles respecting electors ought to be carefully established by the constitution, as the qualifications of the electors and of elected: the number of the representatives, and the inhabitants of each given district, called on to chuse a man from among themselves by a majority of votes; leaving it to the legislature only so to regulate, from time to time, the extent of the districts so as to keep the representatives proportionate to the number of inhabitants in the several parts of the country; and so far as regulations as to elections cannot be fixed by the constitution, they ought to be



left to the state legislatures, they coming far nearest to the people themselves; at most, congress ought to have power to regulate elections only where a state shall neglect to make them.

LETTER XIII.

JANUARY 14, 1788.

DEAR SIR, In this letter I shall further examine two clauses in the proposed constitution respecting appointments to office.—By art. 2. sect. 2. the president shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments, &c. By art. 1, sect. 6. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

Thus the president must nominate, and the senate concur in the appointment of all federal officers, civil and military, and the senators and representatives are made ineligible only to the few civil offices abovementioned. To preserve the federal government pure and uncorrupt, peculiar precautions relative to appointments to office will be found highly necessary from the very forms and character of the government itself. The honours and emoluments of public offices are the objects in all communities, that ambitious and necessitous men never lose sight of. The honest, the modest, and the industrious part of the community content themselves, generally, with their private concerns; they do not solicit those offices which are the perpetual source of cabals, intrigues, and contests among men of the former description, men embarrassed, intriguing, and destitute of modesty. Even in the most happy country and virtuous government, corrupt influence in appointments cannot always be avoided; perhaps we may boast of our share of virtue as a people, and if we are only sufficiently aware of the influence, biasses, and prejudices, common to the affairs of men, we may go far towards guarding against the effects of them.

We all agree, that a large standing army has a strong tendency to depress and enslave the people; it is equally true that a large body of selfish, unfeeling, unprincipled civil officers has a like, or a more pernicious tendency to the same point. Military, and especially civil establishments, are the necessary appendages of society; they are deductions from productive labour, and substantial wealth, in proportion to the number of men employed in them; they are oppressive where unnecessarily extended and supported by men unfriendly to the people; they

are injurious when too small, and supported by men too timid and dependant. It is of the last importance to decide well upon the necessary number of offices, to fill them with proper characters, and to establish efficiently the means of punctually punishing those officers who may do wrong.

To discern the nature and extent of this power of appointments, we need only to consider the vast number of officers necessary to execute a national system in this extensive country, the prodigious biases the hopes and expectations of offices have on their conduct, and the influence public officers have among the people—these necessary officers, as judges, state's attornies, clerks, sheriffs, &c. in the federal supreme and inferior courts, admirals and generals, and subordinate officers in the army and navy, ministers, consuls, &c. sent to foreign countries; officers in the federal city, in the revenue, post office departments, &c. &c. must, probably, amount to several thousands, without taking into view the very inferior ones. There can be no doubt but that the most active men in politics, in and out of congress, will be the foremost candidates for the best of these offices; the man or men who shall have the disposal of them, beyond dispute, will have by far the greatest share of active influence in the government; but appointments must be made, and who shall make them? what modes of appointments will be attended with the fewest inconveniencies? is the question. The senators and representatives are the law makers, create all offices, and whenever they see fit, they impeach and try officers for misconduct; they ought to be in session but part of the year, and as legislators, they must be too numerous to make appointments, perhaps, a few very important ones excepted. In contemplating the necessary officers of the union, there appear to be six different modes in which, in whole or in part, the appointments may be made, 1. By the legislature; 2. by the president and senate—3. by the president and an executive council—4. by the president alone—5. by the heads of the departments—and 6. by the state governments—Among all these, in my opinion, there may be an advantageous distribution of the power of appointments. In considering the legislators, in relation to the subject before us, two interesting questions particularly arise—1. Whether they ought to be eligible to any offices whatever during the period for which they shall be elected to serve, and even for some time afterwards—and 2. How far they ought to participate in the power of appointments. As to the first, it is true that legislators in foreign countries, or in our state governments, are not generally made ineligible to office: there are good reasons for it; in many countries the people have gone on without ever examining the principles of government. There have been but few countries in

which the legislators have been a particular set of men periodically chosen: but the principal reason is, that which operates in the several states, viz. the legislators are so frequently chosen, and so numerous, compared with the number of offices for which they can reasonably consider themselves as candidates, that the chance of any individual member's being chosen, is too small to raise his hopes or expectations, or to have any considerable influence upon his conduct. Among the state legislators, one man in twenty may be appointed in some committee business, &c. for a month or two; but on a fair computation, not one man in a hundred sent to the state legislatures is appointed to any permanent office of profit: directly the reverse of this will evidently be found true in the federal administration. Throughout the United States, about four federal senators, and thirty-three representatives, averaging the elections, will be chosen in a year; these few men may rationally consider themselves as the fairest candidates for a very great number of lucrative offices, which must become vacant in the year, and pretty clearly a majority of the federal legislators, if not excluded, will be mere expectants for public offices. I need not adduce further arguments to establish a position so clear; I need only call to your recollection my observations in a former letter, wherein I endeavoured to shew the fallacy of the argument, that the members must return home and mix with the people.<sup>32</sup> It is said, that men are governed by interested motives, and will not attend as legislators, unless they can, in common with others, be eligible to offices of honor and profit. This will undoubtedly be the case with some men, but I presume only with such men as never ought to be chosen legislators in a free country; an opposite principle will influence good men; virtuous patriots, and generous minds, will esteem it a higher honor to be selected as the guardians of a free people; they will be satisfied with a reasonable compensation for their time and service; nor will they wish to be within the vortex of influence. The valuable effects of this principle of making legislators ineligible to offices for a given time, has never yet been sufficiently attended to or considered: I am assured, that it was established by the convention after long debate, and afterwards, on an unfortunate change of a few members, altered.<sup>33</sup> Could the federal legislators be excluded in the manner proposed, I think it would be an important point gained; as to themselves, they would be left to act much more from motives consistent with the public good.

In considering the principle of rotation I had occasion to distinguish the condition of a legislator from that of mere official man<sup>34</sup>—We acquire certain habits, feelings, and opinions, as men and citizens—others, and very different ones, from a long continuance in office: It is, therefore, a valuable observation in many bills of rights, that rulers

ought frequently to return and mix with the people. A legislature, in a free country, must be numerous; it is in some degree a periodical assemblage of the people, frequently formed—the principal officers in the executive and judicial departments, must have more permanency in office. Hence it may be inferred, that the legislature will remain longer uncorrupted and virtuous; longer congenial to the people, than the officers of those departments. If it is not, therefore, in our power to preserve republican principles, for a series of ages, in all the departments of government, we may a long while preserve them in a well formed legislature. To this end we ought to take every precaution to prevent legislatures becoming mere office-men; chuse them frequently, make them recallable, establish rotation among them, make them ineligible to offices, and give them as small a share as possible in the disposal of them. Add to this, a legislature, in the nature of things, is not formed for the detail business of appointing officers; there is also generally an impropriety in the same men's making offices and filling them, and a still greater impropriety in their impeaching and trying the officers they appoint. For these, and other reasons, I conclude, the legislature is not a proper body for the appointment of officers in general. But having gone through with the different modes of appointment, I shall endeavour to shew what share in the distribution of the power of appointments the legislature must, from necessity, rather than from propriety, take. 2. Officers may be appointed by the president and senate—this mode, for general purposes, is clearly not defensible. All the reasoning touching the legislature will apply to the senate; the senate is a branch of the legislature, which ought to be kept pure and unbiassed; it has a part in trying officers for misconduct, and in creating offices, it is too numerous for a council of appointment, or to feel any degree of responsibility: if it has an advantage of the legislature, in being the least numerous, it has a disadvantage in being more unsafe: add to this, the senate is to have a share in the important branch of power respecting treaties. Further, this sexennial senate of 26 members, representing 13 sovereign states, will not, in practice, be found to be a body to advise, but to order and dictate in fact; and the president will be a mere *primus inter pares*.<sup>35</sup> The consequence will be, that the senate, with these efficient means of influence, will not only dictate, probably, to the president, but manage the house, as the constitution now stands; and under appearances of a balanced system, in reality, govern alone. There may also, by this undue connection, be particular periods when a very popular president may have a very improper influence upon the senate and upon the legislature. A council of appointment must very probably sit all, or near all, the year—the senate will be too important and too expensive a body for this. By giving the

senate, directly or indirectly, an undue influence over the representatives, and the improper means of fettering, embarrassing, or controuling the president or executive, we give the government, in the very outset, a fatal and pernicious tendency to that middle undesirable point—aristocracy. When we, as a circumstance not well to be avoided, admit the senate to a share of power in making treaties, and in managing foreign concerns, we certainly progress full far enough towards this most undesirable point in government. For with this power, also, I believe, we must join that of appointing ambassadors, other foreign ministers, and consuls, being powers necessarily connected.—In every point of view, in which I can contemplate this subject, it appears extremely clear to me, that the senate ought not generally to be a council of appointment. The legislature, after the people, is the great fountain of power, and ought to be kept as pure and uncorrupt as possible, from the hankerings, biasses, and contagion of offices—then the streams issuing from it, will be less tainted with those evils. It is not merely the number of impeachments, that are to be expected to make public officers honest and attentive in their business. A general opinion must pervade the community, that the house, the body to impeach them for misconduct, is disinterested, and ever watchful for the public good; and that the judges who shall try impeachments, will not feel a shadow of bias. Under such circumstances, men will not dare transgress, who, not deterred by such accusers and judges, would repeatedly misbehave. We have already suffered many and extensive evils, owing to the defects of the confederation, in not providing against the misconduct of public officers. When we expect the law to be punctually executed, not one man in ten thousand will disobey it: it is the probable chance of escaping punishment that induces men to transgress. It is one important mean to make the government just and honest, rigidly and constantly to hold, before the eyes of those who execute it, punishment, and dismissal from office, for misconduct. These are principles no candid man, who has just ideas of the essential features of a free government, will controvert. They are, to be sure, at this period, called visionary, speculative and anti-governmental—but in the true stile of courtiers, selfish politicians, and flatterers of despotism—discerning republican men of both parties see their value. They are said to be of no value, by empty boasting advocates for the constitution, who, by their weakness and conduct, in fact, injure its cause much more than most of its opponents. From their high sounding promises, men are led to expect a defence of it, and to have their doubts removed. When a number of long pieces appear, they, instead of the defence, &c. they expected, see nothing but a parade of names—volumes written without ever coming

to the point—cases quoted between which and ours there is not the least similitude—and partial extracts made from histories and governments, merely to serve a purpose. Some of them, like the true admirers of royal and senatorial robes, would fain prove, that nations who have thought like freemen and philosophers about government, and endeavoured to be free, have often been the most miserable: if a single riot, in the course of five hundred years happened in a free country, if a salary, or the interest of a public or private debt was not paid at the moment, they seem to lay more stress upon these trifles (for trifles they are in a free and happy country) than upon the oppressions of despotic government for ages together. (As to the lengthy writer in New-York you mention, I have attentively examined his pieces; he appears to be a candid good-hearted man, to have a good stile, and some plausible ideas; but when we carefully examine his pieces, to see where the strength of them lies; when the mind endeavours to fix on those material parts, which ought to be the essence of all voluminous productions, we do not find them: the writer appears constantly to move on a smooth surface, the part of his work, like the parts of a cob-house, are all equally strong and all equally weak, and all like those works of the boys, without an object; his pieces appear to have but little relation to the great question, whether the constitution is fitted to the condition and character of this people or not.)<sup>36</sup> But to return—3. Officers may be appointed by the president and an executive council—when we have assigned to the legislature the appointment of a few important officers—to the president and senate the appointment of those concerned in managing foreign affairs—to the state governments the appointment of militia officers, and authorise the legislature, by legislative acts, to assign to the president alone, to the heads of the departments, and courts of law respectively, the appointment of many inferior officers; we shall then want to lodge some where a residuum of power, a power to appoint all other necessary officers, as established by law. The fittest receptacle for this residuary power is clearly, in my opinion, the first executive magistrate, advised and directed by an executive council of seven or nine members, periodically chosen from such proportional districts as the union may for the purpose be divided into. The people may give their votes for twice the number of counsellors wanted, and the federal legislature take twice the number also from the highest candidates, and from among them chuse the seven or nine, or number wanted. Such a council may be rationally formed for the business of appointments; whereas the senate, created for other purposes, never can be—Such councils form a feature in some of the best executives

in the union—they appear to be essential to every first magistrate, who may frequently want advice.

To authorise the president to appoint his own council would be unsafe: to give the sole appointment of it to the legislature, would confer an undue and unnecessary influence upon that branch. Such a council for a year would be less expensive than the senate for four months. The president may nominate, and the counsellors always be made responsible for their advice and opinions, by recording and signing whatever they advise to be done. They and the president, to many purposes, will properly form an independent executive branch; have an influence unmixed with the legislative, which the executive never can have while connected with a powerful branch of the legislature. And yet the influence arising from the power of appointments be less dangerous, because in less dangerous hands—hands properly adequate to possess it. Whereas the senate, from its character and situation will add a dangerous weight to the power itself, and be far less capable of responsibility, than the council proposed. There is another advantage; the residuum of power, as to appointments, which the president and council need possess, is less than that the president and senate must have. And as such a council would render the sessions of the senate unnecessary many months in the year, the expences of the government would not be increased, if they would not be lessened by the institution of such a council. I think I need not dwell upon this article, as the fitness of this mode of appointment will perhaps amply appear by the evident unfitness of the others.

4. Officers may be appointed by the president alone. It has been almost universally found, when a man has been authorized to exercise power alone, he has never done it alone; but, generally, aided his determinations by, and rested on the advice and opinions of others. And it often happens when advice is wanted, the worst men, the most interested creatures, the worst advice is at hand, obtrude themselves, and misdirect the mind of him who would be informed and advised. It is very seldom we see a single executive depend on accidental advice and assistance; but each single executive has, almost always, formed to itself a regular council, to be assembled and consulted on important occasions; this proves that a select council, of some kind, is, by experience, generally found necessary and useful. But in a free country, the exercise of any considerable branch of power ought to be under some checks and controuls. As to this point, I think the constitution stands well, the legislature may, when it shall deem it expedient, from time to time, authorise the president alone to appoint particular inferior officers, and when necessary to take back the power. His power, therefore, in this respect, may always be increased or decreased by the legislature,

as experience, the best instructor, shall direct: always keeping him, by the constitution, within certain bounds.

## LETTER XIV.

JANUARY 17, 1788.

DEAR SIR, To continue the subject of appointments:—Officers, in the fifth place, may be appointed by the heads of departments or courts of law. Art. 2. sect. 2. respecting appointments, goes on—“But congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.” The probability is, as the constitution now stands, that the senate, a branch of the legislature, will be tenacious of the power of appointment, and much too sparingly part with a share of it to the courts of law, and heads of departments. Here again the impropriety appears of the senate’s having, generally, a share in the appointment of officers. We may fairly presume, that the judges, and principal officers in the departments, will be able well informed men in their respective branches of business; that they will, from experience, be best informed as to proper persons to fill inferior offices in them; that they will feel themselves responsible for the execution of their several branches of business, and for the conduct of the officers they may appoint therein.—From these, and other considerations, I think we may infer, that impartial and judicious appointments of subordinate officers will, generally, be made by the courts of law, and the heads of departments. This power of distributing appointments, as circumstances may require, into several hands, in a well formed disinterested legislature, might be of essential service, not only in promoting beneficial appointments, but, also, in preserving the balance in government: a feeble executive may be strengthened and supported by placing in its hands more numerous appointments; an executive too influential may be reduced within proper bounds, by placing many of the inferior appointments in the courts of law, and heads of departments; nor is there much danger that the executive will be wantonly weakened or strengthened by the legislature, by thus shifting the appointments of inferior officers, since all must be done by legislative acts, which cannot be passed without the consent of the executive, or the consent of two thirds of both branches—a good legislature will use this power to preserve the balance and perpetuate the government. Here again we are brought to our ultimatum:—is the legislature so constructed as to deserve our confidence?

6. Officers may be appointed by the state governments. By art. 1. sect. 8. the respective states are authorised exclusively to appoint the militia-officers. This not only lodges the appointments in proper places,



but it also tends to distribute and lodge in different executive hands the powers of appointing to offices, so dangerous when collected into the hands of one or a few men.

It is a good general rule, that the legislative, executive, and judicial powers, ought to be kept distinct; but this, like other general rules, has its exceptions; and without these exceptions we cannot form a good government, and properly balance its parts: and we can determine only from reason, experience, and a critical inspection of the parts of the government, how far it is proper to intermix those powers. Appointments, I believe, in all mixed governments, have been assigned to different hands—some are made by the executive, some by the legislature, some by the judges, and some by the people. It has been thought advisable by the wisest nations, that the legislature should so far exercise executive and judicial powers as to appoint some officers, judge of the elections of its members, and impeach and try officers for misconduct—that the executive should have a partial share in legislation—that judges should appoint some subordinate officers, and regulate so far as to establish rules for their own proceedings. Where the members of the government, as the house, the senate, the executive, and judiciary, are strong and complete, each in itself, the balance is naturally produced, each party may take the powers congenial to it, and we have less need to be anxious about checks, and the subdivision of powers.

If after making the deductions, already alluded to, from the general power to appoint federal officers the residuum shall be thought to be too large and unsafe, and to place an undue influence in the hands of the president and council, a further deduction may be made, with many advantages, and, perhaps, with but a few inconveniencies; and that is, by giving the appointment of a few great officers to the legislature—as of the commissioners of the treasury—of the comptroller, treasurer, master coiner, and some of the principal officers in the money department—of the sheriffs or marshalls of the United States—of states attorneys, secretary of the home department, and secretary at war, perhaps, of the judges of the supreme court—of major-generals and admirals. The appointments of these officers, who may be at the heads of the great departments of business, in carrying into execution the national system, involve in them a variety of considerations; they will not often occur and the power to make them ought to remain in safe hands. Officers of the above description are appointed by the legislatures in some of the states, and in some not. We may, I believe, presume that the federal legislature will possess sufficient knowledge and discernment to make judicious appointments: however, as these appointments by the legislature tend to increase a mixture of power, to lessen

the advantages of impeachments and responsibility, I would by no means contend for them any further than it may be necessary for reducing the power of the executive within the bounds of safety. To determine, with propriety, how extensive power the executive ought to possess relative to appointments, we must also examine the forms of it, and its other powers; and these forms and other powers I shall now proceed briefly to examine.

By art. 2. sect. 1. the executive power shall be vested in a president elected for four years, by electors to be appointed from time to time, in such manner as the state legislatures shall direct—the electors to be equal in numbers to the federal senators and representatives: but congress may determine the time of chusing senators [i.e., electors], and the day on which they shall give their votes; and if no president be chosen by the electors, by a majority of votes, the states, as states in congress, shall elect one of the five highest on the list for president. It is to be observed, that in chusing the president, the principle of electing by a majority of votes is adopted; in chusing the vice president, that of electing by a plurality. Viewing the principles and checks established in the election of the president, and especially considering the several states may guard the appointment of the electors as they shall judge best, I confess there appears to be a judicious combination of principles and precautions. Were the electors more numerous than they will be, in case the representation be not increased, I think, the system would be improved; not that I consider the democratic character so important in the choice of the electors as in the choice of representatives: be the electors more or less democratic, the president will be one of the very few of the most elevated characters. But there is danger, that a majority of a small number of electors may be corrupted and influenced, after appointed electors, and before they give their votes, especially if a considerable space of time elapse between the appointment and voting. I have already considered the advisory council in the executive branch: there are two things further in the organization of the executive, to which I would particularly draw your attention; the first, which, is a single executive. I confess, I approve; the second, by which any person from period to period may be re-elected president, I think very exceptionable.

Each state in the union has uniformly shewn its preference for a single executive, and generally directed the first executive magistrate to act in certain cases by the advice of an executive council. Reason, and the experience of enlightened nations, seem justly to assign the business of making laws to numerous assemblies; and the execution of them, principally, to the direction and care of one man. Independent

of practice a single man seems to be peculiarly well circumstanced to superintend the execution of laws with discernment and decision, with promptitude and un[i]formity: the people usually point out a first man—he is to be seen in civilized as well as uncivilized nations—in republics as well as in other governments. In every large collection of people there must be a visible point serving as a common centre in the government, towards which to draw their eyes and attachments. The constitution must fix a man, or a congress of men, superior in the opinion of the people, to the most popular men in the different parts of the community, else the people will be apt to divide and follow their respective leaders. Aspiring men, armies and navies, have not often been kept in tolerable order by the decrees of a senate or an executive council. The advocates for lodging the executive power in the hands of a number of equals, as an executive council, say, that much wisdom may be collected in such a council, and that it will be safe; but they agree, that it cannot be so prompt and responsible as a single man—they admit that such a council will generally consist of the aristocracy, and not stand so indifferent between it and the people as a first magistrate. But the principal objection made to a single man is, that when possessed of power he will be constantly struggling for more, disturbing the government, and encroaching on the rights of others. It must be admitted, that men, from the monarch down to the porter, are constantly aiming at power and importance and this propensity must be as constantly guarded against in the forms of the government. Adequate powers must be delegated to those who govern, and our security must be in limiting, defining, and guarding the exercise of them, so that those given shall not be abused, or made use of for openly or secretly seizing more. Why do we believe this abuse of power peculiar to a first magistrate? Is it because in the wars and contests of men, one man has often established his power over the rest? Or are men naturally fond of accumulating powers in the hands of one man? I do not see any similitude between the cases of those tyrants, who have sprung up in the midst of wars and tumults, and the cases of limited executives in established governments; nor shall we, on a careful examination, discover much likeness between the executives in Sweden, Denmark, Holland, &c. which have, from time to time, increased their powers, and become more absolute, and the executives, whose powers are well ascertained and defined, and which remain, by the constitution, only for a short and limited period in the hands of any one man or family. A single man, or family, can long and effectually direct its exertions to one point. There may be many favourable opportunities in the course of a man's life to seize on additional powers, and many more where

powers are hereditary; and there are many circumstances favourable to usurpations, where the powers of the man or family are undefined, and such as often may be unduly extended before the people discover it. If we examine history attentively, we shall find that such exertions, such opportunities, and such circumstances as these have attended all the executives which have usurped upon the rights of the people, and which appear originally to have been, in some degree, limited. Admitting that moderate and even well defined powers, long in the hands of the same man or family, will, probably, be unreasonably increased, it will not follow that even extensive powers placed in the hands of a man only for a few years will be abused. The Roman consuls and Carthaginian suffetes possessed extensive powers while in office; but being annually appointed, they but seldom, if ever, abused them. The Roman dictators often possessed absolute power while in office; but usually being elected for short periods of time, no one of them for ages usurped upon the rights of the people. The kings of France, Spain, Sweden, Denmark, &c. have become absolute merely from the encroachments and abuse of power made by the nobles. As to kings, and limited monarchs, generally, history furnishes many more instances in which their powers have been abridged or annihilated by the nobles or people, or both, than in which they have been increased or made absolute; and in almost all the latter cases, we find the people were inattentive and fickle, and evidently were not born to be free. I am the more particular respecting this subject, because I have heard many mistaken observations relative to it. Men of property, and even men who hold powers for themselves and posterity, have too much to lose, wantonly to hazard a shock of the political system; the game must be large, and the chance of winning great, to induce them to risque what they have, for the uncertain prospect of gaining more. Our executive may be altogether elective, and possess no power, but as the substitute of the people, and that well limited, and only for a limited time. The great object is, in a republican government, to guard effectually against perpetuating any portion of power, great or small, in the same man or family; this perpetuation of power is totally uncongenial to the true spirit of republican governments: on the one hand the first executive magistrate ought to remain in office so long as to avoid instability in the execution of the laws; on the other, not so long as to enable him to take any measures to establish himself. The convention, it seems, first agreed that the president should be chosen for seven years, and never after to be eligible.<sup>37</sup> Whether seven years is a period too long or not, is rather matter of opinion; but clear it is, that this mode is infinitely preferable to the one finally adopted. When a man shall get the

chair, who may be re-elected, from time to time, for life, his greatest object will be to keep it; to gain friends and votes, at any rate; to associate some favourite son with himself, to take the office after him: whenever he shall have any prospect of continuing the office in himself and family, he will spare no artifice, no address, and no exertions, to increase the powers and importance of it; the servile supporters of his wishes will be placed in all offices, and tools constantly employed to aid his views and sound his praise. A man so situated will have no permanent interest in the government to lose, by contests and convulsions in the state, but always much to gain, and frequently the seducing and flattering hope of succeeding. If we reason at all on the subject, we must irresistably conclude, that this will be the case with nine tenths of the presidents; we may have, for the first president, and, perhaps, one in a century or two afterwards (if the government should withstand the attacks of others) a great and good man,<sup>38</sup> governed by superior motives; but these are not events to be calculated upon in the present state of human nature.

A man chosen to this important office for a limited period, and always afterwards rendered, by the constitution, ineligible, will be governed by very different considerations: he can have no rational hopes or expectations of retaining his office after the expiration of a known limited time, or of continuing the office in his family, as by the constitution there must be a constant transfer of it from one man to another, and consequently from one family to another. No man will wish to be a mere cypher at the head of the government: the great object of each president then will be, to render his government a glorious period in the annals of his country. When a man constitutionally retires from office, he retires without pain; he is sensible he retires because the laws direct it, and not from the success of his rivals, nor with that public disapprobation which being left out, when eligible, implies. It is said, that a man knowing that at a given period he must quit his office, will unjustly attempt to take from the public, and lay in store the means of support and splendour in his retirement; there can, I think, be but very little in this observation. The same constitution that makes a man eligible for a given period only, ought to make no man eligible till he arrive to the age of forty or forty-five years: if he be a man of fortune, he will retire with dignity to his estate; if not, he may, like the Roman consuls, and other eminent characters in republics, find an honorable support and employment in some respectable office. A man who must, at all events, thus leave his office, will have but few or no temptations to fill its dependant offices with his tools, or any particular set of men;

whereas the man constantly looking forward to his future elections, and, perhaps, to the aggrandizement of his family, will have every inducement before him to fill all places with his own props and dependants. As to public monies, the president need handle none of them, and he may always rigidly be made [to] account for every shilling he shall receive.

On the whole, it would be, in my opinion, almost as well to create a limited monarchy at once, and give some family permanent power and interest in the community, and let it have something valuable to itself to lose in convulsions in the state, and in attempts of usurpation, as to make a first magistrate eligible for life, and to create hopes and expectations in him and his family, of obtaining what they have not. In the latter case, we actually tempt them to disturb the state, to foment struggles and contests, by laying before them the flattering prospect of gaining much in them without risking any thing.

The constitution provides only that the president shall hold his office during the term of four years; that, at most, only implies, that one shall be chosen every fourth year; it also provides, that in case of the removal, death, resignation, or inability, both of the president and vice-president, congress may declare what officer shall act as president; and that such officers shall act accordingly, until the disability be removed, *or a president shall be elected*: it also provides that congress may determine the time of chusing electors, and the day on which they shall give their votes. Considering these clauses together, I submit this question—whether in case of a vacancy in the office of president, by the removal, death, resignation, or inability of the president and vice-president, and congress should declare, that a certain officer, as secretary for foreign affairs, for instance, shall act as president, and suffer such officer to continue several years, or even for his life, to act as president, by omitting to appoint the time for chusing electors of another president, it would be any breach of the constitution? This appears to me to be an intended provision for supplying the office of president, not only for any remaining portion of the four years, but in cases of emergency, until another president shall be elected; and that at a period beyond the expiration of the four years: we do not know that it is impossible; we do not know that it is improbable, in case a popular officer should thus be declared the acting president, but that he might continue for life, and without any violent act, but merely by neglects and delays on the part of congress.

I shall conclude my observations on the organization of the legislature and executive, with making some remarks, rather as a matter of

amusement, on the branch, or partial negative, in the legislation:— The third branch in the legislature may answer three valuable purposes, to impede in their passage hasty and intemperate laws, occasionally to assist the senate or people, and to prevent the legislature from encroaching upon the executive or judiciary. In Great Britain the king has a complete negative upon all laws, but he very seldom exercises it. This may be well lodged in him, who possesses strength to support it, and whose family has independent and hereditary interests and powers, rights and prerogatives, in the government, to defend: but in a country where the first executive officer is elective, and has no rights, but in common with the people, a partial negative in legislation, as in Massachusetts and New-York, is, in my opinion, clearly best: in the former state, as before observed, it is lodged in the governor alone; in the latter, in the governor, chancellor, and judges of the supreme court—the new constitution lodges it in the president. This is simply a branch of legislative power, and has in itself no relation to executive or judicial powers. The question is, in what hands ought it to be lodged, to answer the three purposes mentioned the most advantageously? The prevailing opinion seems to be in favour of vesting it in the hands of the first executive magistrate. I will not say this opinion is ill founded. The negative, in one case, is intended to prevent hasty laws, not supported and revised by two-thirds of each of the two branches; in the second, it is to aid the weaker branch; and in the third, to defend the executive and judiciary. To answer these ends, there ought, therefore, to be collected in the hands which hold this negative, firmness, wisdom, and strength; the very object of the negative is occasional opposition to the two branches. By lodging it in the executive magistrate, we give him a share in making the laws, which he must execute; by associating the judges with him, as in New-York, we give them a share in making the laws, upon which they must decide as judicial magistrates; this may be a reason for excluding the judges: however, the negative in New-York is certainly well calculated to answer its great purposes: the governor and judges united must possess more firmness and strength, more wisdom and information, than either alone, and also more of the confidence of the people; and as to the balance among the departments, why should the executive alone hold the scales, and the judicial be left defenceless? I think the negative in New-York is found best in practice; we see it there frequently and wisely put upon the measures of the two branches; whereas in Massachusetts it is hardly ever exercised, and the governor, I believe, has often permitted laws to pass to which he had substantial objections, but did not make them; he, however, it is to be observed, is annually elected.

## LETTER XV.

JANUARY 18, 1788.

DEAR SIR, Before I proceed to examine particularly the powers vested, or which ought to be, vested in each branch of the proposed government, I shall briefly examine the organization of the remaining branch, the judicial, referring the particular examining of its powers to some future letters.<sup>39</sup>

In forming this branch, our objects are—a fair and open, a wise and impartial interpretation of the laws—a prompt and impartial administration of justice, between the public and individuals, and between man and man. I believe, there is no feature in a free government more difficult to be well formed than this, especially in an extensive country, where the courts must be numerous, or the citizens travel to obtain justice.

The confederation impowers congress to institute judicial courts in four cases. 1. For settling disputes between individual states. 2. For determining, finally, appeals in all cases of captures. 3. For the trial of piracies and felonies committed on the high seas: And, 4. For the administration of martial law in the army and navy. The state courts in all other cases possess the judicial powers, in all questions arising on the laws of nations, of the union, and of the states individually—nor does congress appear to have any controul over state courts, judges or officers. The business of the judicial department is, properly speaking, judicial in part, in part executive, done by judges and juries, by certain recording and executive officers, as clerks, sheriffs, &c. they are all properly limbs, or parts, of the judicial courts, and have it in charge, faithfully to decide upon, and execute the laws, in judicial cases, between the public and individuals, between man and man. The recording and executive officers, in this department, may well enough be formed by legislative acts, from time to time: but the offices, the situation, the powers and duties of judges and juries, are too important, as they respect the political system, as well as the administration of justice, not to be fixed on general principles by the constitution. It is true, the laws are made by the legislature; but the judges and juries, in their interpretations, and in directing the execution of them, have a very extensive influence for preserving or destroying liberty, and for changing the nature of the government. It is an observation of an approved writer, that judicial power is of such a nature, that when we have ascertained and fixed its limits, with all the caution and precision we can, it will yet be formidable, somewhat arbitrary and despotic—that is, after all our cares, we must leave a vast deal to the discretion and interpretation—to the wisdom, integrity, and politics of the



judges<sup>40</sup>—These men, such is the state even of the best laws, may do wrong, perhaps, in a thousand cases, sometimes with, and sometimes without design, yet it may be impracticable to convict them of misconduct. These considerations shew, how cautious a free people ought to be in forming this, as well as the other branches of their government, especially when connected with other considerations equally deserving of notice and attention. When the legislature makes a bad law, or the first executive magistrate usurps upon the rights of the people, they discover the evil much sooner, than the abuses of power in the judicial department; the proceedings of which are far more intricate, complex, and out of their immediate view. A bad law immediately excites a general alarm; a bad judicial determination, though not less pernicious in its consequences, is immediately felt, probably, by a single individual only, and noticed only by his neighbours, and a few spectators in the court. In this country, we have been always jealous of the legislature, and especially the executive; but not always of the judiciary: but very few men attentively consider the essential parts of it, and its proceedings, as they tend to support or to destroy free government: only a few professional men are in a situation properly to do this; and it is often alledged, that instances have not frequently occurred, in which they have been found very alert watchmen in the cause of liberty, or in the cause of democratic republics. Add to these considerations, that particular circumstances exist at this time to increase our inattention to limiting properly the judicial powers, we may fairly conclude, we are more in danger of sowing the seeds of arbitrary government in this department than in any other. In the unsettled state of things in this country, for several years past, it has been thought, that our popular legislatures have, sometimes, departed from the line of strict justice, while the law courts have shewn a disposition more punctually to keep to it. We are not sufficiently attentive to the circumstances, that the measures of popular legislatures naturally settle down in time, and gradually approach a mild and just medium; while the rigid systems of the law courts naturally become more severe and arbitrary, if not carefully tempered and guarded by the constitution, and by laws, from time to time. It is true, much has been written and said about some of these courts lately, in some of the states; but all has been about their fees, &c. and but very little to the purposes, as to their influence upon the freedom of the government.

By art. 3. sect. 1. the judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as congress may, from time to time, ordain and establish—the judges of them to

hold their offices during good behaviour, and to receive, at stated times, a compensation for their services, which shall not be diminished during their continuance in office; but which, I conceive, may be increased. By the same art. sect. 2. the supreme court shall have original jurisdiction, “in all cases affecting ambassadors, and other public ministers, and consuls, and those in which a state shall be a party, and appellate jurisdiction, *both as to law and fact*, in all other federal causes, with such exceptions, and under such regulations, as the congress shall make.” By the same section, the judicial power shall extend in law and equity to all the federal cases therein enumerated. By the same section the jury trial, in criminal causes, except in cases of impeachment, is established; but not in civil causes, and the whole state may be considered as the vicinage in cases of crimes. These clauses present to view the constitutional features of the federal judiciary: this has been called a monster by some of the opponents, and some, even of the able advocates, have confessed they do not comprehend it. For myself, I confess, I see some good things in it, and some very extraordinary ones. “There shall be one supreme court.” There ought in every government to be one court, in which all great questions in law shall finally meet and be determined: in Great-Britain, this is the house of lords, aided by all the superior judges; in Massachusetts, it is, at present, the supreme judicial court, consisting of five judges; in New-York, by the constitution, it is a court consisting of the president of the senate, the senators, chancellor and judges of the supreme court; and in the United States the federal supreme court, or this court in the last resort, may, by the legislature, be made to consist of three, five, fifty, or any other number of judges. The inferior federal courts are left by the constitution to be instituted and regulated altogether as the legislature shall judge best; and it is well provided, that the judges shall hold their offices during good behaviour. I shall not object to the line drawn between the original and appellate jurisdiction of the supreme court; though should we for safety, &c. be obliged to form a numerous supreme court, and place in it a considerable number of respectable characters, it will be found inconvenient for such a court, originally, to try all the causes affecting ambassadors, consuls, &c. Appeals may be carried up to the supreme court, under such regulations as congress shall make. Thus far the legislature does not appear to be limited to improper rules or principles in instituting judicial courts: indeed the legislature will have full power to form and arrange judicial courts in the federal cases enumerated, at pleasure, with these eight exceptions only. 1. There can be but one supreme federal judicial court. 2. This

must have jurisdiction as to law and fact in the appellate causes. 3. Original jurisdiction, when foreign ministers and the states are concerned. 4. The judges of the judicial courts must continue in office during good behaviour—and, 5. Their salaries cannot be diminished while in office. 6. There must be a jury trial in criminal causes. 7. The trial of crimes must be in the state where committed—and, 8. There must be two witnesses to convict of treason.

In all other respects Congress may organize the judicial department according to their discretion; the importance of this power, among others proposed by the legislature (perhaps necessarily) I shall consider hereafter. Though there must, by the constitution, be but one judicial court, in which all the rays of judicial powers as to law, equity, and fact, in the cases enumerated must meet; yet this may be made by the legislature, a special court, consisting of any number of respectable characters or officers, the federal legislators excepted, to superintend the judicial department, to try the few causes in which foreign ministers and the states may be concerned, and to correct errors, as to law and fact, in certain important causes on appeals. Next below this judicial head, there may be several courts, such as are usually called superior courts, as a court of chancery, a court of criminal jurisdiction, a court of civil jurisdiction, a court of admiralty jurisdiction, a court of exchequer, &c. giving an appeal from these respectively to the supreme judicial court. These superior courts may be considered as so many points to which appeals may be brought up, from the various inferior courts, in the several branches of judicial causes. In all these superior and inferior courts, the trial by jury may be established in all cases, and the law and equity properly separated. In this organization, only a few very important causes, probably, would be carried up to the supreme court.—The superior courts would, finally, settle almost all causes. This organization, so far as it would respect questions of law, inferior, superior, and a special supreme court, would resemble that of New-York in a considerable degree, and those of several other states. This, I imagine, we must adopt, or else the Massachusetts plan; that is, a number of inferior courts, and one superior or supreme court, consisting of three, or five, or seven judges, in which one supreme court all the business shall be immediately collected from the inferior ones. The decision of the inferior courts, on either plan, probably will not much be relied on; and on the latter plan, there must be a prodigious accumulation of powers and business in all cases touching law, equity and facts, and all kinds of causes in a few hands, for whose errors of ignorance or design, there will be no possible remedy. As the legislature may adopt either of these, or any other plan, I shall not dwell longer on this subject.

In examining the federal judiciary, there appears to be some things very extraordinary and very peculiar. The judges or their friends may seize every opportunity to raise the judges salaries; but by the constitution they cannot be diminished. I am sensible how important it is that judges shall always have adequate and certain support; I am against their depending upon annual or periodical grants, because these may be withheld, or rendered too small by the dissent or narrowness of any one branch of the legislature; but there is a material distinction between periodical grants, and salaries held under permanent and standing laws: the former at stated periods cease, and must be renewed by the consent of all and every part of the legislature; the latter continue of course, and never will cease or be lowered, unless all parts of the legislature agree to do it. A man has as permanent an interest in his salary fixed by a standing law, so long as he may remain in office, as in any property he may possess; for the laws regulating the tenure of all property, are always liable to be altered by the legislature. The same judge may frequently be in office thirty or forty years; there may often be times, as in cases of war, or very high prices, when his salary may reasonably be increased one half or more; in a few years money may become scarce again, and prices fall, and his salary, with equal reason and propriety be decreased and lowered: not to suffer this to be done by consent of all the branches of the legislature, is, I believe, quite a novelty in the affairs of government. It is true, by a very forced and unnatural construction, the constitution of Massachusetts, by the governor and minority in the legislature, was made to speak this kind of language. Another circumstance ought to be considered; the mines which have been discovered are gradually exhausted, and the precious metals are continually wasting; hence the probability is, that money, the nominal representative of property, will gradually grow scarcer hereafter, and afford just reasons for gradually lowering salaries. The value of money depends altogether upon the quantity of it in circulation, which may be also decreased, as well as encreased, from a great variety of causes.

The supreme court, in cases of appeals, shall have jurisdiction both as to law and fact: that is, in all civil causes carried up [to] the supreme court by appeals, the court, or judges, shall try the fact and decide the law. Here an essential principle of the civil law is established, and the most noble and important principle of the common law exploded. To dwell a few minutes on this material point: the supreme court shall have jurisdiction both as to law and fact. What is meant by court? Is the jury included in the term, or is it not? I conceive it is not included: and so the members of convention, I am very sure, understand it.

Court, or curia, was a term well understood long before juries existed; the people, and the best writers, in countries where there are no juries, uniformly use the word court, and can only mean by it the judge or judges who determine causes: also, in countries where there are juries we express ourselves in the same manner; we speak of the court of probate, court of chancery, justices court, alderman's court, &c. in which there is no jury. In our supreme courts, common pleas, &c. in which there are jury trials, we uniformly speak of the court and jury, and consider them as distinct. Were it necessary I might cite a multitude of cases from law books to confirm, beyond controversy, this position, that the jury is not included, or a part of the court.

But the supreme court is to have jurisdiction as to law and fact, under such regulations as congress shall make. I confess it is impossible to say how far congress may, with propriety, extend their regulations in this respect. I conceive, however, they cannot by any reasonable construction go so far as to admit the jury, on true common law principles, to try the fact, and give a general verdict. I have repeatedly examined this article: I think the meaning of it is, that the judges in all final questions, as to property and damages, shall have complete jurisdiction, to consider the whole cause, to examine the facts, and on a general view of them, and on principles of equity, as well as law, to give judgment.

As the trial by jury is provided for in criminal causes, I shall confine my observations to civil causes—and in these, I hold it is the established right of the jury by the common law, and the fundamental laws of this country, to give a general verdict in all cases when they chuse to do it, to decide both as to law and fact, whenever blended together in the issue put to them. Their right to determine as to facts will not be disputed, and their right to give a general verdict has never been disputed, except by a few judges and lawyers, governed by despotic principles. Coke, Hale, Holt, Blackstone, De Lome, and almost every other legal or political writer, who has written on the subject, has uniformly asserted this essential and important right of the jury. Juries in Great-Britain and America have universally practised accordingly. Even Mansfield, with all his wishes about him, dare not directly avow the contrary. What fully confirms this point is, that there is no instance to be found, where a jury was ever punished for finding a general verdict, when a special one might, with propriety, have been found. The jury trial, especially politically considered, is by far the most important feature in the judicial department in a free country, and the right in question is far the most valuable part, and the last that ought to be yielded, of this trial. Juries are constantly and frequently drawn from the body of the people, and freemen of the country; and by holding the jury's right to

return a general verdict in all cases sacred, we secure to the people at large, their just and rightful controul in the judicial department. If the conduct of judges shall be severe and arbitrary, and tend to subvert the laws, and change the forms of government, the jury may check them, by deciding against their opinions and determinations, in similar cases. It is true, the freemen of a country are not always minutely skilled in the laws, but they have common sense in its purity, which seldom or never errs in making and applying laws to the condition of the people, or in determining judicial causes, when stated to them by the parties. The body of the people, principally, bear the burdens of the community; they of right ought to have a controul in its important concerns, both in making and executing the laws, otherwise they may, in a short time, be ruined. Nor is it merely this controul alone we are to attend to; the jury trial brings with it an open and public discussion of all causes, and excludes secret and arbitrary proceedings. This, and the democratic branch in the legislature, as was formerly observed, are the means by which the people are let into the knowledge of public affairs—are enabled to stand as the guardians of each others rights, and to restrain, by regular and legal measures, those who otherwise might infringe upon them. I am not unsupported in my opinion of the value of the trial by jury; not only British and American writers, but De Lome, and the most approved foreign writers, hold it to be the most valuable part of the British constitution, and indisputably the best mode of trial ever invented.<sup>41</sup>

It was merely by the intrigues of the popish clergy, and of the Norman lawyers, that this mode of trial was not used in maritime, ecclesiastical, and military courts, and the civil law proceedings were introduced; and, I believe, it is more from custom and prejudice, than for any substantial reasons, that we do not in all the states establish the jury in our maritime as well as other courts.

In the civil law process the trial by jury is unknown; the consequence is, that a few judges and dependant officers, possess all the power in the judicial department. Instead of the open fair proceedings of the common law, where witnesses are examined in open court, and may be cross examined by the parties concerned—where council is allowed, &c. we see in the civil law process judges alone, who always, long previous to the trial, are known and often corrupted by ministerial influence, or by parties. Judges once influenced, soon become inclined to yield to temptations, and to decree for him who will pay the most for their partiality. It is, therefore, we find in the Roman, and almost all governments, where judges alone possess the judicial powers and try all cases, that bribery has prevailed. This, as well as the forms of the

courts, naturally lead to secret and arbitrary proceedings—to taking evidence secretly—*ex parte*, &c. to perplexing the cause—and to hasty decisions:—but, as to jurors, it is quite impracticable to bribe or influence them by any corrupt means; not only because they are untaught in such affairs, and possess the honest characters of the common freemen of a country; but because it is not, generally, known till the hour the cause comes on for trial, what persons are to form the jury.

But it is said, that no words could be found by which the states could agree to establish the jury-trial in civil causes. I can hardly believe men to be serious, who make observations to this effect. The states have all derived judicial proceedings principally from one source, the British system; from the same common source the American lawyers have almost universally drawn their legal information. All the states have agreed to establish the trial by jury, in civil as well as in criminal causes. The several states, in congress, found no difficulty in establishing it in the Western Territory, in the ordinance passed in July 1787.<sup>42</sup> We find, that the several states in congress, in establishing government in that territory, agreed, that the inhabitants of it, should always be entitled to the benefit of the trial by jury. Thus, in a few words, the jury trial is established in its full extent; and the convention with as much ease, have established the jury trial in criminal cases. In making a constitution, we are substantially to fix principles.—If in one state, damages on default are assessed by a jury, and in another by the judges—if in one state jurors are drawn out of a box, and in another not—if there be other trifling variations, they can be of no importance in the great question. Further, when we examine the particular practices of the states, in little matters in judicial proceedings, I believe we shall find they differ near as much in criminal processes as in civil ones. Another thing worthy of notice in this place—the convention have used the word equity, and agreed to establish a chancery jurisdiction; about the meaning and extent of which, we all know, the several states disagree much more than about jury trials—in adopting the latter, they have very generally pursued the British plan; but as to the former, we see the states have varied, as their fears and opinions dictated.

By the common law, in Great Britain and America, there is no appeal from the verdict of the jury, as to facts, to any judges whatever—the jurisdiction of the jury is complete and final in this; and only errors in law are carried up to the house of lords, the special supreme court in Great Britain; or to the special supreme courts in Connecticut, New-York, New-Jersey, &c. Thus the juries are left masters as to facts: but, by the proposed constitution, directly the opposite principles is established. An appeal will lay in all appellate causes from the verdict of the jury, even as to mere facts, to the judges of the supreme court. Thus,

in effect, we establish the civil law in this point; for if the jurisdiction of the jury be not final, as to facts, it is of little or no importance.

By art. 3. sect. 2. “the judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States,” &c. What is here meant by equity? what is equity in a case arising under the constitution? possibly the clause might have the same meaning, were the words “in law and equity,” omitted. Cases in law must differ widely from cases in law and equity. At first view, by thus joining the word equity with the word law, if we mean any thing, we seem to mean to give the judge a discretionary power. The word equity, in Great Britain, has in time acquired a precise meaning—chancery proceedings there are now reduced to system—but this is not the case in the United States. In New-England, the judicial courts have no powers in cases in equity, except those dealt out to them by the legislature, in certain limited portions, by legislative acts. In New-York, Maryland, Virginia, and South Carolina, powers to decide, in cases of equity, are vested in judges distinct from those who decide in matters of law: and the states generally seem to have carefully avoided giving unlimitedly, to the same judges, powers to decide in cases in law and equity. Perhaps, the clause would have the same meaning were the words, “this constitution,” omitted: there is in it either a careless complex misuse of words, in themselves of extensive signification, or there is some meaning not easy to be comprehended. Suppose a case arising under the constitution—suppose the question judicially moved, whether, by the constitution, congress can suppress a state tax laid on polls, lands, or as an excise duty, which may be supposed to interfere with a federal tax. By the letter of the constitution, congress will appear to have no power to do it: but then the judges may decide the question on principles of equity as well as law. Now, omitting the words, “in law and equity,” they may decide according to the spirit and true meaning of the constitution, as collected from what must appear to have been the intentions of the people when they made it. Therefore, it would seem, that if these words mean any thing, they must have a further meaning: yet I will not suppose it intended to lodge an arbitrary power or discretion in the judges, to decide as their conscience, their opinions, their caprice, or their politics might dictate. Without dwelling on this obscure clause, I will leave it to the examination of others.

#### LETTER XVI.

JANUARY 20, 1788.

DEAR SIR, Having gone through with the organization of the government, I shall now proceed to examine more particularly those clauses



which respect its powers. I shall begin with those articles and stipulations which are necessary for accurately ascertaining the extent of powers, and what is given, and for guarding, limiting, and restraining them in their exercise. We often find, these articles and stipulations placed in bills of rights; but they may as well be incorporated in the body of the constitution, as selected and placed by themselves. The constitution, or whole social compact, is but one instrument, no more or less, than a certain number of articles or stipulations agreed to by the people, whether it consists of articles, sections, chapters, bills of rights, or parts of any other denomination, cannot be material. Many needless observations, and idle distinctions, in my opinion, have been made respecting a bill of rights. On the one hand, it seems to be considered as a necessary distinct limb of the constitution, and as containing a certain number of very valuable articles, which are applicable to all societies; and, on the other, as useless, especially in a federal government, possessing only enumerated power—nay, dangerous, as individual rights are numerous, and not easy to be enumerated in a bill of rights, and from articles, or stipulations, securing some of them, it may be inferred, that others not mentioned are surrendered. There appears to me to be general indefinite propositions without much meaning—and the man who first advanced those of the latter description, in the present case, signed the federal constitution, which directly contradicts him.<sup>43</sup> The supreme power is undoubtedly in the people, and it is a principle well established in my mind, that they reserve all powers not expressly delegated by them to those who govern; this is as true in forming a state as in forming a federal government. There is no possible distinction but this founded merely in the different modes of proceeding which take place in some cases. In forming a state constitution, under which to manage not only the great but the little concerns of a community: the powers to be possessed by the government are often too numerous to be enumerated; the people to adopt the shortest way often give general powers, indeed all powers, to the government, in some general words, and then, by a particular enumeration, take back, or rather say they however reserve certain rights as sacred, and which no laws shall be made to violate: hence the idea that all powers are given which are not reserved; but in forming a federal constitution, which *ex vi termine*,<sup>44</sup> supposes state governments existing, and which is only to manage a few great national concerns, we often find it easier to enumerate particularly the powers to be delegated to the federal head, than to enumerate particularly the individual rights to be reserved; and the principle will operate in its full force, when we carefully adhere to it. When we particularly enumerate the powers given, we

ought either carefully to enumerate the rights reserved, or be totally silent about them; we must either particularly enumerate both, or else suppose the particular enumeration of the powers given adequately draws the line between them and the rights reserved, particularly to enumerate the former and not the latter, I think most advisable: however, as men appear generally to have their doubts about these silent reservations, we might advantageously enumerate the powers given, and then in general words, according to the mode adopted in the 2d art. of the confederation, declare all powers, rights and privileges, are reserved, which are not explicitly and expressly given up. People, and very wisely too, like to be express and explicit about their essential rights, and not to be forced to claim them on the precarious and unascertained tenure of inferences and general principles, knowing that in any controversy between them and their rulers, concerning those rights, disputes may be endless, and nothing certain:—But admitting, on the general principle, that all rights are reserved of course, which are not expressly surrendered, the people could with sufficient certainty assert their rights on all occasions, and establish them with ease, still there are infinite advantages in particularly enumerating many of the most essential rights reserved in all cases; and as to the less important ones, we may declare in general terms, that all not expressly surrendered are reserved. We do not by declarations change the nature of things, or create new truths, but we give existence, or at least establish in the minds of the people truths and principles which they might never otherwise have thought of, or soon forgot. If a nation means its systems, religious or political, shall have duration, it ought to recognize the leading principles of them in the front page of every family book. What is the usefulness of a truth in theory, unless it exists constantly in the minds of the people, and has their assent:—we discern certain rights, as the freedom of the press, and the trial by jury, &c. which the people of England and of America of course believe to be sacred, and essential to their political happiness, and this belief in them is the result of ideas at first suggested to them by a few able men, and of subsequent experience; while the people of some other countries hear these rights mentioned with the utmost indifference; they think the privilege of existing at the will of a despot much preferable to them. Why this difference amongst beings every way formed alike. The reason of the difference is obvious—it is the effect of education, a series of notions impressed upon the minds of the people by examples, precepts and declarations. When the people of England got together, at the time they formed Magna Charta, they did not consider it sufficient, that they were indisputably entitled to certain natural and unalienable rights, not

depending on silent titles, they, by a declaratory act, expressly recognized them, and explicitly declared to all the world, that they were entitled to enjoy those rights; they made an instrument in writing, and enumerated those they then thought essential, or in danger, and this wise men saw was not sufficient; and therefore, that the people might not forget these rights, and gradually become prepared for arbitrary government, their discerning and honest leaders caused this instrument to be confirmed near forty times, and to be read twice a year in public places, not that it would lose its validity without such confirmations, but to fix the contents of it in the minds of the people, as they successively come upon the stage.—Men, in some countries do not remain free, merely because they are entitled to natural and unalienable rights; men in all countries are entitled to them, not because their ancestors once got together and enumerated them on paper, but because, by repeated negotiations and declarations, all parties are brought to realize them, and of course to believe them to be sacred. Were it necessary, I might shew the wisdom of our past conduct, as a people in not merely comforting ourselves that we were entitled to freedom, but in constantly keeping in view, in addresses, bills of rights, in news-papers, &c. the particular principles on which our freedom must always depend.

It is not merely in this point of view, that I urge the engrafting in the constitution additional declaratory articles. The distinction, in itself just, that all powers not given are reserved, is in effect destroyed by this very constitution, as I shall particularly demonstrate—and even independent of this, the people, by adopting the constitution, give many general undefined powers to congress, in the constitutional exercise of which, the rights in question may be effected. Gentlemen who oppose a federal bill of rights, or further declaratory articles, seem to view the subject in a very narrow imperfect manner. These have for their objects, not only the enumeration of the rights reserved, but principally to explain the general powers delegated in certain material points, and to restrain those who exercise them by fixed known boundaries. Many explanations and restrictions necessary and useful, would be much less so, were the people at large all well and fully acquainted with the principles and affairs of government. There appears to be in the constitution, a studied brevity, and it may also be probable, that several explanatory articles were omitted from a circumstance very common. What we have long and early understood ourselves in the common concerns of the community, we are apt to suppose is understood by others, and need not be expressed; and it is not unnatural or uncommon for the ablest men most frequently to make this mistake. To make declaratory

articles unnecessary in an instrument of government, two circumstances must exist; the rights reserved must be indisputably so, and in their nature defined; the powers delegated to the government, must be precisely defined by the words that convey them, and clearly be of such extent and nature as that, by no reasonable construction, they can be made to invade the rights and prerogatives intended to be left in the people.

The first point urged, is, that all power is reserved not expressly given, that particular enumerated powers only are given, that all others are not given, but reserved, and that it is needless to attempt to restrain congress in the exercise of powers they possess not. This reasoning is logical, but of very little importance in the common affairs of men; but the constitution does not appear to respect it even in any view. To prove this, I might cite several clauses in it. I shall only remark on two or three. By article 1, section 9, "No title of nobility shall be granted by congress." Was this clause omitted, what power would congress have to make titles of nobility? in what part of the constitution would they find it? The answer must be, that congress would have no such power—that the people, by adopting the constitution, will not part with it. Why then by a negative clause, restrain congress from doing what it would have no power to do? This clause, then, must have no meaning, or imply, that were it omitted, congress would have the power in question, either upon the principle that some general words in the constitution may be so construed as to give it, or on the principle that congress possess the powers not expressly reserved. But this clause was in the confederation, and is said to be introduced into the constitution from very great caution. Even a cautionary provision implies a doubt, at least, that it is necessary; and if so in this case, clearly it is also alike necessary in all similar ones. The fact appears to be, that the people in forming the confederation, and the convention, in this instance, acted, naturally, they did not leave the point to be settled by general principles and logical inferences; but they settle the point in a few words, and all who read them at once understand them.

The trial by jury in criminal as well as in civil causes, has long been considered as one of our fundamental rights, and has been repeatedly recognized and confirmed by most of the state conventions. But the constitution expressly establishes this trial in criminal, and wholly omits it in civil causes. The jury trial in criminal causes, and the benefit of the writ of habeas corpus, are already as effectually established as any of the fundamental or essential rights of the people in the United States. This being the case, why in adopting a federal constitution do we now establish these, and omit all others, or all others, at least, with

a few exceptions, such as again agreeing there shall be no ex post facto laws, no titles of nobility, &c. We must consider this constitution when adopted as the supreme act of the people, and in construing it hereafter, we and our posterity must strictly adhere to the letter and spirit of it, and in no instance depart from them: in construing the federal constitution, it will be not only impracticable, but improper to refer to the state constitutions. They are entirely distinct instruments and inferior acts: besides, by the people's now establishing certain fundamental rights, it is strongly implied, that they are of opinion, that they would not otherwise be secured as a part of the federal system, or be regarded in the federal administration as fundamental. Further, these same rights, being established by the state constitutions, and secured to the people, our recognizing them now, implies, that the people thought them insecure by the state establishments, and extinguished or put afloat by the new arrangement of the social system, unless re-established.—Further, the people, thus establishing some few rights, and remaining totally silent about others similarly circumstanced, the implication indubitably is, that they mean to relinquish the latter, or at least feel indifferent about them. Rights, therefore, inferred from general principles of reason, being precarious and hardly ascertainable in the common affairs of society, and the people, in forming a federal constitution, explicitly shewing they conceive these rights to be thus circumstanced, and accordingly proceed to enumerate and establish some of them, the conclusion will be, that they have established all which they esteem valuable and sacred. On every principle, then, the people especially having began, ought to go through enumerating, and establish particularly all the rights of individuals, which can by any possibility come in question in making and executing federal laws. I have already observed upon the excellency and importance of the jury trial in civil as well as in criminal causes, instead of establishing it in criminal causes only; we ought to establish it generally;—instead of the clause of forty or fifty words relative to this subject, why not use the language that has always been used in this country, and say, “the people of the United States shall always be entitled to the trial by jury.” This would shew the people still hold the right sacred, and enjoin it upon congress substantially to preserve the jury trial in all cases, according to the usage and custom of the country. I have observed before, that it is *the jury trial* we want; the little different appendages and modifications tacked to it in the different states, are no more than a drop in the ocean: the jury trial is a solid uniform feature in a free government; it is the substance we would save, not the little articles of form.

Security against *ex post facto* laws, the trial by jury, and the benefits of the writ of habeas corpus, are but a part of those inestimable rights the people of the United States are entitled to, even in judicial proceedings, by the course of the common law. These may be secured in general words, as in New-York, the Western Territory, &c. by declaring the people of the United States shall always be entitled to judicial proceedings according to the course of the common law, as used and established in the said states. Perhaps it would be better to enumerate the particular essential rights the people are entitled to in these proceedings, as has been done in many of the states, and as has been done in England. In this case, the people may proceed to declare, that no man shall be held to answer to any offence, till the same be fully described to him; nor to furnish evidence against himself: that, except in the government of the army and navy, no person shall be tried for any offence, whereby he may incur loss of life, or an infamous punishment, until he be first indicted by a grand jury: that every person shall have a right to produce all proofs that may be favourable to him, and to meet the witnesses against him face to face: that every person shall be entitled to obtain right and justice freely and without delay: that all persons shall have a right to be secure from all unreasonable searches and seizures of their persons, houses, papers, or possessions; and that all warrants shall be deemed contrary to this right, if the foundation of them be not previously supported by oath, and there be not in them a special designation of persons or objects of search, arrest, or seizure: and that no person shall be exiled or molested in his person or effects, otherwise than by the judgment of his peers, or according to the law of the land. A celebrated writer observes upon this last article, that in itself it may be said to comprehend the whole end of political society.<sup>45</sup> These rights are not necessarily reserved, they are established, or enjoyed but in few countries: they are stipulated rights, almost peculiar to British and American laws. In the execution of those laws, individuals, by long custom, by magna charta, bills of rights &c. have become entitled to them. A man, at first, by act of parliament, became entitled to the benefits of the writ of habeas corpus—men are entitled to these rights and benefits in the judicial proceedings of our state courts generally: but it will by no means follow, that they will be entitled to them in the federal courts, and have a right to assert them, unless secured and established by the constitution or federal laws. We certainly, in federal processes, might as well claim the benefits of the writ of habeas corpus, as to claim trial by a jury—the right to have council—to have witnesses face to face—to be secure against unreasonable search war-

rants, &c. was the constitution silent as to the whole of them:—but the establishment of the former, will evince that we could not claim them without it; and the omission of the latter, implies they are relinquished, or deemed of no importance. These are rights and benefits individuals acquire by compact; they must claim them under compacts, or immemorial usage—it is doubtful, at least, whether they can be claimed under immemorial usage in this country; and it is, therefore, we generally claim them under compacts, as charters and constitutions.

The people by adopting the federal constitution, give congress general powers to institute a distinct and new judiciary, new courts, and to regulate all proceedings in them, under the eight limitations mentioned in a former letter;<sup>46</sup> and the further one, that the benefits of the habeas corpus act shall be enjoyed by individuals. Thus general powers being given to institute courts, and regulate their proceedings, with no provision for securing the rights principally in question, may not congress so exercise those powers, and constitutionally too, as to destroy those rights? clearly, in my opinion, they are not in any degree secured. But, admitting the case is only doubtful, would it not be prudent and wise to secure them and remove all doubts, since all agree the people ought to enjoy these valuable rights, a very few men excepted, who seem to be rather of opinion that there is little or nothing in them? Were it necessary I might add many observations to shew their value and political importance.

The constitution will give congress general powers to raise and support armies. General powers carry with them incidental ones, and the means necessary to the end. In the exercise of these powers, is there any provision in the constitution to prevent the quartering of soldiers on the inhabitants? you will answer, there is not. This may sometimes be deemed a necessary measure in the support of armies; on what principle can the people claim the right to be exempt from this burden? they will urge, perhaps, the practice of the country, and the provisions made in some of the state constitutions—they will be answered, that their claim thus to be exempt, is not founded in nature, but only in custom and opinion, or at best, in stipulations in some of the state constitutions, which are local, and inferior in their operation, and can have no controul over the general government—that they had adopted a federal constitution—had noticed several rights, but had been totally silent about this exemption—that they had given general powers relative to the subject, which, in their operation, regularly destroyed the claim. Though it is not to be presumed, that we are in any immediate danger from this quarter, yet it is fit and proper to establish, beyond dispute, those rights which are particularly valuable to individuals, and

essential to the permanency and duration of free government. An excellent writer observes, that the English, always in possession of their freedom, are frequently unmindful of the value of it:<sup>47</sup> we, at this period, do not seem to be so well off, having, in some instances abused ours; many of us are quite disposed to barter it away for what we call energy, coercion, and some other terms we use as vaguely as that of liberty—There is often as great a rage for change and novelty in politics, as in amusements and fashions.

All parties apparently agree, that the freedom of the press is a fundamental right, and ought not to be restrained by any taxes, duties, or in any manner whatever. Why should not the people, in adopting a federal constitution, declare this, even if there are only doubts about it. But, say the advocates, all powers not given are reserved.—true; but the great question is, are not powers given, in the exercise of which this right may be destroyed? The people's or the printers claim to a free press, is founded on the fundamental laws, that is, compacts, and state constitutions, made by the people. The people, who can annihilate or alter those constitutions, can annihilate or limit this right. This may be done by giving general powers, as well as by using particular words. No right claimed under a state constitution, will avail against a law of the union, made in pursuance of the federal constitution: therefore the question is, what laws will congress have a right to make by the constitution of the union, and particularly touching the press? By art. 1. sect. 8. congress will have power to lay and collect taxes, duties, imposts and excise. By this congress will clearly have power to lay and collect all kind of taxes whatever—taxes on houses, lands, polls, industry, merchandize, &c.—taxes on deeds, bonds, and all written instruments—on writs, pleas, and all judicial proceedings, on licences, naval officers papers, &c. on newspapers, advertisements, &c. and to require bonds of the naval officers, clerks, printers, &c. to account for the taxes that may become due on papers that go through their hands. Printing, like all other business, must cease when taxed beyond its profits; and it appears to me, that a power to tax the press at discretion, is a power to destroy or restrain the freedom of it. There may be other powers given, in the exercise of which this freedom may be effected; and certainly it is of too much importance to be left thus liable to be taxed, and constantly to constructions and inferences. A free press is the channel of communication as to mercantile and public affairs; by means of it the people in large countries ascertain each others sentiments; are enabled to unite, and become formidable to those rulers who adopt improper measures. Newspapers may sometimes be the vehicles of abuse, and of many things not true; but these are but small inconven-



iciencies, in my mind, among many advantages. A celebrated writer, I have several times quoted, speaking in high terms of the English liberties, says, “lastly the key stone was put to the arch, by the final establishment of the freedom of the press.”<sup>48</sup> I shall not dwell longer upon the fundamental rights, to some of which I have attended in this letter, for the same reasons that these I have mentioned, ought to be expressly secured, lest in the exercise of general powers given they may be invaded: it is pretty clear, that some other of less importance, or less in danger, might with propriety also be secured.

I shall now proceed to examine briefly the powers proposed to be vested in the several branches of the government, and especially the mode of laying and collecting internal taxes.

#### LETTER XVII.

JANUARY 23, 1788.

DEAR SIR, I believe the people of the United States are full in the opinion, that a free and mild government can be preserved in their extensive territories, only under the substantial forms of a federal republic. As several of the ablest advocates for the system proposed, have acknowledged this (and I hope the confessions they have published will be preserved and remembered) I shall not take up time to establish this point. A question then arises, how far that system partakes of a federal republic.—I observed in a former letter, that it appears to be the first important step to a consolidation of the states; that its strong tendency is to that point.<sup>49</sup>

But what do we mean by a federal republic? and what by a consolidated government? To erect a federal republic, we must first make a number of states on republican principles; each state with a government organized for the internal management of its affairs: The states, as such, must unite under a federal head, and delegate to it powers to make and execute laws in certain enumerated cases, under certain restrictions; this head may be a single assembly, like the present congress, or the Amphictionic council; or it may consist of a legislature, with one or more branches; of an executive, and of a judiciary. To form a consolidated, or one entire government, there must be no state, or local governments, but all things, persons and property, must be subject to the laws of one legislature alone; to one executive, and one judiciary. Each state government, as the government of New Jersey, &c. is a consolidated, or one entire government, as it respects the counties, towns, citizens and property within the limits of the state.—The state governments are the basis, the pillar on which the federal head is placed, and

the whole together, when formed on elective principles, constitute a federal republic. A federal republic in itself supposes state or local governments to exist, as the body or props, on which the federal head rests, and that it cannot remain a moment after they cease. In erecting the federal government, and always in its councils, each state must be known as a sovereign body; but in erecting this government, I conceive, the legislature of the state, by the expressed or implied assent of the people, or the people of the state, under the direction of the government of it, may accede to the federal compact: Nor do I conceive it to be necessarily a part of a confederacy of states, that each have an equal voice in the general councils. A confederated republic being organized, each state must retain powers for managing its internal police, and all delegate to the union power to manage general concerns: The quantity of power the union must possess is one thing, the mode of exercising the powers given, is quite a different consideration; and it is the mode of exercising them, that makes one of the essential distinctions between one entire or consolidated government, and a federal republic; that is, however the government may be organized, if the laws of the union, in most important concerns, as in levying and collecting taxes, raising troops, &c. operate immediately upon the persons and property of individuals, and not on states, extend to organizing the militia, &c. the government, as to its administration, as to making and executing laws, is not federal, but consolidated. To illustrate my idea—the union makes a requisition, and assigns to each state its quota of men or monies wanted; each state, by its own laws and officers, in its own way, furnishes its quota: here the state governments stand between the union and individuals; the laws of the union operate only on states, as such, and federally: Here nothing can be done without the meetings of the state legislatures—but in the other case the union, though the state legislatures should not meet for years together, proceeds immediately, by its own laws and officers, to levy and collect monies of individuals, to enlist men, form armies, &c. here the laws of the union operate immediately on the body of the people, on persons and property; in the same manner the laws of one entire consolidated government operate.—These two modes are very distinct, and in their operation and consequences have directly opposite tendencies: The first makes the existence of the state governments indispensable, and throws all the detail business of levying and collecting the taxes, &c. into the hands of those governments, and into the hands, of course, of many thousand officers solely created by, and dependent on the state. The last entirely excludes the agency of the respective states, and throws the whole busi-

ness of levying and collecting taxes, &c. into the hands of many thousand officers solely created by, and dependent upon the union, and makes the existence of the state government of no consequence in the case. It is true, congress in raising any given sum in direct taxes, must by the constitution, raise so much of it in one state, and so much in another, by a fixed rule, which most of the states some time since agreed to: But this does not effect the principle in question, it only secures each state against any arbitrary proportions. The federal mode is perfectly safe and eligible, founded in the true spirit of a confederated republic there could be no possible exception to it, did we not find by experience, that the states will sometimes neglect to comply with the reasonable requisitions of the union. It being according to the fundamental principles of federal republics, to raise men and monies by requisitions, and for the states individually to organize and train the militia, I conceive, there can be no reason whatever for departing from them, except this, that the states sometimes neglect to comply with reasonable requisitions, and that it is dangerous to attempt to compel a delinquent state by force, as it may often produce a war. We ought, therefore, to enquire attentively, how extensive the evils to be guarded against are, and cautiously limit the remedies to the extent of the evils. I am not about to defend the confederation, or to charge the proposed constitution with imperfections not in it; but we ought to examine facts, and strip them of the false colourings often given them by incautious observations, by unthinking or designing men. We ought to premise, that laws for raising men and monies, even in consolidated governments, are not often punctually complied with. Historians, except in extraordinary cases, but very seldom take notice of the detail collection of taxes; but these facts we have fully proved, and well attested; that the most energetic governments have relinquished taxes frequently, which were of many years standing. These facts amply prove, that taxes assessed, have remained many years uncollected. I agree there have been instances in the republics of Greece, Holland, &c. in the course of several centuries, of states neglecting to pay their quotas of requisitions; but it is a circumstance certainly deserving of attention, whether these nations which have depended on requisitions principally for their defence, have not raised men and monies nearly as punctually as entire governments, which have taxed directly; whether we have not found the latter as often distressed for the want of troops and monies, as the former. It has been said, that the Amphictionic council, and the Germanic head, have not possessed sufficient powers to controul the members of the republic in a proper manner. Is this, if true, to be imputed to requisitions? Is it not principally to be imputed to the unequal pow-

ers of those members, connected with this important circumstance, that each member possessed power to league itself with foreign powers, and powerful neighbours, without the consent of the head. After all, has not the Germanic body a government as good as its neighbours in general? and did not the Grecian republic remain united several centuries, and form the theatre of human greatness? No government in Europe has commanded monies more plentifully than the government of Holland. As to the United States, the separate states lay taxes directly, and the union calls for taxes by way of requisitions; and is it a fact, that more monies are due in proportion on requisitions in the United States, than on the state taxes directly laid?—It is but about ten years since congress begun to make requisitions, and in that time, the monies, &c. required, and the bounties given for men required of the states, have amounted, specie value, to about 36 millions dollars, about 24 millions of dollars of which have been actually paid; and a very considerable part of the 12 millions not paid, remains so not so much from the neglect of the states, as from the sudden changes in paper money, &c. which in a great measure rendered payments of no service, and which often induced the union indirectly to relinquish one demand, by making another in a different form. Before we totally condemn requisitions, we ought to consider what immense bounties the states gave, and what prodigious exertions they made in the war, in order to comply with the requisitions of congress; and if since the peace they have been delinquent, ought we not carefully to enquire, whether that delinquency is to be imputed solely to the nature of requisitions? ought it not in part to be imputed to two other causes? I mean first, an opinion, that has extensively prevailed, that the requisitions for domestic interest have not been founded on just principles; and secondly, the circumstance, that the government itself, by proposing imposts, &c. has departed virtually from the constitutional system; which proposed changes, like all changes proposed in government, produce an inattention and negligence in the execution of the government in being.

I am not for depending wholly on requisitions; but I mention these few facts to shew they are not so totally futile as many pretend. For the truth of many of these facts I appeal to the public records; and for the truth of the others, I appeal to many republican characters, who are best informed in the affairs of the United States. Since the peace, and till the convention reported, the wisest men in the United States generally supposed, that certain limited funds would answer the purposes of the union: and though the states are by no means in so good a condition as I wish they were, yet, I think, I may very safely affirm, they are in a better condition than they would be had congress always pos-

sessed the powers of taxation now contended for. The fact is admitted, that our federal government does not possess sufficient powers to give life and vigor to the political system; and that we experience disappointments, and several inconveniencies; but we ought carefully to distinguish those which are merely the consequences of a severe and tedious war, from those which arise from defects in the federal system. There has been an entire revolution in the United States within thirteen years, and the least we can compute the waste of labour and property at, during that period, by the war, is three hundred million of dollars. Our people are like a man just recovering from a severe fit of sickness. It was the war that disturbed the course of commerce, introduced floods of paper money, the stagnation of credit, and threw many valuable men out of steady business. From these sources our greatest evils arise; men of knowledge and reflection must perceive it;—but then, have we not done more in three or four years past, in repairing the injuries of the war, by repairing houses and estates, restoring industry, frugality, the fisheries, manufactures, &c. and thereby laying the foundation of good government, and of individual and political happiness, than any people ever did in a like time; we must judge from a view of the country and facts, and not from foreign newspapers, or our own, which are printed chiefly in the commercial towns, where imprudent living, imprudent importations, and many unexpected disappointments, have produced a despondency, and a disposition to view every thing on the dark side. Some of the evils we feel, all will agree, ought to be imputed to the defective administration of the governments. From these and various considerations, I am very clearly of opinion, that the evils we sustain, merely on account of the defects of the confederation, are but as a feather in the balance against a mountain, compared with those which would, infallibly, be the result of the loss of general liberty, and that happiness men enjoy under a frugal, free, and mild government.

Heretofore we do not seem to have seen danger any where, but in giving power to congress, and now no where but in congress wanting powers; and, without examining the extent of the evils to be remedied, by one step, we are for giving up to congress almost all powers of any importance without limitation. The defects of the confederation are extravagantly magnified, and every species of pain we feel imputed to them: and hence it is inferred, there must be a total change of the principles, as well as forms of government: and in the main point, touching the federal powers, we rest all on a logical inference, totally inconsistent with experience and sound political reasoning.

It is said, that as the federal head must make peace and war, and provide for the common defence, it ought to possess all powers necessary to that end: that powers unlimited, as to the purse and sword, to raise men and monies, and form the militia, are necessary to that end; and, therefore, the federal head ought to possess them. This reasoning is far more specious than solid: it is necessary that these powers so exist in the body politic, as to be called into exercise whenever necessary for the public safety; but it is by no means true, that the man, or congress of men, whose duty it more immediately is to provide for the common defence, ought to possess them without limitation. But clear it is, that if such men, or congress, be not in a situation to hold them without danger to liberty, he or they ought not to possess them. It has long been thought to be a well founded position, that the purse and sword ought not to be placed in the same hands in a free government. Our wise ancestors have carefully separated them—placed the sword in the hands of their king, even under considerable limitations, and the purse in the hands of the commons alone: yet the king makes peace and war, and it is his duty to provide for the common defence of the nation. This authority at least goes thus far—that a nation, well versed in the science of government, does not conceive it to be necessary or expedient for the man entrusted with the common defence and general tranquility, to possess unlimitedly the powers in question, or even in any considerable degree. Could he, whose duty it is to defend the public, possess in himself independently, all the means of doing it consistent with the public good, it might be convenient: but the people of England know that their liberties and happiness would be in infinitely greater danger from the king's unlimited possession of these powers, than from all external enemies and internal commotions to which they might be exposed: therefore, though they have made it his duty to guard the empire, yet they have wisely placed in other hands, the hands of their representatives, the power to deal out and controul the means. In Holland their high mightinesses must provide for the common defence, but for the means they depend, in a considerable degree, upon requisitions made on the state or local assemblies. Reason and facts evince, that however convenient it might be for an executive magistrate, or federal head, more immediately charged with the national defence and safety, solely, directly, and independently to possess all the means; yet such magistrate, or head, never ought to possess them, if thereby the public liberties shall be endangered. The powers in question never have been, by nations wise and free, deposited, nor can they ever be, with safety, any where, but in the principal

members of the national system:—where these form one entire government, as in Great-Britain, they are separated and lodged in the principal members of it. But in a federal republic, there is quite a different organization; the people form this kind of government, generally, because their territories are too extensive to admit of their assembling in one legislature, or of executing the laws on free principles under one entire government. They convene in their local assemblies, for local purposes, and for managing their internal concerns, and unite their states under a federal head for general purposes. It is the essential characteristic of a confederated republic, that this head be dependant on, and kept within limited bounds by, the local governments; and it is because, in these alone, in fact, the people can be substantially assembled or represented. It is, therefore, we very universally see, in this kind of government, the congressional powers placed in a few hands, and accordingly limited, and specifically enumerated: and the local assemblies strong and well guarded, and composed of numerous members. Wise men will always place the controuling power where the people are substantially collected by their representatives. By the proposed system, the federal head will possess, without limitation, almost every species of power that can, in its exercise, tend to change the government, or to endanger liberty; while in it, I think it has been fully shewn, the people will have but the shadow of representation, and but the shadow of security for their rights and liberties. In a confederated republic, the division of representation, &c. in its nature, requires a correspondent division and deposit of powers, relative to taxes and military concerns: and I think the plan offered stands quite alone, in confounding the principles of governments in themselves totally distinct. I wish not to exculpate the states for their improper neglects in not paying their quotas of requisitions; but, in applying the remedy, we must be governed by reason and facts. It will not be denied, that the people have a right to change the government when the majority chuse it, if not restrained by some existing compact—that they have a right to displace their rulers, and consequently to determine when their measures are reasonable or not—and that they have a right, at any time, to put a stop to those measures they may deem prejudicial to them, by such forms and negatives as they may see fit to provide. From all these, and many other well founded considerations, I need not mention, a question arises, what powers shall there be delegated to the federal head, to insure safety, as well as energy, in the government? I think there is a safe and proper medium pointed out by experience, by reason, and facts. When we have organized the government, we ought to

give power to the union, so far only as experience and present circumstances shall direct, with a reasonable regard to time to come. Should future circumstances, contrary to our expectations, require that further powers be transferred to the union, we can do it far more easily, than get back those we may now imprudently give. The system proposed is untried: candid advocates and opposers admit, that it is, in a degree, a mere experiment, and that its organization is weak and imperfect; surely then, the safe ground is cautiously to vest power in it, and when we are sure we have given enough for ordinary exigencies, to be extremely careful how we delegate powers, which, in common cases, must necessarily be useless or abused, and of very uncertain effect in uncommon ones.

By giving the union power to regulate commerce, and to levy and collect taxes by imposts, we give it an extensive authority, and permanent productive funds, I believe quite as adequate to the present demands of the union, as excises and direct taxes can be made to the present demands of the separate states. The state governments are now about four times as expensive as that of the union; and their several state debts added together, are nearly as large as that of the union—Our impost duties since the peace have been almost as productive as the other sources of taxation, and when under one general system of regulations, the probability is, that those duties will be very considerably increased: Indeed the representation proposed will hardly justify giving to congress unlimited powers to raise taxes by imposts, in addition to the other powers the union must necessarily have. It is said, that if congress possess only authority to raise taxes by imposts, trade probably will be overburdened with taxes, and the taxes of the union be found inadequate to any uncommon exigencies: To this we may observe, that trade generally finds its own level, and will naturally and necessarily heave off any undue burdens laid upon it: further, if congress alone possess the impost, and also unlimited power to raise monies by excises and direct taxes, there must be much more danger that two taxing powers, the union and states, will carry excises and direct taxes to an unreasonable extent, especially as these have not the natural boundaries taxes on trade have. However, it is not my object to propose to exclude congress from raising monies by internal taxes, as by duties, excises, and direct taxes; but my opinion is, that congress, especially in its proposed organization, ought not to raise monies by internal taxes, except in strict conformity to the federal plan; that is, by the agency of the state governments in all cases, except where a state shall neglect, for an unreasonable time, to pay its quota of a requisition; and never



where so many of the state legislatures as represent a majority of the people, shall formally determine an excise law or requisition is improper, in their next session after the same be laid before them. We ought always to recollect that the evil to be guarded against is found by our own experience, and the experience of others, to be mere neglect in the states to pay their quotas; and power in the union to levy and collect the neglecting states' quotas with interest, is fully adequate to the evil. By this federal plan, with this exception mentioned, we secure the means of collecting the taxes by the usual process of law, and avoid the evil of attempting to compel or coerce a state; and we avoid also a circumstance, which never yet could be, and I am fully confident never can be, admitted in a free federal republic; I mean a permanent and continued system of tax laws of the union, executed in the bowels of the states by many thousand officers, dependent as to the assessing and collecting federal taxes, solely upon the union. On every principle then, we ought to provide, that the union render an exact account of all monies raised by imposts and other taxes; and that whenever monies shall be wanted for the purposes of the union, beyond the proceeds of the impost duties, requisitions shall be made on the states for the monies so wanted; and that the power of laying and collecting shall never be exercised, except in cases where a state shall neglect, a given time, to pay its quota. This mode seems to be strongly pointed out by the reason of the case, and spirit of the government; and I believe, there is no instance to be found in a federal republic, where the congressional powers ever extended generally to collecting monies by direct taxes or excises. Creating all these restrictions, still the powers of the union in matters of taxation, will be too unlimited; further checks, in my mind, are indispensably necessary. Nor do I conceive, that as full a representation as is practicable in the federal government, will afford sufficient security: the strength of the government, and the confidence of the people, must be collected principally in the local assemblies; every part or branch of the federal head must be feeble, and unsafely trusted with large powers. A government possessed of more power than its constituent parts will justify, will not only probably abuse it, but be unequal to bear its own burden; it may as soon be destroyed by the pressure of power, as languish and perish for want of it.

There are two ways further of raising checks, and guarding against undue combinations and influence in a federal system. The first is, in levying taxes, raising and keeping up armies, in building navies, in forming plans for the militia, and in appropriating monies for the support of the military, to require the attendance of a large proportion of

the federal representatives, as two-thirds or three-fourths of them; and in passing laws, in these important cases, to require the consent of two-thirds or three-fourths of the members present. The second is, by requiring that certain important laws of the federal head, as a requisition or a law for raising monies by excise shall be laid before the state legislatures, and if disapproved of by a given number of them, say by as many of them as represent a majority of the people, the law shall have no effect. Whether it would be adviseable to adopt both, or either of these checks, I will not undertake to determine. We have seen them both exist in confederated republics. The first exists substantially in the confederation, and will exist in some measure in the plan proposed, as in chusing a president by the house, in expelling members; in the senate, in making treaties, and in deciding on impeachments, and in the whole in altering the constitution. The last exists in the United Netherlands, but in a much greater extent. The first is founded on this principle, that these important measures may, sometimes, be adopted by a bare quorum of members, perhaps, from a few states, and that a bare majority of the federal representatives may frequently be of the aristocracy, or some particular interests, connections, or parties in the community, and governed by motives, views, and inclinations not compatible with the general interest.—The last is founded on this principle, that the people will be substantially represented, only in their state or local assemblies; that their principal security must be found in them; and that, therefore, they ought to have ultimately a constitutional controul over such interesting measures.

I have often heard it observed, that our people are well informed, and will not submit to oppressive governments; that the state governments will be their ready advocates, and possess their confidence, mix with them, and enter into all their wants and feelings. This is all true; but of what avail will these circumstances be, if the state governments, thus allowed to be the guardians of the people, possess no kind of power by the forms of the social compact, to stop, in their passage, the laws of congress injurious to the people. State governments must stand and see the law take place; they may complain and petition—so may individuals; the members of them, in extreme cases, may resist, on the principles of self-defence—so may the people and individuals.

It has been observed, that the people, in extensive territories, have more power, compared with that of their rulers, than in small states. Is not directly the opposite true? The people in a small state can unite and act in concert, and with vigour; but in large territories, the men who govern find it more easy to unite, while people cannot; while they

cannot collect the opinions of each part, while they move to different points, and one part is often played off against the other.

It has been asserted, that the confederate head of a republic at best, is in general weak and dependent;—that the people will attach themselves to, and support their local governments, in all disputes with the union. Admit the fact: is it any way to remove the inconvenience by accumulating powers upon a weak organization? The fact is, that the detail administration of affairs, in this mixed republic, depends principally on the local governments; and the people would be wretched without them: and a great proportion of social happiness depends on the internal administration of justice, and on internal police. The splendor of the monarch, and the power of the government are one thing. The happiness of the subject depends on very different causes: but it is to the latter, that the best men, the greatest ornaments of human nature, have most carefully attended: it is to the former tyrants and oppressors have always aimed.

#### LETTER XVIII.

JANUARY 25, 1788.

DEAR SIR, I am persuaded, a federal head never was formed, that possessed half the powers which it could carry into full effect, altogether independently of the state or local governments, as the one, the convention has proposed, will possess. Should the state legislatures never meet, except merely for chusing federal senators and appointing electors, once in four and six years, the federal head may go on for ages to make all laws relative to the following subjects, and by its own courts, officers, and provisions, carry them into full effect, and to any extent it may deem for the general welfare; that is, for *raising taxes*, borrowing and coining monies, and for applying them—for forming and governing *armies* and *navies*, and for directing their operations—for regulating commerce with foreign nations, and among the several states, and with the Indian tribes—for regulating *bankruptcies*, weights and measures, post-offices and post-roads, and captures on land and water—for establishing a uniform rule of naturalization, and for promoting the progress of science and useful arts—for defining and punishing piracies and felonies committed on the high seas, the offences of counterfeiting the securities and current coin of the United States, and offences against the law of nations, and for regulating all maritime concerns—for *organizing, arming* and *disciplining* the militia (the respective states training them, and appointing the officers)—for *calling them forth* when wanted, and for governing them when in the service of the union—for the *sole and exclusive government* of a federal city or

town, not exceeding ten miles square, and of places ceded for forts, magazines, arsenals, dock-yards, and other needful buildings—for granting letters of marque and reprisal, and making war—for regulating the *times, places, and manner of holding elections* for senators and representatives—for making and concluding all treaties, and carrying them into execution—for judicially deciding all questions arising on the constitution, laws, and treaties of the union, in law and equity, and questions arising on state laws also, where ambassadors, other public ministers, and consuls, where the United States, individual states, or a state, where *citizens of different states*, and where foreign states, or a *foreign subject*, are parties or party—for impeaching and trying federal officers—for deciding on elections, and for expelling members, &c. All these enumerated powers we must examine and contemplate in all their extent and various branches, and then reflect, that the federal head will have full power to make all laws whatever respecting them; and for carrying into full effect all powers vested in the union, in any department, or officers of it, by the constitution, in order to see the full extent of the federal powers, which will be supreme, and exercised by that head at pleasure, conforming to the few limitations mentioned in the constitution. Indeed, I conceive, it is impossible to see them in their full extent at present: we see vast undefined powers lodged in a weak organization, but cannot, by the enquiries of months and years, clearly discern them in all their numerous branches. These powers in feeble hands, must be tempting objects for ambition and a love of power and fame.

But, say the advocates, they are all necessary for forming an energetic federal government; all necessary in the hands of the union, for the common defence and general welfare. In these great points they appear to me to go from the end to the means, and from the means to the end, perpetually begging the question. I think in the course of these letters, I shall sufficiently prove, that some of these powers need not be lodged in the hands of the union—that others ought to be exercised under better checks, and in part, by the agency of the states—some I have already considered, some in my mind, are not liable to objections, and the others, I shall briefly notice in this closing letter.

The power to controul the military forces of the country, as well as the revenues of it, requires serious attention. Here again, I must premise, that a federal republic is a compound system, made up of constituent parts, each essential to the whole: we must then expect the real friends of such a system will always be very anxious for the security and preservation of each part, and to this end, that each constitutionally possess its natural portion of power and influence—and that it will

constantly be an object of concern to them, to see one part armed at all points by the constitution, and in a manner destructive in the end, even of its own existence, and the others left constitutionally defenceless.

The military forces of a free country may be considered under three general descriptions—1. The militia. 2. the navy—and 3. the regular troops—and the whole ought ever to be, and understood to be, in strict subordination to the civil authority; and that regular troops, and select corps, ought not to be kept up without evident necessity. Stipulations in the constitution to this effect, are perhaps, too general to be of much service, except merely to impress on the minds of the people and soldiery, that the military ought ever to be subject to the civil authority, &c. But particular attention, and many more definite stipulations, are highly necessary to render the military safe, and yet useful in a free government; and in a federal republic, where the people meet in distinct assemblies, many stipulations are necessary to keep a part from transgressing, which would be unnecessary checks against the whole met in one legislature, in one entire government.—A militia, when properly formed, are in fact the people themselves, and render regular troops in a great measure unnecessary. The powers to form and arm the militia, to appoint their officers, and to command their services, are very important; nor ought they in a confederated republic to be lodged, solely, in any one member of the government. First, the constitution ought to secure a genuine and guard against a select militia, by providing that the militia shall always be kept well organized, armed, and disciplined, and include, according to the past and general usage of the states, all men capable of bearing arms; and that all regulations tending to render this general militia useless and defenceless, by establishing select corps of militia, or distinct bodies of military men, not having permanent interests and attachments in the community to be avoided. I am persuaded, I need not multiply words to convince you of the value and solidity of this principle, as it respects general liberty, and the duration of a free and mild government: having this principle well fixed by the constitution, then the federal head may prescribe a general uniform plan, on which the respective states shall form and train the militia, appoint their officers and solely manage them, except when called into the service of the union, and when called into that service, they may be commanded and governed by the union. This arrangement combines energy and safety in it; it places the sword in the hands of the solid interest of the community, and not in the hands of men destitute of property, of principle, or of attachment to the society and government, who often form the select corps of peace or

ordinary establishments: by it, the militia are the people, immediately under the management of the state governments, but on a uniform federal plan, and called into the service, command, and government of the union, when necessary for the common defence and general tranquility. But, say gentlemen, the general militia are for the most part employed at home in their private concerns, cannot well be called out, or be depended upon; that we must have a select militia; that is, as I understand it, particular corps or bodies of young men, and of men who have but little to do at home, particularly armed and disciplined in some measure, at the public expence, and always ready to take the field. These corps, not much unlike regular troops, will ever produce an inattention to the general militia; and the consequence has ever been, and always must be, that the substantial men, having families and property, will generally be without arms, without knowing the use of them, and defenceless; whereas, to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them; nor does it follow from this, that all promiscuously must go into actual service on every occasion. The mind that aims at a select militia, must be influenced by a truly anti-republican principle; and when we see many men disposed to practice upon it, whenever they can prevail, no wonder true republicans are for carefully guarding against it. As a farther check, it may be proper to add, that the militia of any state shall not remain in the service of the union, beyond a given period, without the express consent of the state legislature.

As to the navy, I do not see that it can have any connection with the local governments. The want of employment for it, and the want of monies in the hands of the union, must be its proper limitation. The laws for building or increasing it, as all the important laws mentioned in a former letter, touching military and money matters, may be checked by requiring the attendance of a large proportion of the representatives, and the consent of a large proportion of those present, to pass them as before mentioned.<sup>50</sup>

By art. 1. sect. 8. "Congress shall have *power to provide for* organizing, arming, and disciplining the militia": *power to provide for*—does this imply any more than power to prescribe a general uniform plan? And must not the respective states pass laws (but in conformity to the plan) for forming and training the militia.

In the present state of mankind, and of conducting war, the government of every nation must have power to raise and keep up regular troops: the question is, how shall this power be lodged? In an entire government, as in Great-Britain, where the people assemble by their

representatives in one legislature, there is no difficulty, it is of course properly lodged in that legislature: But in a confederated republic, where the organization consists of a federal head, and local governments, there is no one part in which it can be solely, and safely lodged. By art. 1. sect. 8. "congress shall have power to raise and support armies," &c. By art. 1. sect. 10. "no state, without the consent of congress, shall keep troops, or ships of war, in time of peace." It seems fit the union should direct the raising of troops, and the union may do it in two ways; by requisitions on the states, or by direct taxes—the first is most conformable to the federal plan, and safest; and it may be improved, by giving the union power, by its own laws and officers, to raise the states quota that may neglect, and to charge it with the expence; and by giving a fixed quorum of the state legislatures power to disapprove the requisition. There would be less danger in this power to raise troops, could the state governments keep a proper controul over the purse and over the militia; but after all the precautions we can take, without evidently fettering the union too much, we must give a large accumulation of powers to it, in these and other respects. There is one check, which, I think, may be added with great propriety—that is, no land forces shall be kept up, but by legislative acts annually passed by congress, and no appropriation of monies for their support shall be for a longer term than one year. This is the constitutional practice in Great-Britain, and the reasons for such checks in the United States appear to be much stronger. We may also require that these acts be passed by a special majority, as before mentioned. There is another mode still more guarded, and which seems to be founded in the true spirit of a federal system: it seems proper to divide those powers we can with safety, lodge them in no one member of the government alone; yet substantially to preserve their use, and to ensure duration to the government, by modifying the exercise of them—it is to empower congress to raise troops by direct levies, not exceeding a given number, say 2000 in time of peace, and 12,000 in a time of war, and for such further troops as may be wanted, to raise them by requisitions qualified as before mentioned. By the above recited clause no state shall keep troops, &c. in time of peace—this clearly implies, it may do it in time of war: this must be on the principle, that the union cannot defend all parts of the republic, and suggests an idea very repugnant to the general tendency of the system proposed, which is to disarm the state governments: a state in a long war may collect forces sufficient to take the field against the neighbouring states. This clause was copied from the confederation, in which it was of more importance than in the plan proposed, because under this the separate states, probably, will have but small revenues.

By article 1. section 8. congress shall have power to establish uniform laws on the subject of bankruptcies, throughout the United States. It is to be observed, that the separate states have ever been in possession of the power, and in the use of it, of making bankrupt laws, militia laws, and laws in some other cases, respecting which, the new constitution, when adopted, will give the union power to legislate, &c.—but no words are used by the constitution to exclude the jurisdiction of the several states, and whether they will be excluded or not, or whether they and the union will have concurrent jurisdiction or not, must be determined by inference; and from the nature of the subject; if the power, for instance, to make uniform laws on the subject of bankruptcies, is in its nature indivisible, or incapable of being exercised by two legislatures independently, or by one in aid of the other, then the states are excluded, and cannot legislate at all on the subject, even though the union should neglect or find it impracticable to establish uniform bankrupt laws. How far the union will find it practicable to do this, time only can fully determine. When we consider the extent of the country, and the very different ideas of the different parts in it, respecting credit, and the mode of making men's property liable for paying their debts, we may, I think, with some degree of certainty, conclude that the union never will be able to establish such laws; but if practicable, it does not appear to me, on further reflection, that the union ought to have the power; it does not appear to me to be a power properly incidental to a federal head, and, I believe, no one ever possessed it; it is a power that will immediately and extensively interfere with the internal police of the separate states, especially with their administering justice among their own citizens. By giving this power to the union, we greatly extend the jurisdiction of the federal judiciary, as all questions arising on bankrupt laws, being laws of the union, even between citizens of the same state, may be tried in the federal courts; and I think it may be shewn, that by the help of these laws, actions between citizens of different states, and the laws of the federal city, aided by no overstrained judicial fictions, almost all civil causes may be drawn into those courts. We must be sensible how cautious we ought to be in extending unnecessarily the jurisdiction of those courts for reasons I need not repeat. This article of power too, will considerably increase, in the hands of the union, an accumulation of powers, some of a federal and some of a unfederal nature, too large without it.

The constitution provides, that congress shall have the sole and exclusive government of what is called the federal city, a place not exceeding ten miles square, and of all places ceded for forts, dock-yards, &c. I believe this is a novel kind of provision in a federal republic; it is repugnant to the spirit of such a government, and must be founded in



an apprehension of a hostile disposition between the federal head and the state governments; and it is not improbable, that the sudden retreat of congress from Philadelphia, first gave rise to it.<sup>51</sup>—With this apprehension, we provide, the government of the union shall have secluded places, cities, and castles of defence, which no state laws whatever shall invade. When we attentively examine this provision in all its consequences, it opens to view scenes almost without bounds. A federal, or rather a national city, ten miles square, containing a hundred square miles, is about four times as large as London; and for forts, magazines, arsenals, dock-yards, and other needful buildings, congress may possess a number of places or towns in each state. It is true, congress cannot have them unless the state legislatures cede them; but when once ceded, they never can be recovered, and though the general temper of the legislatures may be averse to such cessions, yet many opportunities and advantages may be taken of particular times and circumstances of complying assemblies, and of particular parties, to obtain them. It is not improbable, that some considerable towns or places, in some intemperate moments, or influenced by anti-republican principles, will petition to be ceded for the purposes mentioned in the provision. There are men, and even towns, in the best republics, which are often fond of withdrawing from the government of them, whenever occasion shall present. The case is still stronger; if the provision in question holds out allurements to attempt to withdraw, the people of a state must ever be subject to state as well as federal taxes; but the federal city and places will be subject only to the latter, and to them by no fixed proportion; nor of the taxes raised in them, can the separate states demand any account of congress.—These doors opened for withdrawing from the state governments entirely, may, on other accounts, be very alluring and pleasing to those anti-republican men who prefer a place under the wings of courts.

If a federal town be necessary for the residence of congress and the public officers, it ought to be a small one, and the government of it fixed on republican and common law principles, carefully enumerated and established by the constitution. It is true, the states, when they shall cede places, may stipulate, that the laws and government of congress in them, shall always be formed on such principles; but it is easy to discern, that the stipulations of a state, or of the inhabitants of the place ceded, can be of but little avail against the power and gradual encroachments of the union. The principles ought to be established by the federal constitution, to which all the states are parties; but in no event can there be any need of so large a city and places for forts, &c.

totally exempted from the laws and jurisdictions of the state governments. If I understand the constitution, the laws of congress, constitutionally made, will have complete and supreme jurisdiction to all federal purposes, on every inch of ground in the United States, and exclusive jurisdiction on the high seas, and this by the highest authority, the consent of the people. Suppose ten acres at West-Point shall be used as a fort of the union, or a sea port town as a dock-yard, the laws of the union in those places respecting the navy, forces of the union, and all federal objects, must prevail, be noticed by all judges and officers, and executed accordingly: and I can discern no one reason for excluding from these places, the operation of state laws, as to mere state purposes; for instance, for the collection of state taxes in them, recovering debts, deciding questions of property arising within them on state laws, punishing, by state laws, theft, trespasses, and offences committed in them by mere citizens against the state laws.

The city, and all the places in which the union shall have this exclusive jurisdiction, will be immediately under one entire government, that of the federal head; and be no part of any state, and consequently no part of the United States. The inhabitants of the federal city and places, will be as much exempt from the laws and controul of the state governments, as the people of Canada or Nova Scotia will be. Neither the laws of the states respecting taxes, the militia, crimes or property, will extend to them; nor is there a single stipulation in the constitution, that the inhabitants of this city, and these places, shall be governed by laws founded on principles of freedom. All questions, civil and criminal, arising on the laws of these places, which must be the laws of congress, must be decided in the federal courts; and also, all questions that may, by such judicial fictions as these courts may consider reasonable, be supposed to arise within this city, or any of these places, may be brought into these courts; and by a very common legal fiction, any personal contract may be supposed to have been made in any place. A contract made in Georgia may be supposed to have been made in the federal city, in Pennsylvania; the courts will admit the fiction, and not in these cases, make it a serious question, where it was in fact made. Every suit in which an inhabitant of a federal district may be a party, of course may be instituted in the federal courts—also, every suit in which it may be alledged, and not denied, that a party in it is an inhabitant of such a district—also, every suit to which a foreign state or subject, the union, a state, citizens of different states, in fact, or by reasonable legal fictions, may be a party or parties: And thus, by means of bankrupt laws, federal districts, &c. almost all judicial business, I apprehend may be carried into the federal courts, without essentially departing from the usual

course of judicial proceedings. The courts in Great Britain have acquired their powers, and extended, very greatly, their jurisdictions by such fictions and suppositions as I have mentioned. The constitution, in these points, certainly involves in it principles, and almost hidden cases, which may unfold, and in time exhibit consequences we hardly think of. The power of naturalization, when viewed in connection with the judicial powers and cases, is, in my mind, of very doubtful extent. By the constitution itself, the citizens of each state will be naturalized citizens of every state, to the general purposes of instituting suits, claiming the benefits of the laws, &c. And in order to give the federal courts jurisdiction of an action, between citizens of the same state, in common acceptation, may not a court allow the plaintiff to say, he is a citizen of one state, and the defendant a citizen of another, without carrying legal fictions so far, by any means, as they have been carried by the courts of King's Bench and Exchequer, in order to bring causes within their cognizance—Further, the federal city and districts, will be totally distinct from any state, and a citizen of a state will not of course be a subject of any of them; and to avail himself of the privileges and immunities of them, must he not be naturalized by congress in them? and may not congress make any proportion of the citizens of the states naturalized subjects of the federal city and districts, and thereby entitle them to sue or defend, in all cases, in the federal courts? I have my doubts, and many sensible men, I find, have their doubts, on these points; and we ought to observe, they must be settled in the courts of law, by their rules, distinctions, and fictions. To avoid many of these intricacies and difficulties, and to avoid the undue and unnecessary extension of the federal judicial powers, it appears to me, that no federal districts ought to be allowed, and no federal city or town, except perhaps a small town, in which the government shall be republican, but in which congress shall have no jurisdiction over the inhabitants, but in common with the other inhabitants of the states. Can the union want, in such a town, any thing more than a right to the soil on which it may set its buildings, and extensive jurisdiction over the federal buildings, and property, its own members, officers, and servants in it? As to all federal objects, the union will have complete jurisdiction over them, of course any where, and every where. I still think, that no actions ought to be allowed to be brought in the federal courts, between citizens of different states, at least, unless the cause be of very considerable importance: that no action against a state government, by any citizen or foreigner, ought to be allowed, and no action, in which a foreign subject is party, at least, unless it be of very considerable importance, ought to be instituted in the federal courts—I confess, I can see no

reason whatever, for a foreigner, or for citizens of different states, carrying sixpenny causes into the federal courts; I think the state courts will be found by experience, to be bottomed on better principles, and to administer justice better than the federal courts.

The difficulties and dangers I have supposed, will result from so large a federal city, and federal districts, from the extension of the federal judicial powers, &c. are not, I conceive, merely possible, but probable. I think, pernicious political consequences will follow from them, and from the federal city especially, for very obvious reasons, a few of which I will mention.

We must observe, that the citizens of a state will be subject to state as well as federal taxes, and the inhabitants of the federal city and districts, only to such taxes as congress may lay—We are not to suppose all our people are attached to free government, and the principles of the common law, but that many thousands of them will prefer a city governed, not on republican principles—This city, and the government of it, must indubitably take their tone from the characters of the men, who from the nature of its situation and institution, must collect there. This city will not be established for productive labour, for mercantile, or mechanic industry; but for the residence of government, its officers and attendants. If hereafter it should ever become a place of trade and industry, in the early periods of its existence, when its laws and government must receive their fixed tone, it must be a mere court, with its appendages, the executive, congress, the law courts, gentlemen of fortune and pleasure, with all the officers, attendants, suitors, expectants and dependants on the whole, however brilliant and honourable this collection may be, if we expect it will have any sincere attachments to simple and frugal republicanism, to that liberty and mild government, which is dear to the laborious part of a free people, we most assuredly deceive ourselves. This early collection will draw to it men from all parts of the country, of a like political description: we see them looking towards the place already.

Such a city, or town, containing a hundred square miles, must soon be the great, the visible, and dazzling centre, the mistress of fashions, and the fountain of politics. There may be a free or shackled press in this city, and the streams which may issue from it may overflow the country, and they will be poisonous or pure, as the fountain may be corrupt or not. But not to dwell on a subject that must give pain to the virtuous friends of freedom, I will only add, can a free and enlightened people create a common head so extensive, so prone to corruption and slavery, as this city probably will be, when they have it in their power to form one pure and chaste, frugal and republican.

Under the confederation congress has no power whereby to govern its own officers and servant[s]; a federal town, in which congress might have special jurisdiction, might be expedient; but under the new constitution, without a federal town, congress will have all necessary powers of course over its officers and servants; indeed it will have a complete system of powers to all the federal purposes mentioned in the constitution; so that the reason for a federal town under the confederation, will by no means exist under the constitution.—Even if a trial by jury should be admitted in the federal city, what man, with any state attachments or republican virtue about him, will submit to be tried by a jury of it.

I might observe more particularly upon several other parts of the constitution proposed; but it has been uniformly my object in examining a subject so extensive, and difficult in many parts to be illustrated, to avoid unimportant things, and not to dwell upon points not very material. The rule for apportioning requisitions on the states, having some time since been agreed to by eleven states,<sup>52</sup> I have viewed as settled. The stipulation that congress, after twenty one years may prohibit the importation of slaves, is a point gained, if not so favourable as could be wished for. As monopolies in trade perhaps, can in no case be useful, it might not be amiss to provide expressly against them. I wish the power to repri[e]ve and pardon was more cautiously lodged, and under some limitations. I do not see why congress should be allowed to consent that a person may accept a present, office, or title of a foreign prince, &c. As to the state governments, as well as the federal, are essential parts of the system, why should not the oath taken by the officers be expressly to support the whole? As to debts due to and from the union, I think the constitution intends, on examining art. 4. sect. 8. and art. 6. that they shall stand on the same ground under the constitution as under the confederation. In the article respecting amendments, it is stipulated that no state shall ever be deprived of its equal vote in the senate without its consent; and that alterations may be made by the consent of three-fourths of the states. Stipulations to bind the majority of the people may serve one purpose, to prevent frequent motions for change; but these attempts to bind the majority, generally give occasion for breach of contract. The states all agreed about seven years ago, that the confederation should remain unaltered, unless every state should agree to alterations:<sup>53</sup> but we now see it agreed by the convention, and four states,<sup>54</sup> that the old confederacy shall be destroyed, and a new one, of nine states, be erected, if nine only shall come in. Had we agreed, that a majority should alter the confederation, a majority's agreeing would have bound the rest: but now we must

break the old league, unless all the states agree to alter, or not proceed with adopting the constitution. Whether the adoption by nine states will not produce a nearly equal and dangerous division of the people for and against the constitution—whether the circumstances of the country were such as to justify the hazarding a probability of such a situation, I shall not undertake to determine. I shall leave it to be determined hereafter, whether nine states, under a new federal compact, can claim the benefits of any treaties made with a confederation of thirteen, under a distinct compact and form of existence—whether the new confederacy can recover debts due to the old confederacy, or the arrears of taxes due from the states excluded.

It has been well observed, that our country is extensive, and has no external enemies to press the parts together: that, therefore, their union must depend on strong internal ties. I differ with the gentlemen who make these observations only in this, they hold the ties ought to be strengthened by a considerable degree of internal consolidation; and my object is to form them and strengthen them, on pure federal principles. Whatever may be the fate of many valuable and necessary amendments in the constitution proposed, the ample discussion and respectable opposition it will receive, will have a good effect—they will operate to produce a mild and prudent administration, and to put the wheels of the whole system in motion on proper principles—they will evince, that true republican principles and attachments are still alive and formidable in this country. These, in view, I believe, even men quite disposed to make a bad use of the system, will long hesitate before they will resolve to do it. A majority from a view of our situation, and influenced by many considerations, may acquiesce in the adoption of this constitution; but, it is evident, that a very great majority of the people of the United States think it, in many parts, an unnecessary and unadvisable departure from true republican and federal principles.

1. This is a reference to George Mason, Elbridge Gerry, and Richard Henry Lee. For examples of attacks on their published writings criticizing the Constitution, see CC:227, 276, 325; and for attacks on Mason and Gerry for not signing the Constitution, see CC:171.

2. “Junius” was most likely the pseudonym of Philip Francis (1740–1818), the first clerk of the British War Office, who in late 1768 launched (under that signature) a series of more than sixty newspaper articles in the London *Public Advertiser* attacking the Duke of Grafton’s ministry for maladministration and violating the constitution, thereby endangering the rights and liberties of Englishmen. He continued these attacks against the succeeding administration of Lord North. In 1772 the publisher of the *Public Advertiser*, printed these essays in two volumes as *The Letters of Junius* that were prepared for press by the author himself.

3. This paragraph and the following six paragraphs summarize the Articles of Confederation (CDR, 86–94).

4. See Letters II and III (RCS:N.Y., 214–15, 218–21).

5. In commenting upon the discussion of representation and suffrage which follows, the reviewer (probably Noah Webster) of the *Additional Letters* in the May issue of the *New York American Magazine* states that “The author maintains that the federal representation will be too small, and that all orders of men, merchants, farmers, mechanics, &c. should be represented by some of their own professions. In these positions, especially in the latter, we do not agree with the Federal Farmer. The suffrages of the people must be left free. To restrict them to particular classes of men would be an abridgement of that liberty for which our author contends. But the principle that each order of men should be separately represented in the national Legislature, is not well founded. However it may be useful or necessary to represent each profession in the state assemblies, yet the principle will not apply to the federal legislature; for in the latter, *States* are represented, and not particular orders or districts. The people at large, it is true, choose the delegates of one branch; but the men chosen represent the *collective interest* of all orders—the State. Delegates, therefore, should understand, not merely the interest of *one order* of men, but the *combined interest* of the community. He should be a man of *general information*” (*American Magazine*, 3 June, Mfm:N.Y.).

6. Both the ephori and tribunes were magistrates who were annually elected by the citizens to watch over their rights and liberties. The ephori were five in number, and by 449 B.C. the tribunes were ten in number. On both groups, see also *The Federalist* 63, *Independent Journal*, 1 March (CC:582, p. 295).

7. See note 4 (above).

8. Cesare Bonesana, Marchese di Beccaria, *An Essay on Crimes and Punishments* (3rd ed., London, 1770), 1. (This work was first published in Livorno [Leghorn] in 1764.) The passage quoted here represents the first two sentences of Beccaria’s “Introduction.” It was quoted in “An Address to the Inhabitants of the Province of Quebec,” adopted by the First Continental Congress on 26 October 1774 (JCC, I, 106). Thomas Cushing, Richard Henry Lee, and John Dickinson composed the committee that drafted this address, which was printed in Philadelphia in both English and French by order of Congress. A German edition, for which Congress had made Pennsylvania’s delegates responsible, was also printed in Philadelphia. The address was then reprinted in several other towns and cities (Evans 13726–36, 13740).

9. *Spirit of Laws*, I, Book XI, chapter VI, 226.

10. *Ibid.*, I, Book II, chapter II, 11–18. This chapter is entitled: “Of the Republican Government, and the Laws in relation to Democracy.”

11. Commenting on this passage while addressing the New York Convention on 21 June 1788, Alexander Hamilton stated that “The author reckons in the aristocracy, all governors of states, members of Congress, chief magistrates, and all officers of the militia.—This description, I presume to say, is ridiculous.—The image is a phantom. Does the new government render a rich man more eligible than a poor one? No. It requires no such qualification. It is bottomed on the broad and equal principle of your state constitution” (V below).

12. See Letters VIII–X (below).

13. A reference to Jean Louis De Lolme, *The Constitution of England . . .*, which was first published in French in 1771. Between 1775 and 1788, more than ten English-language editions appeared, none of them in America.

14. See De Lolme, *The Constitution of England . . .* (London, 1816), Book II, chapter VI, 256–59. “Federal Farmer” refers to a footnote at the end of the chapter entitled “Advantages that accrue to the People from appointing Representatives.” The footnote reads: “All the above reasoning essentially requires that the representatives of the people should be united in interests with the people. We shall soon see that this union really prevails in the English constitution, and may be called the master-piece of it.”

15. “Junius’s” Letter XVIII, dated 29 July 1769 and addressed to Sir William Blackstone, solicitor general to Her Majesty, states that “laws you know are intended to guard against what men *may* do, not to trust to what they *will* do” (John Cannon, ed., *The Letters of Junius* [Oxford, Eng., 1978], 97).

16. *The Constitution of England*, Book II, chapter V, 240–55. The chapter is entitled: “In which an Inquiry is made, whether it would be an Advantage to public Liberty, that the Laws should be enacted by the Votes of the People at large.”

17. See Letter VII (above).

18. On 10 July 1787, James Madison moved in the Constitutional Convention that the proposed number of representatives in the first branch of the legislature, sixty-five, be doubled. Supported by Elbridge Gerry, George Mason, and George Read, the motion was defeated, nine states to two. The ratio of 1:40,000, first proposed on 5 July by a committee appointed to resolve the question of representation in the two houses of Congress, was incorporated into the Committee of Detail report of 6 August and adopted by the Convention on 8 August. The question of the ratio of representation arose several more times, for the last time on 17 September, when the Convention unanimously adopted Nathaniel Gorham’s motion (supported by George Washington in his only recorded speech) that the ratio be changed to no more than 1:30,000 (Farrand, I, 527, 568–70; II, 178, 223, 643–44). For more on Washington’s role, see CC:233.

19. Article V of the Articles of Confederation declares that no state could “be represented in Congress by less than two, nor by more than seven Members” (CDR, 87). Most states elected fewer than seven delegates annually. It is true that the thirteen states could appoint as many as ninety-one delegates (seven each) to Congress, but for the federal year beginning November 1786 the thirteen states appointed fewer than sixty delegates.

20. See Letter X (below).

21. See Letter XVII (below).

22. See Letter IX (above).

23. See Letter VI (above).

24. See Letter XVII (below).

25. Commenting on this section dealing with rotation in office, the reviewer (probably Noah Webster) in the May issue of the New York *American Magazine* stated: “We likewise differ from our author in respect to the principle of *rotation*. It is a favorite maxim in some of the States, that when a man has served as an officer a year or a number of years, he should be rendered ineligible, at least for a time. The maxim deserves ridicule; but I will treat it with more respect. It is objectionable in two points of view. In the first place, it is a reflection on the integrity and understanding of the freemen who are to be future electors; and in the second place, it is an usurpation of power by the State that adopts the principle. For a freeman to say that he dares not trust himself with the full power of election, three years hence is a gross insult to his own understanding; and for the freemen of a State, this year, to declare that the freemen of the State, three years hence, shall not exercise the same unlimited power of choosing legislators, as they themselves exercise, is a flagrant violation of the *first* and *best* privilege in government. That there may be a propriety in a rotation of offices, at certain times, is certain; but there may be also a great impropriety in it at other times; and of this propriety or impropriety, the free men have at *all times* the unlimited right of judging” (*American Magazine*, 3 June, Mfm:N.Y.).

26. *Spirit of Laws*, I, Book II, chapter II, 12.

27. See Letter III (RCS:N.Y., 220, 221).

28. In the first federal elections of members to the U.S. House of Representatives, the Massachusetts legislature divided the state into eight districts and required a majority vote to win each election. Four districts needed at least a second election, while one district (Hampshire-Berkshire) needed five elections. See DHFFE, I, chapter 5, *passim*.

29. In the eighteenth century, “nervous” was defined as strong, vigorous, or robust.



30. See Letter VI (above).

31. In those districts that failed to elect state senators by a majority vote, the members of the House of Representatives and the duly elected senators would vote by ballot from a slate of candidates not exceeding double the number of vacancies to be filled (Thorpe, III, 1897).

32. See Letter IX (above).

33. Under the Virginia Resolutions of 29 May 1787 members of Congress were “to be ineligible to any office established by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the first [or second] branch, during the term of service, and for the space of \_\_\_\_ after its expiration.” On 12 June the Convention inserted “one year” in the blank space after defeating a motion that would have made it three years. On 22 and 23 June and 14 August the Convention defeated attempts to make the prohibition milder, although on 23 June it agreed to strike out the words “by a particular State.” Finally, on 3 September those who wanted a milder prohibition were successful and the clause was changed to read: “The members of each House shall be ineligible to any Civil office under the authority of the U. States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office” (Farrand, I, 20–21, 210, 217, 370, 375–77, 383, 386–90; II, 282, 283–91, 483, 484, 486–87, 489–92). For Convention delegate Luther Martin’s discussion of this provision, see *Genuine Information*, V, Baltimore *Maryland Gazette*, 11 January 1788 (CC:441).

34. See Letter XI (above).

35. Latin: first among equals.

36. The text in angle brackets was reprinted in the *New York Journal* on 27 May at the request of “A Customer.” The reference that “Federal Farmer” made “to the lengthy writer in New-York” is to “Publius,” the author of *The Federalist*. “A Customer” footnoted the reprinted text between the words “he” and “appears,” stating that “*There is a great difference between appearance and reality.*”

37. The Virginia Resolutions of 29 May 1787 did not stipulate the length of the President’s term, only that he would be ineligible for a second term. On 1 June the President’s term was set at seven years; it remained so in the 6 August report of the Committee of Detail. On 4 September the Committee of Eleven (David Brearley, chairman) changed the term to four years. Two days later the Convention defeated a motion to restore the seven-year term and another motion setting it at six years (Farrand, I, 21, 68–69; II, 185, 497, 525).

38. The phrase “a great and good man” was often used to describe George Washington. (See John P. Kaminski and Jill Adair McCaughan, eds., *A Great and Good Man: George Washington in the Eyes of His Contemporaries* [Madison, Wis., 1989].)

39. The judiciary is also discussed briefly in Letter XVIII (below).

40. De Lolme, *The Constitution of England*, Book I, chapter XII, 167–68.

41. In concluding a chapter on trial by jury in criminal cases, De Lolme stated: “All these circumstances have combined to introduce such a mildness into the exercise of criminal justice, that the trial by jury is that point of their liberty to which the people of England are most thoroughly and universally wedded; and the only complaint I have ever heard uttered against it, has been by men who, more sensible of the necessity of public order than alive to the feelings of humanity, think that too many offenders escape with impunity” (*The Constitution of England*, Book I, chapter XIII, 187). De Lolme also called trial by jury “an admirable institution” (p. 182), and in another place he said “In fine, such is the happy nature of this institution, that the judicial power, a power so formidable in itself, which is to dispose, without finding any resistance, of the property, honour, and

life of individuals, and which, whatever precautions may be taken to restrain it, must in a great degree remain arbitrary, may be said, in England, to exist,—to accomplish every intended purpose,—and to be in the hands of nobody” (p. 184). For Sir William Blackstone’s opinion of the English jury, see note 45 (below).

42. Article II of the Northwest Ordinance, adopted by Congress on 13 July 1787, states that “The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; . . . and of judicial proceedings according to the course of the common law; . . . no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land . . .” (CDR, 172).

43. On 6 October 1787 James Wilson, a Pennsylvania signer of the Constitution, stated in a speech at a public meeting in Philadelphia that “in delegating foederal powers, another criterion was necessarily introduced, and the congressional authority is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of union. Hence it is evident, that in the former case [state constitutions] every thing which is not reserved is given, but in the latter the reverse of the proposition prevails, and every thing which is not given, is reserved. This distinction being recognized, will furnish an answer to those who think the omission of a bill of rights, a defect in the proposed constitution: for it would have been superfluous and absurd to have stipulated with a foederal body of our own creation, that we should enjoy those privileges, of which we are not divested either by the intention or the act, that has brought that body into existence” (CC:134).

44. Latin: From or by the force of the term. From the very meaning of the expression used.

45. Sir William Blackstone states that “The impartial administration of justice, which secures both our persons and our properties, is the great end of civil society.” Chapter XXIII deals with trial by jury which Blackstone considered “the glory of the English law.” It was “the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals” (*Commentaries*, Book III, chapter XXIII, 379).

46. See Letter XV (above).

47. De Lolme, in his introduction to *The Constitution of England* (p. 4), stated that “The English themselves (the observation cannot give them any offence) having their eyes open, as I may say, upon their liberty, from their first entrance into life, are perhaps too much familiarised with its enjoyment, to enquire, with real concern, into its causes. Having acquired practical notions of their government long before they have meditated on it, and these notions being slowly and gradually imbibed, they at length behold it without any high degree of sensibility; and they seem to me, in this respect, to be like . . . a man who, having always had a beautiful and extensive scene before his eyes, continues for ever to view it with indifference.”

48. De Lolme, *The Constitution of England*, Book I, chapter III, 59.

49. See Letter I (RCS:N.Y., 207).

50. See Letter III (RCS:N.Y., 228).

51. In June 1783, soldiers of the Pennsylvania Line of the Continental Army demonstrated outside the meeting place of Congress in Philadelphia because Congress had furloughed them without settling their financial accounts. Congress asked the Supreme Executive Council of Pennsylvania to call out the militia, but the Council was reluctant. Congress discussed the matter for several days, and then, for safety’s sake, adjourned to Princeton, N.J.

52. In April 1783 Congress proposed an amendment to the Articles of Confederation specifying that requisitions should be raised among the states based on population, not

on land values as provided for under the Articles (CDR, 148–50). By 1787 every state, except New Hampshire and Rhode Island, had ratified the amendment.

53. The Articles of Confederation, adopted on 1 March 1781, provided that “the union shall be perpetual” and that alterations in them should be made only after the change was agreed to in Congress and “confirmed by the legislatures of every state” (CDR, 93).

54. By 25 January 1788, the date of this letter, the Constitution had been ratified by five states—Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut, in that order. Connecticut adopted the Constitution on 9 January.

**Joseph Barrell to Samuel Blachley Webb**  
**Boston, 4 May 1788 (excerpt)<sup>1</sup>**

Dear Sam

. . . I wish exceedingly your State may adopt the New Constitution with a good Grace, for do it they must, by fair means or foul—I wish you may, and have but little fear that you will carry your Federal List,<sup>2</sup> but as to good sense & sound Argument, of what avail can they be to the wilfully and wickedly Ignorant, Antis, for if amongst them there are Men of any Abilities, who are they but Interested selfish men, or of desperate fortunes, and if this Country is to be govern'd by such, how much worse will be our boasted Independance than our former Subjection, but for my part I am of the opinion Honor & Justice will prevail, and the time is at hand when the Man of Humanity will have nothing but Pity for the wretched Antis, whose remorse & Shagreen, will be a sufficient punishment for all their Vilainy—The Pamphlet wrote by Mr Jay is Excellent. I sent it immediately to the press and a part of it was published in the Centinel of Wednesday last as a choice Morsel.<sup>3</sup>. . .

1. RC, Barrell Papers, CtY. This letter responds to Webb's letters of 20 and 27 April (above; and IV below, New York County Election). In both letters, Webb indicated that he was sending Barrell a copy of a pamphlet by John Jay. (See at note 3 below.)

2. In his letter of 27 April—two days before the elections began for delegates to the New York Convention—Webb included the “Fœdral List of the City of New York for the Convention of June 17th. 1788,” which was composed of nine candidates (IV below, New York County Election).

3. For John Jay's pamphlet, see “A Citizen of New-York,” 15 April (above). The “choice Morsel” published by the *Massachusetts Centinel* on 30 April consisted of the first eleven paragraphs of the pamphlet. (See headnote to pamphlet.)

**New Hampshire Spy, 6 May 1788**

A vessel was lately spoke with in the gulf of *Oblivion*, having on board *thirteen* bales of Antifederal Essays, being a *consignment* to the Prince of Darkness. She cleared out at N— Y——, where the *Impost-Officer* excused the master from paying the *customary fees*, owing, it is said, to his

great partiality for the cargo he had on board, and in a *Lamb*-like manner,<sup>1</sup> wished him a good voyage.

1. Antifederalist leader John Lamb was collector of customs for the Port of New York.

**Robert R. Livingston to Marquis de la Luzerne  
Clermont, 7 May 1788<sup>1</sup>**

I have delayed replying to your obliging favor by the Ct De Mou[s]tiers<sup>2</sup> in hope that I might be able to give you some satisfactory information relative to the important events that are now taking place here but having lately heard of those in which your happiness is immediately interested your marriage<sup>3</sup> & your appointment as ambassadeur to G B: I can not defer my congratulations. The first of these will I dare say render you as happy as the prudence & propriety of the choice you have made gave your friends reason to hope[.] The pleasure I receive from the second I confess is not unmixed with regret [that] had it been consistent with your personal interests & the views of [Friends?] to have send you here with the same rank I am satisfied that you wd have rendered essential services to both countries—The present moment is very interesting I cannot but believe that America is going to undergo a change in her political constitution which may add to her importance in the scale of nations—The present disturbed State of Europe & seeds of Jealousy which are sown between france & G Britain will if I mistake not soon involve them in new quarells in which case America if her government is established may not be unimportant to either[.] The British interest is by no means inconsiderable among us nor can it be prevented from acquiring an undue influence but by the attention of a minister acquainted with the character of the inhabitants solicitous to conciliate their affections & ready to accomodate himself to their prejudices—Without intending the smallest reflection upon the Ct. De Moustiers (who has not *yet* formed so intimate a connection with any of us as to permit us to judge of his character) I can not but think that a reciprocal connection between both nations would have been greatly strengthened by your residence in a country where you have so many friends—But having lost all hope prospect of this we must console ourselves in your absence by the interest we take in your advancement to a more agreeable & more important mission—

You Have doubtless seen the proposed federal constitution[.] it has met with many antagonists but the great bulk of the people & [— — —] particularly those who have most experience & information are warmly attached to it[.] seven States Georgia Maryland Delaware P. NJ C: & Mast: have acceded to it—Rhode Island is the only one that has as

yet rejected it nor do I imagine it runs any other risk but from New York where parties are very equally balanced[.] the popular demagogues being fearful that it may lessen their importance are warmly opposed to it—Tho this constitution is by no means free from faults yet if well administered it may tend to unite us more firmly than we are & will certainly be much more vigorous in its operation than that we now have<sup>4</sup>—You are in a country where you will hear of nothing but our poverty distress & convulsions yet be assured that nothing can be more groundless—The people of this country are the happiest in the world[.] poverty is hardly known in it[.] our population is more rapid than you can have any Idea of[.] such is the improved State of our agriculture that notwithstanding the inconveniences our trade labours under the general ballance will this year be in our favor—and will daily be more so—I speak of this State particularly—Many articles heretofore furnished from Europe are now made cheaper in the Northern States than they can be imported as nails, oil, coarse linnens glass— This is one of the good consequences which results from discouraging our foreign commerce & it will daily extend itself to a variety of other articles[.] Thus in this as in most human affairs good arises out of the evils our political enemies intended us—You will excuse the length of this & charge it to the desire I have of giving you a political ske[t]ch of a country in whose happiness I know you interest yourself with the further hope that it may be useful to you in your present situation— Be assured Sir of the Sincerity of the attachment with which I have the honor to be Your Excellencys Most Ob Hum: Servt:

1. FC, Livingston Papers, NHi. “Clermont” was Livingston’s estate in Columbia County. Anne-César, Marquis de la Luzerne (1741–1791) was French minister plenipotentiary to the U.S., 1779–84; French ambassador to Great Britain, 1788–91; and a member of the Society of the Cincinnati in France. Livingston and Luzerne had developed a close relationship while the former was a delegate to Congress and Confederation Secretary for Foreign Affairs. The two men corresponded after Luzerne returned to France in 1784.

2. In September 1787 the Comte de Moustier (1751–1817) was appointed minister plenipotentiary to the U.S. succeeding Luzerne. Moustier arrived in New York City on 18 January 1788 and presented his credentials to Congress on 26 February. He remained in America until October 1789.

3. Livingston was unaware that Luzerne’s wife had died in March.

4. In the spring of 1787 Livingston had been uncertain about the prospects of the Constitutional Convention. On 24 April he had written Luzerne “That we have suffered in reputation abroad can not be disputed—That we are happy at home is equally true . . . so that upon the whole I may venture to say that we are among the happiest people in the world—notwithstanding those defects in our government which render us contemptible abroad—Whether this evil will be corrected by the convention that meet at Philadelphia I know not tho’ I confess to you I do not expect much from their endeavours & for this obvious reason that the people finding themselves happy will not wish for a

change tho those who think public reputation & public credit of importance may” (Mfm:N.Y.).

### **An Attempt at Cooperation Between Virginia and New York Antifederalists, 8 May–15 October 1788**

Opponents of the Constitution in several states, particularly Virginia and New York, attempted to reach an agreement among themselves about a bill of rights and other amendments which they hoped would be considered by a second constitutional convention. Virginia led the way on this matter. In early December 1787 during the debate in the Virginia House of Delegates on a bill to pay state Convention delegates, Antifederalists tried but failed to obtain provisions giving the state Convention the power to propose amendments to the Constitution and to appoint delegates to a second constitutional convention. As finally adopted on 12 December, the act for paying state Convention delegates provided for “such reasonable expences as may be incurred,” if the Convention “should deem it necessary to hold any communications with any of the sister states or the Conventions thereof which may be then met.” On 27 December the legislature requested that Governor Edmund Randolph transmit the act to the executives and legislatures of the several states. On the same day, Randolph sent two copies of the act to each state executive, one for the executive and the other for the legislature.

Governor Randolph’s letter was probably sent to Governor George Clinton at his New York City residence. It was then forwarded to Poughkeepsie, where the legislature convened on 1 January 1788, and where, except for about two weeks, Clinton resided from 3 January to 23 March. (From 12 to 24 January, Clinton was probably in New York City.) On 1 February the New York legislature adopted resolutions calling the state Convention, which did not include a narrowly defeated Antifederalist resolution giving the state Convention the right to recommend amendments.

On 10 March Clinton delivered Randolph’s letter and its enclosures to the Assembly stating that “it may not be improper to mention that it was not received by me before last Friday evening” (i.e., 7 March). Both houses of the legislature read Governor Randolph’s letter and its enclosures and ordered that they be turned over to committees of the whole house. The legislature, however, adjourned on 22 March before either house took notice of Virginia’s suggestion that the state conventions might want to communicate with each other.

On 8 May Governor Clinton wrote Randolph complaining about the delay in receiving Randolph’s letter. Since the Constitution was a matter of “vast Importance,” Clinton thought that the people of the several states should communicate with each other. Because the Virginia Convention would meet before the New York Convention, Clinton expected that Virginia would take the lead in corresponding with New Yorkers. He declared that the New York legislature had given him no instructions in this matter and that his remarks were “expressive” only of his own feelings, which he believed were shared by a majority of New Yorkers.

Clinton's 8 May letter apparently set the stage for the New York Federal Republican Committee, a group of Antifederalists in and around New York City, to send a circular letter variously dated 18, 19, and 20 May to prominent Antifederalists in other states requesting that a correspondence be opened among those who supported amendments to the Constitution. (See "The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution," 18 May–6 August, below.)

"Immediately on receiving" Governor Clinton's letter, Governor Randolph laid the letter before the Council of State, requesting an opinion "whether it was of a public or private nature." The Council believed that it was a public matter. Therefore, Randolph felt justified in withholding the letter from the Virginia Convention, which met from 2 to 27 June, because he was obligated to submit it at the earliest opportunity only to the legislature (RCS:Va., 792).

On 23 June the Virginia legislature met in special session. The next day the speaker laid before the House of Delegates a letter from Randolph, dated 23 June, enclosing five documents, one of which was Clinton's letter. Randolph's letter and its enclosures "were partly read" and then ordered to lie on the table. On 26 June the House "resumed the reading" of Randolph's letter and its enclosures. Since the Virginia Convention had ratified the Constitution on 25 June, it was presumably unnecessary for Clinton's letter to be presented to that body. At any rate, there is no record that it was received officially by the Convention.

On 6 August 1788 Governor Randolph wrote to Governor Clinton asking him to check the postmark on the 27 December 1787 letter and whether or not Clinton's absence from New York City might have delayed the delivery of the letter (Mfm:Va. 340). On 4 October Clinton replied that the letter had a Richmond postmark, but that neither the day nor the month was legible. Clinton declared, that although he spent most of January through March in Poughkeepsie, that should not have delayed the reception of the letter for more than two or three days, because the mail was delivered regularly between New York City and Albany twice a week and Poughkeepsie was on that route. Clinton added that, since the Constitution was in "agitation," some letters to him had been delayed or not delivered (Mfm:Va. 347). On 15 October, shortly after receiving Clinton's letter, Randolph pursued the matter with the Richmond postmaster, who could not determine whether or not Randolph's letter of 27 December had been delivered at the stage office on that day (Mfm:Va. 349).

For a fuller discussion of this matter from the perspective of Virginia, see RCS:Va., 788–90.

*Governor George Clinton to Governor Edmund Randolph  
New York, 8 May 1788<sup>1</sup>*

Your Excellency's letter of the 27th. of December, altho' it appears to have been committed to the Post Office at Richmond, did not come to my Hands until the 7th. of March.

The Act inclosed was immediately communicated to the Legislature, but it was after they had passed their Resolutions for calling a Convention and so near the Close of their Sessions that no Order was taken in Consequence of it.—

The System of Government proposed by the federal Convention is an Object of such vast Importance to the Happiness of America that it appears to me essential that the People of the different States cultivate and cherish the most friendly Sentiments towards each other especially during their Deliberations on that interesting Subject.

The Convention of this State are to meet at Poughkeepsie on the 17th. of June to take the proposed System into Consideration and I am persuaded they will with great Cordiality hold a Communication with any Sister State on the important Subject and especially with one so respectable in Point of Importance, Ability and Patriotism as Virginia; I think I may venture to assure your Excellency that the people of this State are disposed to keep up that friendly Intercourse and preserve that Unanimity respecting any great Change of Government which appears to be the Object of the Act of your Legislature and which it is the Duty of every good Man to promote and cherish, and I have no Doubt but that our Convention will possess the same Sentiments—As the Session of your Convention will take Place before that of this State they will I presume commence the Measures for holding such Communications as shall be deemed necessary.

I cannot refrain expressing a Regret that a similar Conduct has not been observed by the States who have already had the proposed System under Consideration—Friendly Communications on the Subject and temperate Discussions would it is to be presumed have had a most happy Tendency in accomodating it much more to the Sentiments and Wishes of the People of America than is likely to be the Case in the Form it is offered by the general Convention and acceded to by some of the States—Should it be adopted by small Majorities in the larger States we cannot reasonably hope it will operate so as to answer the salutary Purposes designed; for I presume it may be laid down as a certain Truth that no Government can be exercised over this Country in its present Condition that is not supported by the Affections and Confidence of the People in general—

As I have no Direction from the Legislature on the Subject of your Communications, your Excellency will be pleased to consider this Letter as expressive of my own Sentiments, but I have at the same time a well founded Confidence that a Majority of the People of the State over which I have the Honor to preside will concur in them.



1. RC, Executive Communications, Virginia State Library. Clinton's letter was docketed: "Governor Clinton's/Letter./No. 5." The letter was the fifth and last item that Governor Randolph sent to the House of Delegates on 23 June.

**Samuel A. Otis to Benjamin Lincoln**  
**New York, 8 May 1788 (excerpt)<sup>1</sup>**

. . . N York are nearly equally divided. The foederalists are very positive, so are the opposition. Govr Clinton is pitted at all events against it, & indeed it is with him a very great stake; for if he is in the minority upon this question I think he must lose his election. The supporters of the measure are however powerful. The City almost unanimously, & all the commercial interest. The Schylers, & great proprietors, with a large number of farmers &c. Clintons friends pushed him very injudiciously for the City.<sup>2</sup> What is an omen of success in my view is, that the most steady opposers in this quarter begin to despair, and say it must be adopted with amendments. I hear a suggestion that N York opposers have no hope of rejection, but only hold up a good countenance, in order to effect amendments, upon the Massachusetts plan—Upon the whole I recollect no period at which the prospect looked more bright than the present. . . .

1. RC, J. S. H. Fogg Autograph Collection, Maine Historical Society. Printed: CC:735 (longer excerpt). Otis (1740–1814), a graduate of Harvard College (1759) and a Boston merchant who had read law, was a Massachusetts delegate to Congress, 1787–88, and secretary of the U.S. Senate, 1789–1814. Lincoln (1733–1810), a Hingham, Mass., farmer and a former major general in the Continental Army, was Confederation Secretary at War, 1781–83, and a member of the Massachusetts Convention, where he voted to ratify the Constitution in February 1788. He was collector of the Port of Boston, 1789–1809.

2. For the effort to elect George Clinton as a state Convention delegate from New York County, see IV below.

**State Gazette of South Carolina, 8 May 1788<sup>1</sup>**

*Extract of a letter from an American patriot and soldier,  
 dated New-York, April 4th.*

Federalism is to have its probation in June next; every decided patriot of 1775, almost, is in favor of it; the anti's are warm, violent, illiberal, and industrious, but their opponents in this city, are so numerous and respectable, that there is scarcely a doubt entertained of their putting a single man into the convention. In all other counties in the state, the division is said to be pretty nearly equal, though, from my information, I believe there is a federal majority, and of the most virtuous characters throughout the state.

Congress is in a more shackling state than ever I have known; only seven states at most, and often not so many; and the most extreme

languor seems to prevail among them, as they justly conceive themselves only shadows, till the NEW GOVERNMENT prevails.

We are looking out with great anxiety, for the adoption of the new constitution by Maryland and South-Carolina, and notwithstanding the enemies to it circulate accounts to the contrary, we sanguinely hope it will take effect. The objections offered against it in this city and Philadelphia, rather tend, with every sober, judicious man, to evince the propriety of its recognition; and Massachusetts acceding to it, where the greatest opposition was naturally looked for, has silenced many here, and gained many more proselites.

1. Reprinted: *New York Journal*, 30 May.

**Nathan Dane to Samuel Adams**  
**New York, 10 May 1788<sup>1</sup>**

Yesterday were sent to me inclosed—the inclosed pamphlet and printed letter, with a request to convey them to you, which I do myself the honor to transmit accordingly<sup>2</sup>—So far as my information extends the sentiments expressed by this writer, very generally meet the approbation of those who aim at Just and uncorrupt Government on republican principles—nor do I perceive any thing in this publication in the least inconsistent with the determination of the Massa. Convention<sup>3</sup>—a determination, in my opinion, by far the wisest & best that has been made on the Subject—for tho the situation of the Country made it prudent to adopt the Constitution, and put it into operation; yet, clear I am, that we ought not to relax a moment in our attention and vigilance for further guarding and checking the exercise of powers given by the Constitution, and for securing the liberties of America, and an honest administration of Government on known and certain principles—My fears and apprehensions do not arise altogether from a consideration of the faults in the new Constitution; but, in a considerable measure, from a full persuasion that we have many men, and able ones too, in this Country who have a disposition to make a bad use of any government; and who, if not well checked and restrained by the forms of the Government, will, so far as they can have influence produce a wicked and corrupt administration—and you may, Sir, be assured that the Zealous advocates for the adoption of this Constitution, and who are pretty numerous, artful and active, do not intend that any amendments shall be adopted, even after the Constitution shall be put into operation, if they can any way prevent it—at least they will oppose all amendments which, I believe, the republican and honest part of the Community will contend for—however, I think the *true Federalists*, or

true friends of a genuine federal republic, are extending their influence and connections very considerably; and tho a large proportion of them considering our situation agree to adopt the system as presented, they are determined with candor and firmness, to endeavour to establish in these States governments on principles of freedom and equality—whether the friends of honest measures—or the friends of influence and corruption will succeed time only can determine—Sure I am, the former will have the support and advice of your Self and many others who have Steered the political Ship through the late Storm—

Eight States have now determined relative to the Constitution proposed<sup>4</sup>—I can give you no certain information respecting the other five—our accounts respecting the Sentiments of the men elected for the State Conventions are various—but, on the whole, I am inclined to believe they will adopt with recommending amendments as in Massa.—in this State Virga. & N.C. the numbers for and agt. are pretty equal, as well as abilities—Your friend Mr. Lee I understand, declined going to the State Convention, principally, on account of the unhealthiness of the place where the Convention is to meet<sup>5</sup>—

I mentioned to you in my last the application of Kentucky for an admission into the union<sup>6</sup>—I am just informed a gentleman has arrived in this place from Vermont, to make enquiries, &c respecting her admission into the union I understand the State has appointed a Committee and given them power to apply to Congress whenever they shall see a fair opportunity for again bringing under consideration the independance and admission of that State into the union<sup>7</sup>—I have been wishing for sometime that this Subject might again be brought into view—for I am well persuaded if these States do no[t] unite in their infancy, and cement the union, they will not do it hereafter—

1. RC, Adams Papers, NN. Dane (1752–1835), a graduate of Harvard College (1778) and a Beverly, Mass., lawyer, was a delegate to Congress, 1785–88, and the primary author of the Northwest Ordinance (1787). He was defeated as a candidate to the U.S. Senate, 1788. Adams (1722–1803), a resident of Boston, graduate of Harvard College (1740), and a leader of the revolutionary movement against Great Britain, was a delegate to Congress, 1774–81 (signer of the Declaration of Independence and Articles of Confederation), and a member of the Massachusetts Convention where he voted to ratify the Constitution, despite his earlier opposition to it. He was defeated as a candidate for the U.S. House of Representatives, 1788. Adams was lieutenant governor of Massachusetts, 1789–93, and governor, 1793–97.

2. Possibly a reference to the pamphlet by “A Plebeian,” 17 April (above), which included a four-page “Postscript” attacking “A Citizen of New-York,” 15 April (above). Another possibility for the enclosure is “Federal Farmer’s” *Additional Letters*, 2 May (above).

3. A reference to the Massachusetts Convention’s recommended amendments to the Constitution. (See above, under 6 February, for these amendments.)

4. Seven states had ratified the Constitution and Rhode Island voters had rejected it.
5. For Richard Henry Lee's fear of the unhealthiness of Richmond, see his 27 June letter to John Lamb (CC:750-O); and RCS:Va., 621, note 10.
6. This application was read in Congress on 29 February 1788. After some consideration and debate, Congress adopted a motion on 3 July to defer the statehood question to the new Congress under the Constitution (RCS:Va., 330n-31n).
7. In October 1787 the Vermont General Assembly appointed a committee of three to be "Agents to negotiate the public business of this state to the Congress." Between that date and Congress' last meeting in early 1789, Congress does not appear to have taken any action on Vermont statehood.

### **Pennsylvania Gazette, 14 May 1788<sup>1</sup>**

The elections for the state of New-York are closed, but the votes being sealed up till the latter end of this month, it is impossible to ascertain the list of the members for their convention. 'Tis however certain, that many of their ablest and most patriotic characters will be in that house, so that the constitution will be considered by able and candid politicians, sensible of its merits, disposed to allow for its interferences with partial interests, and sensible of the critical posture of our affairs, at home and abroad. Since there will be many in the New-York convention, who have expressed a desire for the adoption, and many more, who from the above circumstances will be averse to the rejection of it, we have not a doubt of seeing that near neighbour and sister state adding her respectable name to the new confederacy. Then will all be included, from Massachusetts to Maryland. The same circumstances and considerations render the adoption by Virginia equally probable. South-Carolina appears certain.

The citizens of the United States and their possessions being the sole source of power, honor and revenue, 'tis no great stretch of imagination to presume, that they consider themselves as having a right *to propose, recommend and order* amendments of their own civil constitutions *in all future times*.

Should the state of New-York reject the proposed constitution, one of two events must certainly ensue. First, that if the constitution is not adopted by nine states, that devoted country will lie between *the New-England confederacy*, consisting of Vermont, Connecticut Massachusetts, &c. on the one hand, and the confederacy of the middle states, consisting of New-Jersey, Pennsylvania, Delaware and Maryland, on the other. Secondly, if the constitution is adopted, then she will lie in the midst of the most effective and powerful parts of the new confederacy, joined immediately by Jersey on the south, Connecticut on the north-east, and Vermont on the north. In either case Staten-Island, from its

foederalism and contiguity to New-Jersey, will abandon New-York, and cling to the confederacy, whether great or small, to which New-Jersey belongs. Thus will that valuable state be placed, as it were, between the upper and nether mill-stone, and find herself an alien among her father's children. Let us rather fondly hope that we shall all be united in one fold, under one shepherd.

1. All three paragraphs were reprinted in the *Pennsylvania Mercury*, 15 May; *Daily Advertiser*, 16 May; *Gemeinnutzige Philadelphische Correspondenz*, 20 May; *Massachusetts Gazette*, 23 May; and *Connecticut Cowant*, 26 May. The first paragraph was also reprinted in the *Country Journal*, 27 May, and nine more times by 29 May: Mass. (2), Conn. (2), Pa. (2), Md. (2), Va. (1). The third paragraph was also reprinted in the *New York Packet*, 16 May; *Country Journal*, 20 May; and eleven more times by 7 July: Vt. (2), N.H. (1), Mass. (5), N.J. (1), Md. (2).

**Henry Knox to the Marquis de Lafayette**  
**New York, 15 May 1788 (excerpt)<sup>1</sup>**

My dear Marquis

. . . The Elections for the Convention are finished in this State. As the Pivots on which the elections turned were the adoption or rejection of the New Constitution the sentiments of the Citizens were pretty generally drawn forth on the occasion—The precise result cannot be ascertained at present but it is probable that the parties are nearly balanced—If nine States however should have adopted the Constitution previously to the setting of the Convention of this State, the measure will have a decisive influence on the deliberations of this State, and most probably the constitution will be adopted.

Were the New Constitution to have required the Unanimous Consent assent of all the States it would never have been adopted—But as it requires only nine States in the first instance, it may be in full operation, in one year from the present time.

I am my dear Friend Your truly affectionate & most Obedient Humble Servant

1. FC, GLC 2437, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, New York. Additional excerpts of this letter are printed in Francis S. Drake, *Life and Correspondence of Henry Knox* . . . (Boston, 1873), 99.

**Philadelphia Independent Gazetteer, 15 May 1788**

Extract of a letter from a young gentleman in  
 New-York, to his friend in this city.

“I am not a little, but very much surprised that seven of our states should hurry themselves headlong into the important measure of ratifying the federal constitution, without even giving themselves time of

thinking how its effects might probably be felt, not only by us, but posterity. For though it may, like *Plato's* republic, please our fancy by exhibiting to our views delightful scenes and flattering prospects; but experience, the great mother of knowledge, only can evince us whether its effects will meet with our approbation, or whether they will be consistent with our welfare, or the contrary? If this be granted, Why in the name of common sense, did not those seven states prescribe limits, by fixing a period to its duration? Suppose, fifteen years, or twenty, if, in the course of that time, those pleasing effects, which it portends in theory, should be realized in practice, how easy could it have been prolonged. I confess to you with that usual candor that I am a friend to the constitution; notwithstanding which, I think too much circumspection cannot be used, how we acquiesce in and adopt measures of this important and singular nature; the repeal or amendment of which, should they prove oppressive, might be attended with serious and dreadful consequences. What do you think of my idea of limiting the constitution? Is it not new, and unhinted of by any of our *battering heroes*? And don't you imagine, nay are you not assured, that the improvement of this idea, as singular as it seems to be, is essentially necessary, that its consequences may in all probability be the salvation of our liberty? I am almost assured in my own mind, you will not hesitate in joining me in this opinion, as also in that, that every well-wisher to this country would, were this important question put to them. Answer me these questions in your next candidly."

### **The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution 18 May–6 August 1788**

The first significant, though unsuccessful, attempt at cooperation by having state ratifying conventions propose amendments to the Constitution was made by the Virginia legislature in December 1787. In the case of New York, the Virginia initiative was so long delayed that the New York legislature called a state convention before it was aware of the overture. Antifederalists in the New York legislature, however, had tried to give the state convention the power to propose amendments. (See "An Attempt at Cooperation Between Virginia and New York Antifederalists," 8 May–15 October 1788, above.)

In April Maryland became the seventh state to ratify the Constitution, and on 12 May the South Carolina Convention was scheduled to meet. The conventions of Virginia, New York, and New Hampshire were scheduled to meet on 2, 17, and 18 June, respectively, while that of North Carolina would meet on 21 July. Rhode Island had still not called a convention. Consequently, New York Antifederalists—who were intent on adopting amendments before the Constitution was ratified by nine states—realized that time was running out.

On 18, 19, and 20 May the New York Federal Republican Committee, a group of Antifederalists in and around New York City, sent a circular letter (which varied from letter to letter) to prominent Antifederalists in New Hampshire, Pennsylvania, Maryland, Virginia, North and South Carolina, and possibly Rhode Island calling for cooperation in obtaining amendments to the Constitution before the Constitution was implemented. Although Pennsylvania and Maryland had ratified the Constitution, they were included because there was still strong sentiment for amendments in those states. The letters sent to these important Antifederalists in other states included a lengthy pamphlet—*An Additional Number of Letters from the Federal Farmer to the Republican* that had appeared on 2 May (above). Most of the letters reached their destinations between 7 and 20 June.

In particular, the New York Federal Republican Committee targeted Virginia as the most important state, addressing its letters to Richard Henry Lee and to Virginia Convention members Patrick Henry, George Mason, and William Grayson. Fearing that the letters might be intercepted, the committee used Eleazer Oswald, the ardent Antifederalist printer of the Philadelphia *Independent Gazetteer*, as a courier to the Virginia Convention in Richmond. While Oswald was en route, the committee learned that New York Antifederalists had won a landslide victory in elections for the New York Convention and that on 23 May South Carolina had become the eighth state to ratify the Constitution. Therefore, on 6 June the committee again wrote to Virginia and New Hampshire Antifederalists, hoping that the news of the New York election would stimulate “a communication” among the conventions of New York, Virginia, and New Hampshire (below).

Oswald left Richmond on 9 June, or shortly thereafter, and arrived in New York City on the 16th carrying the 9 June responses of Mason, Henry, and Grayson, who informed Lamb that a “Comm[itee] of Opposition” or a “Republican Society” had drafted some amendments to the Constitution. A copy of these amendments was enclosed in Mason’s letter. These Virginia Antifederalists regretted that they were not as well organized as their New York counterparts. Mason told Lamb that, if “the Majority will be on our Side,” “an official Communication will immediately take place” between the Virginia and New York conventions. Henry wrote that, if Virginia ratified, the state’s Antifederalists would form their own Republican Society. Oswald told Lamb that Henry and other Virginians wanted New York to take the lead and appoint a delegation to meet with one from the Virginia Convention to discuss amendments. Lastly, the Virginians expressed concern that Federalists and Antifederalists in their convention were evenly divided.

Copies were made of the Virginia letters, and on 17 June Lamb sent them to Governor George Clinton at the New York Convention in Poughkeepsie, with a recommendation that, if the New York Convention appointed a delegation to meet with a Virginia group, an express rider would take that news to Virginia immediately. On 21 June Clinton, the convention’s president, wrote Lamb that he had turned the Virginia letters over to “a Special Committee of Correspondence.” On the same day Robert Yates, the committee’s chairman, wrote to George Mason acknowledging receipt of the Virginia amendments

and enclosing a copy of amendments to which “many” New York Antifederalists had agreed. New Yorkers, stated Yates, were willing to correspond with Virginians, but it was doubtful that the Virginia Antifederalists would win their struggle and that it was likely the New York Convention would adjourn before the Virginia response could get to Poughkeepsie. (It took an express rider about seven days to reach Richmond from Poughkeepsie.)

On 10 June Joshua Atherton, a delegate to the New Hampshire Convention scheduled to reconvene on the 18th, wrote Lamb that he supported the adoption of amendments before the Constitution was ratified and he expressed the hope that the New Hampshire Convention might receive a resolution from the New York Convention “not to adopt, without the necessary Amendments, before they have proceeded too far, together *with your amendments.*” Such a resolution would be supported by “a great Majority” of the New Hampshire Convention. On 23 June, two days after New Hampshire narrowly ratified the Constitution with recommended amendments, Atherton wrote Lamb again expressing the hope that New York would have “the indelible Honour of chaining and reducing within proper Bounds this young Lion, fostered by so many States, and permitted to run rampant trampling under Foot all our Bulworks of Liberty.”

Letters from Maryland, South Carolina, and North Carolina Antifederalists expressed strong support for New York’s call for prior amendments. In addition, most of the letters stated that considerable majorities of the people in these states favored amendments or opposed the Constitution. South Carolinians Rawlins Lowndes and Aedanus Burke regretted that the New York letter had not arrived earlier because it would have had a good effect. North Carolinian Timothy Bloodworth believed that the proposed amendments should come from New York.

The letter-writing campaign of the New York Federal Republican Committee failed to obtain prior amendments. The letters to South Carolina arrived after that state’s convention ratified the Constitution with recommendatory amendments. The letters to New Hampshire, Virginia, and North Carolina arrived in sufficient time, but the conventions of New Hampshire and Virginia ratified with recommendatory amendments. The North Carolina Convention refused to ratify. In Virginia, prior amendments were narrowly defeated, as were conditional amendments in New York. Nevertheless, this campaign was a factor in pressuring the first Congress under the Constitution to propose amendments to the states for their ratification.

For a fuller discussion of the letter-writing campaign and for the letters themselves, see CC:750 A–Q. The 18 May circular letter of the New York Federal Republican Committee is printed immediately below.

*New York Federal Republican Committee to Richard Henry Lee  
New York, 18 May 1788*<sup>1</sup>

The Importance of the Subject upon which we address you, we trust will be a sufficient Apology for the Liberty we take.



The System of Government proposed by the late Convention to the respective States for their Adoption, involves in it Questions and Consequences in the highest Degree interesting to the People of these States.

While we see, in common with our Brethren of the other States, the Necessity of making Alterations in the present existing federal Government, we cannot but apprehend that the one proposed in its Room contains in it Principles dangerous to public Liberty and Safety.

It would far exceed the Bounds of a Letter to detail to you our Objections to the proposed<sup>2</sup> Constitution. And it is the less necessary that we should do it, as they are well stated in a Publication, which we take the Liberty of transmitting you in a series of Letters from the Federal Farmer to the Republican.<sup>3</sup> We renounce all Ideas of local Objections and confine ourselves to such only as affect the Cause of general Liberty, and are drawn from those genuine Republican Principles and Maxims, which we consider as the Glory of our Country, and which gave rise to the late glorious Revolution and supported the Patriots of America in supporting<sup>4</sup> it.

Impressed with these Sentiments we hold it a Duty we owe our Country our Posterity and the Rights of Mankind to use our best Endeavours to procure Amendments to the System previous to its Adoption—

To accomplish this desirable Event it is of Importance that those States who have not yet acceded to the Plan should open a Correspondence, and maintain a Communication—That they should understand one another on the Subject and unite in the Amendments they propose—

With this View we address you on the Subject and request a free Correspondence may be opened between such Gentlemen in your State<sup>5</sup> as are of Opinion with us on the Subject of Amendments—We request your Opinion on the Matter and that you would state such Amendments as you judge necessary to be made.

We think it would conduce very much to promote Union and prevent Discord and an Hostile Disposition among the States, if a Correspondence could be brought about between the Conventions of your State, New Hampshire and this, who we presume will be in Session at the same time—We have the highest Hopes that such a Measure would produce the happiest Effects—We shall write to New Hampshire and propose it and wish your Convention may be inclined to agree to it<sup>6</sup>—We have every Reason to believe it will be agreeably to ours.<sup>7</sup>—

It is not yet declared who are the Members elected for our Convention. The Ballots are to be counted the last Teusday in this Month<sup>8</sup>—But by the best Information received from the different Counties we

have not a Doubt of there being a decided<sup>9</sup> Majority returned who will be<sup>10</sup> opposed to the Constitution in its present Form. A number of the leading and influential<sup>11</sup> Characters who will compose the Opposition in our Convention are associated with us. We are anxious to form a Union with our Friends in the other States, and to manifest to the Continent and to the World, that our Opposition to this Constitution does not arise from an Impatience under the Restraint of good Government from local or State Attachments, from interested Motives or Party Prejudice<sup>12</sup>—but from the purer Sentiments of the Love of Liberty, an Attachment to Republican Principles and an Adherence to those Ideas which prevailed at the Commencement of the late Revolution, and which animated the most illustrious Patriots to undertake and persevere in the glorious but arduous Contest.

In behalf of the federal republican Committee I have the honour to be Sir, Your most obedt. servant

John Lamb  
Chairman

PS. We shall write to North & South Carolina, on the general Subject of this Letter, but as thire Conventions will not be in Session at the time that yours, New Hampshire & ours will be, we cannot propose a correspondence between them.<sup>13</sup>—

1. RC, Lee-Ludwell Papers, Letters to Richard Henry Lee, Virginia Historical Society. John Lamb signed the letter which was written by an amanuensis. Charles Tillinghast, Lamb's son-in-law and the committee's secretary, wrote the inside address and the postscript. Lee replied to Lamb on 27 June (CC:750–O). Lamb's letter to Lee is compared in notes 2, 4–5, 7, 9–12, and 14 (below) to Lamb's 18 and 19 May letters to Nathaniel Peabody of New Hampshire, Willie Jones of North Carolina, and to an unidentified South Carolinian (Lamb Papers, NHi; North Carolina State Papers [1788–1789], Duke University; and the *Charleston State Gazette of South Carolina*, 26 June, respectively). These are the only Lamb letters that have been located.

The copy published in the *State Gazette of South Carolina* “By particular Desire” was probably turned over to the printer by either Aedanus Burke or Rawlins Lowndes, two of the three South Carolinians to whom Lamb wrote. (The third was Thomas Sumter.) The *State Gazette* identified the letter as having been “received by a gentleman in this city from the Chairman of a Committee in New-York.” This letter was reprinted in the *Philadelphia Independent Gazetteer* on 18 July, and in the *New York Daily Advertiser* on 23 July.

2. “Proffered” or “proffered” in the Peabody and South Carolina letters, respectively.  
3. See *An Additional Number of Letters from the Federal Farmer to the Republican*, 2 May (above).

4. “Effecting” in the Peabody, Jones, and South Carolina letters.

5. The words “in your State” are omitted from the Jones letter.

6. In addition to Nathaniel Peabody, Lamb also wrote to Joshua Atherton in New Hampshire.

7. In the Jones and South Carolina letters, this paragraph is replaced by one which reads: “As the Conventions of New-Hampshire and Virg. will be in Session at the same time ours will be, we have written to some of the members of those conventions, who

are opposed to the new Constitution in its present form, on the subject of opening a correspondence between the Conventions, which we hope will be effected, being convinced if put in execution, many good consequences will result."

8. The New York elections for state convention delegates took place between 29 April and 3 May; but according to the provisions of the February 1787 election law, county supervisors had to wait until 27 May to open and count the ballots. By 5 June the election results from all but one county had been reported in New York City newspapers. The next day, the New York Federal Republican Committee wrote another letter to Antifederalists in other states reporting the election returns (below).

9. "Considerable" in the Peabody, Jones, and South Carolina letters.

10. "Will be" is replaced by "are" in the Peabody letter.

11. "And influential" is omitted in the Peabody letter.

12. "Prejudice" replaced by "Spirit" in the Peabody, Jones, and South Carolina letters.

13. The postscript is omitted from the Jones and South Carolina letters.

### **Samuel A. Otis to George Thatcher New York, 18 May 1788 (excerpt)<sup>1</sup>**

. . . I find it is the general opinion that the New wheel will revolve—N Carolina, our pompous brother Williamson<sup>2</sup> thinks there will be no fear of, nor perhaps will there be of SC, and Virginia with all her state-lieness, will be very unwilling to stand alone; For N York will accede with the worst possible grace, I think she will be bullied into it. . . .

1. RC, Washburn Papers, MHi. For longer excerpts, see CC:749 and Smith, *Letters*, XXV, 103–4. Otis misdated this letter "18 March 1788." Internal evidence, such as the mention of Maryland's ratification of the Constitution on 26 April, reveals that the letter was written in May. Two days after closing this letter, Otis added another paragraph on 20 May.

2. The reference is to Hugh Williamson, a North Carolina delegate to Congress, who began to attend Congress on 16 May. In a portion of his letter not printed here, Otis wrote: "There is a Doctr Williamson arived who seems to have got with him from No Carolina a quantum of self consequence." On 20 May Williamson, writing in the *New York Packet*, explained the reasons for the Dobbs County, N.C., election riot. See "The New York Reporting of the Election Riot in Dobbs County, N.C.," 20 May 1788 (below).

### **Alexander Hamilton to James Madison New York, 19 May 1788<sup>1</sup>**

Some days since I wrote to you, My Dear Sir, inclosing a letter from a Mr. V Der Kemp &c—

I then mentioned to you that the question of a majority for or against the constitution would depend upon the County of Albany. By the latter accounts from that quarter I fear much that the issue there has been against us.<sup>2</sup>

As Clinton is truly the leader of his party, and is inflexibly obstinate I count little on overcoming opposition by reason. Our only chances

will be the previous ratification by Nine states, which may shake the firmness of his followers; and a change in the sentiments of the people which have been for some time travelling towards the constitution, though the first impressions made by every species of influence and artifice were too strong to be eradicated in time to give a decisive turn to the elections. We shall leave nothing undone to cultivate a favourable disposition in the Citizens at large.

The language of the Antifederalists is that if all the other states adopt, New York ought still to hold out—I have the most direct intelligence, but in a manner, which forbids a public use being made of it, that Clinton has in several conversations declared his opinion of the *inutility* of the UNION. Tis an unhappy reflection, that the friends to it should by quarrelling for straws among themselves promote the designs of its adversaries—

We think here that the situation of your state is critical—Let me know what you now think of it—I believe you meet nearly at the time we do—It will be of vast importance that an exact communication should be kept up between us at that period; and the moment *any decisive* question is taken, if favourable, I request you to dispatch an express to me with pointed orders to make all possible diligence, by changing horses &c. All expences shall be thankfully and liberally paid<sup>3</sup>—

I executed your commands respecting the first vol of the Fœderalist—I sent 40 of the common copies & twelve of the finer ones addressed to the care of Governor Randolph.<sup>4</sup> The Printer announces the second vol in a day or two, when an equal number of the two kinds shall also be forwarded. He informs that the Judicial department trial by jury bill of rights &c. is discussed in some additional papers which have not yet appeared in the Gazettes<sup>5</sup>

1. RC, Madison Papers, DLC.

2. See IV below, Albany County Election. All seven men elected delegates to the state Convention were Antifederalists. Four voted against ratification of the Constitution, while the other three did not vote.

3. For the express system, see “The Establishment of a Federalist Express System Between the New Hampshire and New York Conventions,” 4–16 June (below).

4. For the distribution of both volumes of *The Federalist* in Virginia just prior to and during the Virginia Convention that convened on 2 June and for Hamilton’s role in that distribution, see RCS:Va., 653n–54n.

5. See “Publication, Sale, and Distribution in New York of Volume II of the Book Edition of *The Federalist*,” 28 May (below). This volume included nos. 78–85 (written by Hamilton) that had not appeared in any newspaper. (See CC:759–66 for the text of these numbers.) Nos. 78–82 covered the judiciary; no. 83, trial by jury in civil cases; no. 84, the lack of a bill of rights; while no. 85 concluded the series.

**Alexander Hamilton to Gouverneur Morris****New York, 19 May 1788<sup>1</sup>**

I acknowledge my delinquency in not thanking you before for your obliging letter from Richmond. But the truth is that I have been so overwhelmed in avocations of one kind or another that I have scarcely had a moment to spare to a friend—You I trust will be the less disposed to be inexorable, as I hope you believe there is no one for whom I have more *inclination* than yourself—I mean of the *male* kind.

Your account of the situation of Virginia was interesting, and the present appearances as represented here justify your conjectures—It does not however appear that the adoption of the constitution can be considered as out of doubt in that state—Its conduct upon the occasion will certainly be of critical importance.

In this state, as far as we can judge the elections have gone wrong. The event however will not certainly be known till the end of the month. Violence rather than moderation is to be looked for from the opposite party. Obstinacy seems the prevailing trait in the character of its leader. The language is, that if all the other states adopt, this is to persist in refusing the constitution. It is reduced to a certainty that [George] Clinton has in several conversations declared the UNION unnecessary; though I have the information through channels which do not permit a public use to be made of it.

We have, notwithstanding the unfavourable complexion of things, two sources of hope—one the chance of a ratification by nine states before we decide and the influence of this upon the firmness of the *followers*; the other the probability of a change of sentiment in the people, auspicious to the constitution—The current has been for some time running towards it; though the whole flood of official influence accelerated by a torrent of falsehood, early gave the public opinion so violent a direction in a wrong channel that it was not possible suddenly to alter its course. This is a mighty stiff simile; but you know what I mean; and after having started it, I did not choose to give up the chace.

[P.S.] The members of the Convention in this City, by a Majority of nine or ten to one,<sup>2</sup> will be

John Jay  
 Robert R. Livingston  
 Richard Morris  
 John Sloss Hobart  
 James Duane  
 Isaac Rosevelt  
 Richard Harrison

Nicholas Lowe  
Alexander Hamilton

1. RC, Hamilton Papers, DLC. Gouverneur Morris (along with Robert Morris) had been in Virginia since the fall of 1787, where they hoped to collect debts due to Robert Morris. On 13 June Gouverneur Morris replied to Hamilton's 19 May letter from Richmond, where he was attending the debates of the Virginia Convention (RCS:Va., 1622–23).

2. See IV below, New York County Election.

**New York Journal, 19 May 1788**

☞ THIS DAY completes TWO QUARTERS of THE DAILY PATRIOTIC REGISTER.—On this occasion the Editor begs leave to express his gratitude for the general support of this paper.

Being confident, that while he depends upon the patronage of those characters whose liberality is not bounded by the narrow sphere of party—who have proved themselves the WHIGS of the country—and who live but to evince their unequivocal attachment to the recently inestimable cause of republican freedom, he shall persevere in this undertaking; and, if acting in the capacity of “an advocate for the freedom of the Press,” will give satisfaction, he will strive to do it.—That this has been his sole aim, he can with truth declare; and, however otherwise the opinions of many of his fellow citizens may have been, it would be but justice to himself to assure them, that he had never any other view, than to serve his country, and to gain, for himself, an industrious livelihood.

As a PRINTER, the Editor professes to communicate *facts*, and to detect *falsehoods*. From the latter, no printer can sufficiently guard himself, especially when they are dealt from state to state, as, in high political disputations, they frequently are; in which case, having quoted his authority, he cannot be accountable—but ought always to expose them as soon as the *facts* are to be ascertained: as an INDIVIDUAL, the *laws* of a free country have ever been his *guard* and *guide*; and, let who may *rule*, placed by the general suffrage of the people, he shall always act the part of a faithful member of the community.

It is needless to mention, since the quantity of daily matter evinces the fact, that this paper is the most expensive one in the union; this is owing to the small proportion of ADVERTISEMENTS it contains. The Editor, therefore, hopes, that those gentlemen who profess to be liberal supporters of “THE FREEDOM OF THE PRESS,” will afford him a proportion of their advertisements, for which they will be entitled to his unfeigned thanks.

**Editors' Note**  
**The New York Reporting of the Election Riot**  
**in Dobbs County, N.C., 20 May 1788**

On 16 April *Martin's North Carolina Gazette* (New Bern) reported on the election for state convention delegates in Dobbs County, N.C., on 28 and 29 March, and on the riot that had taken place on the 29th, following the closing of the poll. Federalists—disturbed that the election had gone against them—extinguished the torches, abused Antifederalist candidates, and assaulted one of the election inspectors. Whereupon, Antifederalist candidates beat a hasty retreat. (For the full report, see Mfm:N.Y.)

The report published in *Martin's North Carolina Gazette* circulated widely. In New York, it was published in the *New York Packet*, 16 May, *New York Journal*, 17 May, *Country Journal*, 20 May, and *Lansingburgh Federal Herald*, 26 May; and in twenty-two newspapers outside New York by 7 June: Mass. (3), R.I. (1), Conn. (6), Pa. (8), Md. (3), Va. (1). Hugh Williamson, a North Carolina delegate to Congress, arrived in New York City in mid-May to attend Congress. On 21 May he wrote one of his North Carolina correspondents that he was asked many questions about this report and about North Carolina politics and politicians, including Governor Richard Caswell, who was a Federalist candidate for election to the state convention from Dobbs County. Consequently, Williamson thought that it was his "duty to prepare a Paragraph and cause it to be published which is thought by the Readers to put the Matter in a very different or in a new Point of Light." Since Williamson had no direct knowledge of what had occurred in Dobbs County, he told his correspondent that he could not directly refute the particulars of the report in *Martin's North Carolina Gazette*. Instead, he was "obliged to account for the Riot by reference to private disputes which otherwise I should have had no desire to mention, but even under this necessity you see that I have taken Care to cast no shade on the Character of any individual" (to John Gray Blount, 21 May, Smith, *Letters*, XXV, 105–6).

Williamson's paragraph first appeared in the *New York Packet* on 20 May (Mfm:N.Y.). In his letter of 21 May Williamson enclosed a copy of the newspaper and requested that his correspondent forward it to Governor Caswell. The paragraph was reprinted in the *Country Journal* on 27 May and in nine newspapers outside New York by 7 June: N.H. (1), Mass. (1), N.J. (1), Pa. (6).

The 16 April report in *Martin's North Carolina Gazette* was not the only description of the Dobbs County election and riot to circulate in New York. On 2 April *Martin's North Carolina Gazette* had published a briefer description that was reprinted in the *New York Journal*, 9 May. (See RCS:N.C. for these briefer reports on the election and riot.)

“Y. W.”

**New York Journal, 21 May 1788<sup>1</sup>**

MR. GREENLEAF, That the new constitution was intended to protect defaulters is evident from the following incontestable facts—On the 26th of July, “it was moved and seconded in the Federal Convention to agree to the following resolution,” *namely*:

“*Resolved*, That it be an instruction to the committee to whom were referred the proceedings of the Convention, &c.<sup>2</sup> to receive a clause or clauses requiring certain qualifications of landed property and citizenship in the United States, for the executive, the judiciary, and the members of both branches of the legislature of the United States, and *for* disqualifying all such persons as are INDEBTED to, *or have unsettled accounts with the United States, from being members of either branch of the national legislature*,” it was moved and seconded to strike out the word *landed*, which passed in the affirmative. [Ayes 10; noes 1]

On the question to agree to the clause respecting the *qualification* as amended, it passed in the affirmative. [Ayes 8; noes 3]

It was moved and seconded to add the words “and pensioners of the government of the United States,” to the clause of disqualification, and passed in the negative. [Ayes 3; noes 7; divided 1]

It was moved and seconded to strike out the following words, *namely*, “or have unsettled accounts with,” which passed in the affirmative. [Ayes 9; noes 2]

On the question to *agree to the clause of disqualification as amended*, it passed in the negative. [Ayes 2; noes 9]<sup>3</sup>

1. Reprinted: Philadelphia *Freeman's Journal*, 28 May. On 20 May the *New York Journal* noted that “Observations on a Resolve in FEDERAL CONVENTION, July 26, was received too late for this day's Register, but shall appear tomorrow.” The 26 July resolution of the Constitutional Convention (introduced by George Mason) and the action taken upon it—as recorded by “Y. W.”—are verbatim as they appear in the Convention's Journal, except that the Convention's secretary did not highlight words or phrases. (See Farrand, II, 116–17, for the Journal, and pp. 121–26, for the debates on the resolution. For another difference between the Journal and “Y. W.'s” account see note 2, below.) It is not known who supplied “Y. W.” with the text of the resolution and the action taken upon it. John Lansing, Jr., and Robert Yates—New York's two Antifederalist Convention delegates who had taken notes of the Convention debates—had left the Convention by 10 July.



2. Instead of “&c.,” the Convention Journal has the words “for the establishment of a national government” (Farrand, II, 116). This committee was the Committee of Detail, whose five members prepared the first draft of the Constitution. At the end of the day on 26 July the Convention adjourned to permit the Committee of Detail to do its work; among the resolutions turned over to the Committee was the resolution of 26 July. The Convention did not reconvene until 6 August, at which time the Committee of Detail presented a draft constitution.

3. The vote totals are taken from Farrand, II, 124–26.

### **Virginia Independent Chronicle, 21 May 1788 (excerpt)<sup>1</sup>**

*Extract of a letter from a gentleman in New-York, to his friend in this city, dated May 8, 1788.*

“The election for members of convention for this state has taken place; the citizens has done themselves honor in their choice, and although the returns have not yet come to light, yet I am fully persuaded that the anti-fœderal party had not more than 100 votes out of near 3000;<sup>2</sup> Long Island it is said will have a majority of fœderalists; Orange and Dutchess counties are anti; Albany divided: the parties in the latter county are exceeding warm, and spare neither pains or cost to obtain proselytes to their creed. The utmost exertions have been made on the part of the anti’s, but I hope without the desired effect. If the proposed government does not take place, or one similar to it, I expect that some *Oliver*<sup>3</sup> will start up and give laws to this new world. The Eastern states appear ripe, loaded as they are with a heavy domestic and foreign debt, their commerce drooping, manufactures at a stand, little money among them, and heavy taxes that must be paid,—all conspire to make them desperate and ready to attempt any thing. . . .”

1. Reprinted: *Virginia Centinel*, 28 May. Printed: CC:752.

2. After the votes were canvassed at the end of May, the canvassers discovered that 2,836 votes had been cast. The three top Antifederalist candidates, led by George Clinton (134), received an average of about 115 votes, while the three top Federalists, led by John Jay (2,735), received an average of about 2,721 votes. (See IV below, New York County Election.)

3. Probably a reference to Oliver Cromwell, Lord Protector of England from 1653 to his death in 1658. For instance, between 16 December 1653, when a new constitution was adopted, and 3 September 1654, when the first Triennial Parliament convened, Cromwell and his council adopted more than eighty ordinances.

### **Rusticus**

#### **New York Journal, 23 May 1788**

MR. GREENLEAF, In discussing the merits of the new constitution, one of the most favorite, and indeed one of the most plausible arguments the anti republicans adduce in support of their tenets is, the celebrity

of the characters that composed the convention and their unanimity in signing the constitution—this, as the Plebeian well observes, “provokes to an investigation of characters which is an invidious task.”<sup>1</sup> I believe, however, upon a candid investigation, we will be convinced that some of them, during the late war, “were hidden in the corners of obscurity,” some of them “speculating for fortune by sporting with the public money;” and that others are “more remarkable for their ambition and cunning than their patriotism;[”]—it would however be the height of injustice to deny the greatest merit to a few who signed the constitution—but the most knowing and patriotic may undesignedly do the greatest disservice to their country, and it is highly inconsistent with the dignity of a rational and independent man to give his implicit assent to a constitution of government, merely because it is gilded with the tinsel of great names.

I think with Levy, that “a free people have no greater enemies than those who, created for the purpose of establishing a government for the good of the community, deprive the state of every part of its rights, who take away annual magistracy, and the certain vicissitude of authority without which equal liberty hath no existence.”<sup>2</sup> As to the boasted unanimity of the Philadelphia convention, I shall only observe in the words of a judicious writer, that “unanimity is in itself an indifferent though a specious quality—Fools may be unanimous in the pursuit of a silly end, or of a right end by silly means. *Knaves may be unanimous to cheat, pirates to plunder, assassins to destroy, even good men may be unanimous in a mistake*—but it is not surely for wise or honest men who see the *mistakes, the folly, the crimes, who felt the danger to be unanimous in supporting*, because others have been *so wicked, so unwise or unfortunate*—as to be unanimous in committing them.”

*Goshen, Orange County, May 14.*

1. See “A Plebeian,” 17 April (above).

2. Livy, *From the Founding of the City*, Book III, chapter XXXIX, paragraph 8. Titus Livius’ (59 B.C.–A.D. 17) history of Rome covers the period from its foundation to the death of Drusus in 9 B.C.

### **William Bingham to Tench Coxe** **New York, 25 May 1788<sup>1</sup>**

I have received your Letter inclosing an Address to the Convention of Virginia, which I am of opinion may operate a very good Effect on the Minds of the People of this State, & Shall therefore have it republished<sup>2</sup>

If the Friends to the foederal System had been more active in disseminating their opinions, & had taken an earlier period for impressing

them, they would not have at present to lament their unsuccessful Efforts in procuring a Majority in the Convention of this State—they confided too much in the good sense of the People & in the Belief that their Interests were too intimately connected with the Adoption of the proposed Government to admit the possibility of their rejecting it—

But as Nine states will probably have ratified before their Session is closed, I think they will hardly have fortitude enough to adjourn the Consideration of, much less to reject the proposed Constitution—

Accounts from New Hampshire leave little room to doubt a very Speedy Decision in favor of the new Government—

I shall communicate, as you desire, the inclosed publication to Col Hamilton, & take his opinion with respect to any exceptionable Passages—

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Coxe (1755–1824), a Philadelphia merchant and a former Loyalist, represented Pennsylvania in the Annapolis Convention, 1786. He was one of the most prolific writers supporting the ratification of the Constitution. (See CC:Vol. 1, p. 247n, for a list of many of his published writings.) Coxe was assistant secretary of the U.S. Treasury, 1789–92, and commissioner of revenue, 1792–97.

2. The reference is to “An American,” an address to the Virginia Convention urging it to ratify the Constitution, that was published in the *Pennsylvania Gazette* on 21 May. It was reprinted in the *Daily Advertiser*, at either Bingham’s or Alexander Hamilton’s request, on 9, 10, 12, and 13 June. (For the text of “An American,” see RCS:Va., 832–43, and for more on its publication and circulation outside New York, see CC:751.) On 11 June Coxe—writing as “A Pennsylvanian”—published in the *Pennsylvania Gazette* an address to the New York Convention, also urging it to ratify the Constitution (below).

### Henry Knox to George Washington

New York, 25 May 1788 (excerpt)<sup>1</sup>

. . . In this state it appears to be conceded on the part of the federalists that numbers will be against them in the convention, but they hope so many states will previously have adopted the constitution that they shall prevail—It is however doubtful—The party against it in this state are united under the auspices of the Governor and he is supposed to be immoveable—And yet one would think they could not persist in an opposition fraught with the most deadly consequences—The elections will be known in a few days, when a better judgement will be formed than at present. . . .

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington*, VI, 290–92.

### New York Daily Advertiser, 26 May 1788<sup>1</sup>

We are authorised to assure the public, that a gentleman of distinction in this city has received a letter, by the last British packet, from

that illustrious politician and friend to the rights of human nature, Doctor PRICE, expressing his approbation of the proposed Constitution for the United States, and his wishes that it may be adopted.<sup>2</sup>

1. This item was reprinted in the *New York Packet*, 27 May; the *Country Journal*, 8 June; and in fifteen newspapers outside New York by 25 June: Vt. (1), N.H. (1), Mass. (5), R.I. (1), N.J. (2), Pa. (2), Md. (1), Va. (1), S.C. (1).

2. On 24 March Dr. Richard Price wrote to Arthur Lee, a member of the Confederation Board of Treasury in New York City: "I must own to you that the new federal constitution, in its principal articles, meets my Ideas, and that I wish it may be adopted" (D. O. Thomas and W. Bernard Peach, eds., *The Correspondence of Richard Price* [3 vols., Durham, N.C., 1983–1994], III, 169–70). Price sent this letter to Lee by Colonel William Stephens Smith, the secretary of the American legation in London who was returning to America. Smith and his wife Abigail, the daughter of John Adams (the American minister to Great Britain), arrived in New York City on 21 May, five days before the *Daily Advertiser* printed this item. The *Advertiser* itself reported their arrival in its 22 May issue.

### New York Journal, 26 May 1788<sup>1</sup>

It is very laughable, says a correspondent, to consider the use and abuse of the word *federal*: The anti-republicans, and their tools, have very modestly applied it to themselves, to delude the ignorant (who are too apt to be led away by trifles) and thus add a new proof to the common observation, that the best things may be perverted to the worst purposes: They have the impudence to brand the advocates of liberty *anti-federal*.—In this, as well as in almost every other respect, they tread in the footsteps of the partizans of the British during the late war, who stiled themselves *friends of government*; and the foes of tyranny, *rebels*. At the present period, news-papers, clubs, streets, &c. are entitled federal<sup>2</sup>—and the keeper of a livery stable in Boston, has lately advertised in the news-papers, that he has taken a *federal stable*.<sup>3</sup>

1. Reprinted: *State Gazette of South Carolina*, 23 June.

2. For example, two days after the Massachusetts Convention ratified the Constitution on 6 February, the name of Long Lane, a Boston street, was changed to Federal Street (RCS:Mass., 1627, 1628–29).

3. On 3, 10, and 17 May the *Massachusetts Centinel* carried an advertisement by James Hilliard, the new proprietor of "Federal Stable, No. 1," a livery stable which was located in Board Alley, next to Trinity Church. (For earlier advertisements about this "Federal Stable," see the *Boston American Herald*, 7, 14, 21, and 28 January [Mfm:Mass. 119].)

### Samuel A. Otis to Caleb Davis

#### New York, 27 May 1788 (excerpt)<sup>1</sup>

... At present I suppose five in eight of the NY convention are in the opposition. Clinton and some others have done infinite mischief in this business; for which the Citizens of this state owe them no thanks. For good pollicy would probably have fixed *this* the seat of Government,

from the residence of which in its present State they derive an annual advantage of 200.000 Dolls, And which would increase with our numbers & our National importance.<sup>2</sup> But C is a mercenary man with daring qualities that will carry him thro everything in pursuit of his own interest & aggrandizement. I think however this State dare not stand alone against N Engl towards which upon all occasions they look with an exploring circumspect eye. . . .

1. RC, Davis Papers, MHi. Printed: Smith, *Letters*, XXV, 120–23. Davis (1738–1797), a Boston merchant and sugar refiner, was a member of the Massachusetts House of Representatives, 1776–82, 1783–88 (speaker, 1780–81), and a presidential elector, 1789. He voted to ratify the Constitution in the Massachusetts Convention in February 1788.

2. For the importance of New York's ratification of the Constitution to the possibility of New York City becoming the capital of the United States, see Kenneth R. Bowling, *The Creation of Washington, D.C.: The Idea and Location of The American Capital* (Fairfax, Va., 1991), 87–88. See also DHFFE, I, chapter II, *passim*.

### Editors' Note

#### The Canvassing of Ballots for the Election of Convention Delegates 27 May 1788

The 1 February 1788 resolution of the New York legislature calling the state convention to consider the Constitution (RCS:N.Y., 705–6) stipulated that the election of delegates was to begin on the last Tuesday in April, the twenty-ninth, and to continue until completed, not to exceed five days. State assemblymen and one-fourth of the state senators were also to be elected at the same time as the convention delegates. All of these elections were to be governed by procedures laid out in the election law of 13 February 1787 (Evans 20572). Under that law, ballots were to be placed in special containers and sealed, to be opened by authorized canvassers on the last Tuesday of May, four weeks after the elections had begun. In New York City, the authorized canvassers for assemblymen and convention delegates were the mayor, recorder, and aldermen, while in the rest of the state they were the county supervisors. After finishing their work, the canvassers were required to destroy the ballots and the election records.

The canvassers first began counting the ballots for assemblymen on 27 May and then followed with the ballots for the convention delegates. The process of counting the ballots and certifying and reporting the results of these elections probably took more than one day. See, for example, IV below, Albany County Election, where the canvassing process took three days.

**An American****New York Packet, 27 May 1788<sup>1</sup>**

Messrs. LOUDON, The capital of the State of New-York being so happily situated for navigation and foreign commerce, engrosses the exportation of the most of the product of the States of Connecticut and New-Jersey; in exchange for that produce those States take chiefly in payment, dry goods, West and East-India articles. Before the late war, the ballance of trade was so much against them, & in favor of New-York, that not alone their produce, but their cash flowed into this State, and great part of the lands of New-Jersey were under mortgage to the inhabitants of New-York—Since the peace, I have reason to conclude that the ballance in trade with those States is still in our favor, and that if New-York continues in the union, and our Fœderal Government could be fixed on a permanent foundation, and trust and confidence be again restored between the inhabitants of those States and New-York, it would very soon become evident, especially to the mercantile part of this State, who then would not be afraid of trusting the inhabitants of those States with their goods or cash, when they saw a prospect of being repaid in produce or good and current money of all the States. The money of those States would soon center in this State, especially from the State of New-Jersey, whose inhabitants besides the continual balance of trade against them, owe the inhabitants of this State large sums on bond and mortgage, which it is out of their power to discharge at present, and not the interest of their creditors to receive in depreciated paper money.

The greatest part of the produce we receive from the States of Connecticut and New-Jersey, and also that of our own State, we are obliged to permit to be exported in foreign vessels, besides the loss we sustain by the freight of those articles, can we ever expect to form a navy of our own: Or if we should build ships, have seamen to man them, government being possessed with power to regulate trade, much of this evil might soon be done away, and this State in a particular manner benefited. Should we again enjoy a part of the fur trade, when agreeable to treaty we shall have obtained possession of the posts kept from us by the British, or be enabled to establish others near our boundaries.

The situation this State might fall into, should it not continue in the union, I dare scarce mention; our trade betwixt Connecticut and New-Jersey, and some of the other States might be immediately stopped, or laid under heavy restrictions, some of the other States can do better without us, than we without them. A dissolution of the ties of interest

between this and the other States might soon bring on mutual animosity, and small differences are often productive of dreadful consequences, especially when retaliation begins. May God keep us from the horrors attending civil wars; I shudder at the thoughts when I reflect, that the evils we are but just freed from, may be nothing in comparison to what we might experience. May the southern district of this State, never be compelled, in order to avoid a contest with the other States, to separate from the other districts, or the northern counties, form a free and independent State, have Albany for their capital, and West-Point their southern boundary. But may it be the unanimous opinion of the members of our Convention, that it is prudent to quit a tottering edifice, and enter one built upon a foundation so securely laid, that if the superstructure does not please us, we may enlarge or diminish it at pleasure; the right of soil, the materials remain still our own.

I am sorry to observe, that owing to our trade with Great-Britain, and the conduct of some usurers, our paper money bids fair to share the fate of all other paper money emitted by the States since the war. The British merchants give five per cent in exchange of paper for gold or silver, and usurers demand that difference in discharge of bonds given to them just after the peace, because there being no paper at that time, the condition of payment expressed gold or silver. If the poor exiles who principally took up money to repair their houses, or commence business when they returned to the city, are compelled to pay from 13 to perhaps 25 per cent interest for that money—This and the inevitable loss, they must suffer; if obliged to dispose of their estates just now, greatly under value, very soon will bring them to experience a repetition of the hardships and losses they suffered while in exile. Nor will they be the only persons affected by the depreciation of our money in this way, thousands will partake of the evil which is just begun but where it will stop is not known; it must increase in proportion to the scarcity of gold and silver, and the diffidence persons have in our present government—the last may be the reason why the monied men will let no more cash out at use in America: They may design to call it in and remit it to England, till our government gets established on some permanent foundation. It is evident that unless a new Constitution for the United States takes place soon, very soon, all our hard money will take itself wings and flee away.

1. Noah Webster, the editor of the *American Magazine*, was possibly the author of "An American." (Samuel Loudon published both the *American Magazine* and the *New York Packet*.) Using the pseudonym, "American," Webster published "Principles of Government and Commerce" in the December 1787 issue of the *American Magazine*. In the July

1788 issue of the magazine, he employed the pseudonym “An American,” when writing in defense of Timothy Dwight’s *Conquest of Canaan*. Webster also used that pseudonym during the 1790s. See Emily Ellsworth Ford Skeel, comp., and Edwin H. Carpenter, Jr., ed., *A Bibliography of the Writings of Noah Webster* (New York, 1958), 311, 389, 393, 449.

### Abraham Yates, Jr., to Abraham G. Lansing

New York, 28 May 1788 (excerpt)<sup>1</sup>

... In Respect to Federal and Antifederal I find that it is belevd here (I mean by the federalists) that the anties Will be 40 to the federal 25 Hammilton<sup>2</sup> tells me to day he Supposes that the Anties Will Adopt the Constitution and propose Amendments I told him I Was in hopes they Would [not]<sup>3</sup> be guilty of Such An Absurdity—he tells me We are in a difficult Situation it may be the Means, if We dont, to devide the Southeren from the Northeren States And so Devide the union. I told him I Would be exceeding sorry of that: but reather then to Adopt the Constitution I Would Risk a government of Jew, turk or Infidle[.] On a former Conversation he mentiond our situation Was Difficult And did not know how providence Would Order it: I told him the government that Were Agreeable to providence had for its Pillers *Righteousness* And *truth* I could hardly think that providence had a hand in a government Were it required to Wade through Such A Scene of Corruption falshood And Misrepresentation I have been Attacked by Several Other Members And I generally play of[f] in the same Way All in good Humor I expect a good Deal of that to Morrow I am do dine With the president Mr Jefferson<sup>4</sup> Here ends the first Chapter from Yours Most Affecy:

P:S: I have urged the Members<sup>5</sup> here to prepare for Amendment they tell me they Do—I am afraid they are too Slack—

1. RC, Yates Papers, NN. For the entire letter, see Mfm:N.Y., and Smith, *Letters*, XXV, 125–26.

2. In the portion of Yates’s letter not printed here, Yates said that Alexander Hamilton had invited him “to Dine With him Next Sunday [1 June] Which I Shall do.”

3. The word “not” in brackets does not appear in the letter, but it is obvious that Yates inadvertently omitted it.

4. Yates inadvertently wrote “Jefferson” when he meant either Cyrus Griffin of Virginia, president of the Confederation Congress, or William Samuel Johnson, president of Columbia College.

5. Apparently several Antifederalist Convention delegates were in New York City because on 15 June Yates wrote Lansing that Governor Clinton and a number of Antifederalist delegates had left the city for the Convention in Poughkeepsie. Yates noted that he saw “the Notes for Amendments the anties Carry up,” and that he made a copy of them and sent it to Robert Yates and John Lansing, Jr., two Albany County Convention delegates (below).



### Editors' Note

#### Publication, Sale, and Distribution in New York of Volume II of the Book Edition of *The Federalist*, 28 May 1788

On 28 May the *Independent Journal* contained an advertisement stating that “*This Day is published, The FEDERALIST, VOLUME SECOND.*” (The advertisement also appeared in the *Daily Advertiser*, 30 May, and as a broadside.) Subscribers were requested to send “immediately” for their copies to the printing office of John and Archibald M’Lean, publishers of both the volume and the *Independent Journal*. (The advertisement was run continuously in the *Independent Journal* through 24 December.) The publishers offered “This inestimable Work” to non-subscribers “at the low rate of EIGHT SHILLINGS the two Volumes, which contain upwards of six hundred Pages.” Subscribers to *The Federalist* paid three shillings for the second volume, the same price they had paid for the first. (In seeking subscribers to a projected single-volume edition of *The Federalist*, the M’Leans had promised in their 2 January 1788 advertisement in the *Independent Journal* to charge subscribers six shillings if the volume went over 250 pages [RCS:N.Y., 563–65]. For the pricing of the volumes to subscribers, see also Archibald M’Lean’s letter of 14 October 1788 which is quoted at length in the headnote to “Publication, Sale, and Distribution in New York of Volume I of the Book Edition of *The Federalist*,” 22 March [above].)

The 28 May advertisement in the New York *Independent Journal* also declared that “The several matters which are contained in these Papers, are *immediately* interwoven with the very existence of this new Empire, and ought to be well understood by every Citizen of America. The Editor entertains no doubt that they will be thought by the judicious reader, the cheapest as well as most valuable publication ever offered to the American Public.”

Anticipating the publication of Volume II of *The Federalist*, the Anti-federalist *New York Journal* printed the following highly critical item on 27 May, the day before the *Independent Journal*’s advertisement: “By inserting the following character (extracted from the additional letters of the Federal Farmer [2 May, above]) of the long-winded productions of Publius; you will much oblige A CUSTOMER.

“ ‘As to the lengthy writer in New-York you mention, I have attentively examined his pieces; he *\*appears* to be a candid good-hearted man, to have a good style, and some plausible ideas; but when we carefully examine his pieces, to see where the strength of them lies, when the mind endeavours to fix on those material parts which ought to be the essence of all voluminous productions, we do not find them: the writer

seems constantly to move on a smooth surface; the parts of his work, like the parts of a cob-house, are all equally strong and all equally weak, and all, like those works of the boys, without an object; his pieces appear to have but little relation to the great question, Whether the constitution is fitted to the condition and character of the people, or not?’

“\**There is a great difference between appearance and reality.*”

Volume I of *The Federalist*, which had appeared on 22 March, contained the first thirty-six essays and ran to 233 pages. Volume II contained the remaining forty-nine numbers, including eight essays (78 to 85) that had not previously appeared in the newspapers. It was 390 pages long. Essays 78 to 85, all written by Alexander Hamilton, are printed as CC:759–766. They were reprinted in the *Independent Journal* from 14 June to 16 August and in the *New York Packet* from 17 June to 15 August, always appearing first, in whole or in part, in the *Independent Journal*. In some cases, a single essay in the *Journal* and in the *Packet* was printed over two or more issues of the newspaper. (See “Printings and Reprintings of *The Federalist*,” RCS:N.Y., 549.)

The *American Magazine* reviewed Volume II of *The Federalist* in its May and June issues, just as it had reviewed the first volume in its March and April issues. The reviewer, probably the editor Noah Webster, summarized the essays either singly or in batches and praised the author effusively, referring to his remarks on a variety of subjects as “excellent,” “clear,” “just,” “valuable,” and “very judicious.” He complimented the author on his “great reading and profound knowledge of the principles of government,” and for his “fair and candid, and generally clear” reasoning. The author’s language was “correct, smooth and elegant,” but the reviewer was critical about the correctness of the author’s style in cases where he used “*was*” (the past tense of the verb to be) for the “future or conditional *should be* or *might be*.” These errors were “very common with the best writers,” continued the reviewer, who was willing to excuse them in “writers whose principal business is with *ideas* rather than with *words*.”

The reviewer concluded: “On the whole, it must be allowed that these essays compose one of the most complete dissertations on government that ever has appeared in America, perhaps in Europe. They are well calculated to remove objections to the new Constitution—to impress upon candid minds, just ideas of the nature of republican governments, of the principles of civil liberty, and of the genius and probable operation of the proposed Federal Constitution. They will be useful in diffusing political knowledge in the American republics, and will probably be re-published and read with pleasure and approbation, by the friends of liberty on the other side of the Atlantic.” (The reviews

of both volumes of *The Federalist* in the *American Magazine* are in Mfm: N.Y.)

For more on the distribution of volume II of *The Federalist* outside New York, see CC:Vol. 6, pp. 83–84, 85. For a general discussion of the authorship, circulation, and impact of *The Federalist*, see CC: 201, RCS:N.Y., 137–43, 563–65, and “Publication, Sale, and Distribution in New York of Volume I of the Book Edition of *The Federalist*,” 22 March (above).

**Publius: The Federalist 78 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: doctrine of judicial review explained. For text, see CC:759. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 79 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: salary, tenure, accountability, and age of federal judges. For text, see CC:760. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 80 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: jurisdiction of federal courts. For text, see CC:761. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 81 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: distribution of federal judicial power between the Supreme Court and inferior courts. For text, see CC:762. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 82 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: relationship between federal and state judiciaries. For text, see CC:763. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 83 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Judiciary: federal judiciary and jury trials in civil cases. For text, see CC:764. For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 84 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Lack of a federal bill of rights explained and defended. For text, see CC:765.  
 For reprintings, see Appendix IV, RCS:N.Y., 549.

**Publius: The Federalist 85 (Alexander Hamilton)**  
**Volume II, 28 May 1788**

Conclusion and appeal for reason, patriotism, and greatness in considering the establishment of a proper Constitution during a time of profound peace. For text, see CC:766. For reprintings, see Appendix IV, RCS:N.Y., 549.

**John Jay to George Washington**  
**New York, 29 May 1788<sup>1</sup>**

I was two Days ago favored with yours of the 15th. Instant. it gives me pleasure to find that the Probability of Virginias adopting the proposed Constitution rather encreases. such an Event would undoubtedly disarm the opposition. It appears by recent advices from Charleston that we may count on South Carolina, and the New Hampshire Delegates assure me that their State will come into the Measure.<sup>2</sup>

There is much Reason to believe that the Majority of the Convention of this State will be composed of anti fœderal Characters;<sup>3</sup> but it is doubtful whether the Leaders will be able to govern the Party. Many in the opposition are Friends to Union and mean well, but their principal Leaders are very far from being sollicitous about the Fate of the Union. They wish and mean (if possible) to reject the Constitution with as little Debate and as much Speed as may be. It is not however certain that the greater part of their Party will be equally decided, or rather equally desperate—an Idea has taken Air, that the Southern part of the State will at all Events adhere to the Union, and if necessary to that End seek a Separation from the northern. This Idea has Influence on the Fears of the Party. I cannot find that they have as yet so looked forward to contingent Events, or even to those the most probable, as to have united in or formed any System adapted to them—

1. RC, Washington Papers, DLC. Jay responds to Washington's letter of 15 May, in which Washington thanked Jay for sending the pamphlet signed "A Citizen of New-York," that was published on 15 April (see above for the pamphlet). Washington also asked Jay for another copy of the pamphlet (RCS:Va., 803). A facsimile of Jay's heavily edited draft of his 29 May letter, located in the Jay Papers at Columbia University, may be found in Mfm:N.Y. On the back of this draft Jay indicated that he was sending Washington a copy of "A Citizen of New-York" and a pamphlet "on the other Side of the Question." The other pamphlet, written by "A Plebeian," was published on 17 April (see above for this

pamphlet). In his 8 June reply to Jay's 29 May letter, Washington made no mention of either pamphlet. On the same day, however, Washington wrote to James Madison, sending him Jay's pamphlet and stating that the pamphlet was "written with much good sense & moderation." Washington conjectured, "but upon no certain ground," that Jay was the author of the pamphlet (RCS:Va., 1586).

2. Ratification of the Constitution by South Carolina and New Hampshire would bring the total of ratifying states to the necessary nine needed to put the new government into operation. In Washington's letter of 15 May, he had stated that, once nine states had ratified, he could "scarcely conceive that any one of the remainder, or all of them together, were they to convene for the purpose of deliberation would (separated from each other as they then would be in a geographical point of view) incline to withdraw from the Union with the other nine" (RCS:Va., 804). In Washington's response of 8 June to Jay's 29 May letter, he expressed sorrow that the majority of New York Convention delegates were Antifederalists, but he believed that this situation would change if a ninth state, such as Virginia, would ratify the Constitution. South Carolina, Washington noted, had become the eighth state and the possibility that Virginia would be the ninth had improved (RCS:Va., 1587).

3. From the draft of his 29 May letter, Jay deleted a long sentence in which he wished that the New York elections for state Convention delegates had been delayed because support for the Constitution "gains ground daily." He was disturbed that the opponents of the Constitution had successfully used "very improper Means" during the election campaign "to deceive and alarm the People." Jay thought that truth would eventually prevail among those who had been misled into opposing the Constitution (Mfm:N.Y.).

### **Comte de Moustier to Comte de Montmorin**

**New York, 29 May 1788 (excerpt)<sup>1</sup>**

. . . The names of Members of the Convention for the City of New York were just reported and show that at least in this City the Federalists are the strongest. The interior districts will be able to put up a larger number of men in opposition to them, but talents, riches, and reputation are on the side of Federalism. In spite of these advantages the partisans of the new Government acknowledge that they are the minority in this State and that they will be left with no other expedient than to draw out the deliberations until the moment when the sentiment of Virginia is known, which, if it is favorable, could cause the State of New York to be afraid of remaining excluded from the confederation along with Rhode Island, which is generally despised. . . .

1. RC (Tr), *Correspondance Politique, États-Unis*, Vol. 33, ff. 178–81, Archives du Ministère des Affaires Étrangères, Paris. This letter, dispatch number 13, was endorsed as received on 10 July. A longer excerpt of this letter is published as CC:767, while excerpts (in French) are located in the Edmond Charles Genêt Papers at the Library of Congress.

### **Abraham G. Lansing to Abraham Yates, Jr.**

**Albany, 1 June 1788 (excerpts)<sup>1</sup>**

By Mr. Leonard I forwarded you a particular State of the Election for Delegates in this County<sup>2</sup>—I have now the pleasure to inclose a

State of the Montgomery polls, and the Letter from Colonel Van Ness<sup>3</sup> will inform you that Columbia has also decided in our Favor—from Washington County we have no particular Accounts—but the General Report is that they will also send Republican Members.

We are now anxious to hear what has been done below us, from Ulster, Dutchess, and all the lower Counties we wish to have the particulars and it is probable that we will not have them until we get them from you—please therefore to give us the earliest Information you or our Friends receive on the Subject—

It is more than probable that we will have a Majority in our Favor in the State but I cannot or at least dare not believe it will be so great as Stated in your Letter<sup>4</sup>—whatever it may be it is necessary—that the General Heads for the proposed amendments should be drawn up and agreed upon between the Gentlemen whose situation renders it practicable to meet for the purpose.—I will urge my Brother [John Lansing] and Peter<sup>5</sup> to draw up what they deem should constitute part of the amendments—should any System be proposed with you it will be well to forward a Sketch of it under Cover to me, by a Shipper who has the Character of an *Honest Man and is Anti*—Disappointed Federalists will do any thing—Witness the Conduct of your Quandum Friend—H——<sup>6</sup> at present—They pretend to bouy themselves up with an Idea that our Members will on hearing the Arguments which will be offered in favor of the System—and the Consideration that the other States will agree to it—be perswaded that it is necessary first to adopt the Constitution and then strongly recommend amendments—It is also said that Schuyler, Gansevoort<sup>7</sup> Cuyler and several others from this City and from New York will attend the Convention—

If The Impressions which the interference of those Gentlemen will make on the Minds of the Northern Members, are not more pernicious to us than their Exertions in the Election we have no reason to wish them to stay at Home.

On Friday we spent the Evening very agreeably (at Hiltons<sup>8</sup> by appointment) in Company of Forty of our Fellow Citizens—and *nine* Gentlemen Members of the Board of Supervisors—the whole of whom (except *Janus J.Y.*<sup>9</sup>) have been partizans on the late Occasion. . . .

[P.S.] As the Conveyance of Letters is precarious to New Hampshire would it not be well to make Arrangements for Conveying to that State the Event of the Elections in the respective Counties—would it not have a Tendency to invigorate the Republicans in that Quarter?

1. RC, Yates Papers, NN. Yates was attending Congress in New York City.

2. This communication has not been located, but in a letter to Yates dated 28 May Lansing reported on the results of the election for the state Assembly. Lansing stated that

“The Majority of the Assembly is much greater than we had reason to expect—our antagonists are much Crest fallen and have very Little to say.” Lansing requested that Yates communicate this “agreeable information” to Governor George Clinton “and all our Friends” (Mfm:N.Y.). For Yates’s reaction to this news, see Yates to Lansing, 1 June (below).

3. Peter Van Ness (1734–1804), a colonel in the Albany County militia during the Revolution and first judge of the Court of Common Pleas of Columbia County, represented Albany County in the state Assembly, 1782–84, and the Western District in the state Senate, 1786–92. Van Ness was a Columbia County delegate to the state Convention, where he voted against ratification of the Constitution in July.

4. See Yates to Lansing, 28 May (above).

5. Peter Vrooman (1735–1793), a Schoharie merchant and a colonel in the Albany County militia during the Revolution, represented Albany County in the state Assembly, 1777–79, 1786–87. Vrooman was elected as an Antifederalist to represent Albany County in the state Convention, but he did not vote on ratification.

6. Possibly Alexander Hamilton.

7. Probably Leonard Gansevoort or his elder brother Peter, who, like Philip Schuyler and Jacob Cuyler, supported the Constitution.

8. The Board of Supervisors of the City and County of Albany met at the “House of William B. Hilton” (possibly a tavern) after they canvassed the votes for the election of state assemblymen and state Convention delegates, from 27 to 29 May.

9. Probably a reference to John Younglove, who was also a member of the state Assembly. The reference to the mythical god Janus who had two faces possibly refers to the fact that Younglove’s politics were indefinite. (See IV below, Albany County Election.)

**John Lansing, Jr., to Abraham Yates, Jr.  
Albany, 1 June 1788<sup>1</sup>**

My Brother informs me he has given you the Result of our Election<sup>2</sup>—the Event has been as successful as the most sanguine expected.

Mr. Swart<sup>3</sup> is in Town—He informed me this Evening that he will not have it in his power to attend the Convention—Measures ought to be taken to induce him to come forward—I think it of Importance whatever may be the Complexion of the Convention that every Member in Sentiment against the Constitution should be on the Spot during the whole of the Time it is under Consideration—perhaps you may be able to devise some Expedient to carry him down—If so, I have no Doubt but it will be done.

The Judge<sup>4</sup> has as yet made little progress in his Business—I intend to attempt it—I think a valuable purpose might be answered by some of the Southern Members meeting some of those from the Northern & Middle parts of the State a Day or two before the Time appointed for the Convention—two or three from each possessed of the Sentiments of such others who they may have an Oppertunity of conversing with might form a plan of Operations which would promote our Object

and systemize the Business—The Advocates for the Constitution will I am persuaded take effectual Measures to render their Efforts as efficient as possible.

1. RC, Lansing Papers, Gansevoort-Lansing, Vol. 1, NN.
2. See Abraham G. Lansing to Abraham Yates, Jr., 1 June, at note 2 (immediately above).
3. Dirck Swart, a Stillwater Antifederalist, represented Albany County in the First Provincial Congress, 1775, and in the state Assembly, 1781–85. He was elected to the state Convention but left early on 19 July.
4. Robert Yates.

**Abraham Yates, Jr., to Abraham G. Lansing**  
**New York, 1 June 1788 (excerpt)<sup>1</sup>**

I enclose you MacLains Harisons and Greeleafs papers<sup>2</sup>—If you Chuse I Can Continue them there I get as often as they Come out and if you Chuse Can furnish you With all or Either of them—

Your News is verry agreable in Respect to the assembly Election,<sup>3</sup> and so a letter McKesson<sup>4</sup> Received from Mr Bay<sup>5</sup> Informing that the anties had Carried in Columbia by a Majority of above 300 of the Lowest anti to the Highest federal—

But what I Can find among the federalist here they are in hopes that the Anties Will not Dare Refuse adopting the Constitution, they may Indeed adjorn, and adjorn again—but they Will at Last adopt it. It is Supposed by the federalists that they Will be one third, the Anties Know at present of None but New York 9 Kings 2 Queens 2 & Westchester 6 Which is but 19—the latter has been most Shamefully been taken in— It is expected that South Carolina Will adopt the New Constitution<sup>6</sup> I Wish they may not but Wether they Do or not Will make no alteration With me nor do I think ought to make an alteration in the State. . . .

1. RC, Yates Papers, NN.
2. Yates refers to John M'Lean's *Independent Journal*, Thomas Greenleaf's *New York Journal*, and John Harrisson and Stephen Purdy, Jr.'s *Impartial Gazetteer*.
3. See Lansing's 28 May letter quoted in part in Lansing to Yates, 1 June, note 2 (above).
4. John McKesson, the clerk of the state Assembly, became secretary of the state Convention.
5. John Bay (1743–1818), a 1765 graduate of the College of New Jersey (Princeton) and a Claverack lawyer, represented Albany County in the state Assembly, 1779–80, and Columbia County, 1788–89, 1794–95. He represented Columbia County in the state Convention, where he voted against ratification in July 1788.
6. See "New York City Newspapers Report South Carolina's Ratification of the Constitution," 5–7 June 1788 (below).



**New York American Magazine, 3 June 1788 (excerpt)<sup>1</sup>**

. . . It is probable that a majority of the delegates chosen for convention in this State, are opposed to the plan of the new government. But whatever may be the sentiments of the members respecting the *merits* of the plan, there is such a weight of authority in the United States in favor of the government, that it is probable the gentleman will finally bring the question to issue upon the *expediency* of receiving the constitution, rather than upon the abstract consideration of its merits. Besides, as converts have been made to the constitution in other States, and *none to the opposition*, it is to be expected that reason will have its usual triumph in the convention of this State. The opposition has every where given way at the approach of argument and truth. The monsters and frightful hobgoblins that terrify weak minds in darkness, always vanish at the dawn of day. . . .

1. On 3 June the *New York Packet* noted that on “This day is published” the May issue of the *American Magazine*. Samuel Loudon, one of the owners of the *Packet*, was the publisher of the *American Magazine*.

**The Establishment of a Federalist Express System Between the New Hampshire and New York Conventions, 4–16 June 1788**

Article VII of the Constitution provided that ratification by nine states was sufficient for the establishment of the Constitution among the ratifying states. On 23 May South Carolina became the eighth state to ratify the Constitution. The Virginia Convention was scheduled to meet on 2 June, the New York Convention on 17 June, and the New Hampshire Convention on 18 June. It was expected that New Hampshire would ratify the Constitution before either Virginia or New York. New York Federalists believed that, if New Hampshire ratified, it would have a favorable effect upon the New York Convention even though Antifederalists held an overwhelming majority. Therefore, New York Federalists established a system of express riders to carry the news of ratification from the New Hampshire Convention in Concord to Poughkeepsie, where the New York Convention was sitting.

The first steps in establishing this express system were taken in early June. On 4 June Rufus King, formerly of Massachusetts but now resident in New York, wrote to John Langdon, a New Hampshire Convention delegate, and on 6 June Alexander Hamilton wrote to John Sullivan, president of the New Hampshire Convention, both requesting the transmittal of the news of New Hampshire’s ratification by express rider to Hamilton at the New York Convention in Poughkeepsie. Hamilton and King agreed to pay all the expenses. King asked that the express rider hired by Langdon be instructed to carry the letter with the news of New Hampshire ratification to William Smith, a merchant in Springfield, Mass. King had already arranged with Henry Knox, the Confederation Secretary at War, to engage “a conveyance” in Springfield, the site of the federal arsenal, to get the letter to Hamilton. King wrote Hamilton

on 12 June, and Knox on 16 June, informing them that the express had been established. (See below for all of these letters.)

At 1:00 P.M. on 21 June the New Hampshire Convention ratified the Constitution, becoming the ninth state to ratify. Express riders set out almost immediately, and at about noon on 24 June Langdon's express rider arrived in Poughkeepsie. Sullivan's rider also reached Poughkeepsie, although his time of arrival is not known.

After the news of New Hampshire's ratification reached Poughkeepsie, Federalists relayed the information to Congress in New York City and to Virginia Federalists meeting in the state Convention in Richmond. Because New Hampshire was the ninth state to ratify the Constitution, Congress could begin taking steps to provide for the establishment of the new government under the Constitution.

As early as 19 May Alexander Hamilton had written James Madison, requesting that an express rider carry from Richmond to New York City the news of "any decisive" action taken by the Virginia Convention (above). Madison's response has not been located, but express riders were hired to carry the news between the two states.

The express rider from Poughkeepsie arrived in New York City on 25 June. Another express rider, Colonel David Henley, then carried the news of New Hampshire's ratification from New York City to Alexandria, Va., which he reached on 28 June. In Alexandria, Henley received the news from an express rider from Richmond heading for New York City that on 25 June the Virginia Convention had ratified the Constitution. On 29 June Colonel Henley then set out for New York City with the news of Virginia's ratification, reaching that city around 2:00 A.M. on 2 July. Shortly after another rider carried the news of Virginia ratification to Poughkeepsie, arriving there around 12:30 P.M.

For a full discussion of the establishment of these express systems between the New Hampshire, New York, and Virginia conventions, see Gaspare J. Saladino, "The Federalist Express," in Stephen L. Schechter and Richard B. Bernstein, eds., *New York and the Union: Contributions to the American Constitutional Experience* (Albany, N.Y., 1990), 326–41.

*Rufus King to John Langdon*  
*Boston, 4 June 1788*<sup>1</sup>

probably your convention will make a short session—should they decide as we hope & expect, in favor of the Constitution, it will have the most important Influence on the decision of New York—from this consideration I am charged by our friends there, to request you to forward the earliest notice of the ratification to Coll. Alexander Hamilton at Poughkeepsie—We request that you will employ an Express to carry your Letter to *William Smith* Esquire, Springfield Massachusetts, who will forward the same without Delay to our friend Col. Hamilton at Poughkeepsie: The Expence shall be repaid by Dear Sir, Your obedt. & very humbl Servt.

*Alexander Hamilton to John Sullivan*  
*New York, 6 June 1788*<sup>2</sup>

You will no doubt have understood that the Antifederal party has prevailed in this State by a large majority. It is therefore of the utmost importance that all external circumstances should be made use of to influence their conduct. This will suggest to you the *great advantage* of a speedy decision in your State, if you can be sure of the question, and a prompt communication of the event to us. With this view, permit me to request that the instant you have taken a decisive vote in favor of the Constitution, you send an express to me at Poughkeepsie. Let him take the *shortest route* to that place, change horses on the road, and use all possible diligence. I shall with pleasure defray all expenses, and give a liberal reward to the person. As I suspect an effort will be made to precipitate us, all possible *safe* dispatch on your part, as well to obtain a decision as to communicate the intelligence of it, will be desirable.

*Rufus King to John Langdon*  
*Boston, 10 June 1788*<sup>3</sup>

I wrote you a few days since by the way of Portsmouth<sup>4</sup>—I am happy in offering you my congratulations on the adoption of the Constitution by South Carolina—The papers will shew the unanimity of their Convention and the candor of their minority—I sincerely hope New Hampshire will be the ninth State, this she will be if your Convention decide soon after their meeting:

Virginia undoubtedly will accede—The Opposition is greatly weakened, their session will be lengthy, but the constitution will be ratified probably in the manner of Massachusetts—The influence of your Decision will be very great in New York—I am desired to impress this Idea; and to request that immediately after your ratification that you dispatch an Express with a Letter addressed to our friend Alexander Hamilton Esqr. Member of the New York Convention at Poughkeepsie—Let your Express cross the Country to Springfield in Massachusetts; and deliver the Letter to William Smith Esqr. of that place, who will forward the same to Col. Hamilton—any Expence which you may incur shall be cheerfully repaid by Dear Sir your mos[t] hble Servt.

*Rufus King to Alexander Hamilton*  
*Boston, 12 June 1788*<sup>5</sup>

I have made an arrangement to forward by express the result of the convention of New Hampshire to Springfield in this State, from which

place Genl. Knox has engaged a conveyance to you at Poughkeepsie—Those who are best informed of the situation of the Question in New Hampshire are positive that the Decision will be such as we wish, and from the particular Facts which I have heard, I can entertain no fear of a Disappointment from that Quarter—The accession of New Hampshire will present the Subject to your Convention in a new and indeed an extraordinary light—I think your Opponents powerful as they may be, will be greatly perplexed. Although they may outnumber you, and a small majority of the people of the State may be on their Side, yet I cannot think they will have hardness to negative the Question—

You may pronounce with the utmost confidence that the Decision of our Convention has proved entirely satisfactory to our people—I have made a business of conversing with men from all parts of this State and am completely satisfied that the constitution is highly popular; that its opponents are now very few, and that few hourly diminishing—be assured that the organization of the Government, *by Nine States* (which is considered as certain) although a subject of Delicacy, is most earnestly desired; and from conversation of both yeoman & politician, I am persuaded, that the People of Massachusetts are sufficiently mature & firm, to execute so far [as] depends on them, what shall be proper as good Subjects of the New-Government.—

Farewel Yours &c.

[P.S.] Pray mention to Knox that I should have written to him had I not supposed him on his way here

*Rufus King to Henry Knox*  
*Boston, 16 June 1788*<sup>6</sup>

Every account must confirm to you the information of the surprizing change in this Government—perhaps at no Time has there been more able and honest men in the administration of this State—the conviction of the necessity of good & efficient Government pervades every part of the State and the federal Government will be as affectionately supported by the People of this Commonwealth as by any people in the Union—New Hampshire meets on Wednesday and we are taught to believe that they will complete the work already nearly accomplished—We yet hear nothing from Virginia; my hopes overbalance my fears, and I sincerely wish that I may not be disappointed—Mrs. King accompanies me on Thursday to Newby. Port, we shall go on to Portsmouth and return here in about a fortnight

The Federalists will have hard work in N York. I have not forgotten the necessity of communicating the Decision of N Hampshire (if favorable) to Poughkeepsie—

1. RC, King Papers, NHi. King (1755–1827), a lawyer, was visiting in Boston. A Harvard graduate (1777), King had served in the Massachusetts House of Representatives from 1784 to 1786, and had represented Massachusetts in Congress from 1784 to 1787, and in the Constitutional Convention in 1787, where he advocated a powerful central government and was a member of the Committee of Style. He voted to ratify the Constitution in the Massachusetts Convention in February 1788. After establishing residency in New York, King served in the U.S. Senate from 1789 to 1796 and from 1813 to 1825. He was U.S. minister to Great Britain, 1796–1803 and 1825–26, and was the Federalist candidate for Vice President in 1804 and 1808 and for President in 1816. Langdon (1741–1819), a Portsmouth, N.H., merchant, was a delegate to Congress, 1775–76, 1787; President of New Hampshire, 1785–86, 1788–89; speaker, N. H. House of Representatives, 1777–83, 1786–87, 1788; and U.S. Senator, 1789–1801. He signed the Constitution in the Constitutional Convention, and voted to ratify it in the New Hampshire Convention on 21 June 1788.

2. Printed: Henry Cabot Lodge, ed., *The Works of Alexander Hamilton* (12 vols., New York and London, 1904), IX, 432. Syrett also prints the letter (V, 2) as found in Lodge. Sullivan (1740–1795), a Durham, N.H., lawyer and a major general in the Continental Army during the Revolution, was a delegate to Congress, 1774–75, 1780–81; President of New Hampshire, 1786–88, 1789–90; and a U.S. district judge for New Hampshire, 1789–95. As president of the New Hampshire Convention, he voted to ratify the Constitution on 21 June.

3. RC, King Papers, NHi.

4. See King to Langdon, 4 June (above).

5. RC, Hamilton Papers, DLC.

6. RC, GLC 2437, The Henry Knox Papers. The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, New York.

### **Collin McGregor to Neil Jamieson New York, 4 June 1788 (excerpts)<sup>1</sup>**

... With respect to the Securities I see you leave me entirely to do wt. them as may appear most advantageous.—this is now the Critical period; for should Virga. *reject* the N. Constitution final Settlements & other Continental debt will fall for a time; if she accedes they will appreciate immediately.<sup>2</sup>—Mr. Hart writes me that it is still doubtful how it will go; but his opinion is that there is a *small* Majority in favor, and so Convinced is he of this Circumstance that he has made a pretty Considerable purchase of F. Settlements, on his own Account, and I have made a further purchase for him here to the amount of £800 this Curr[enc]y Same Certificates, & taken one third of it on myself.—As Mr. Hart is on the Spot, he will be able soon to discover how it is likely to go and he keeps me regularly advised of prospects, so that if things should not look well, that I may Sell.

The State of So. Carolina has adopted the Constitution by a great Majority; and this makes the Eight[h] State which have Ratified it.—this may have great influence on the Virga. Convention which are now sitting.<sup>3</sup>—

I am sorry to Say that the Country Interest have greatly outnumber'd this part of the State, and there is a great Majority of the Members for

our Convention which meets the 20th inst. Stren[u]ously opposed to the New Government; however, we are in hopes that if Virga. adopts our Convention will not reject; but adjourn for a time; ~~to get other instructions for they must at length come into the measure;~~<sup>4</sup> Virga. Making

With regard to the Securities of this state they will soon come into demand, as the time is at hand when the Sales of the Confiscated property takes place, and the other demands for Quit rents &c &c.—the adoption or rejection of the Constitution will not have much influence on State securities; if any, the rejecting of it, would be most favorable for the State debt as many Channels are now open for its extinction, which in all probabillity would be shut if the New Government takes effect.—From all this you will observe that we have a chance both ways, and I will pay the utmost attention to this business. . . .

I am quite well recovered from my late sickness, and would have been so much sooner, were it not for the very wet season we have had here;—ever Since the Middle of April till within these few days it has been Continually raining & I could not venture out, for fear of a relapse, which in a Case of Pluracy I am told is often fatal.—In hopes of hearing from you soon I remain as usual

1. FC, Collin McGregor Letterbook, 1787–1789, NN. The addressee does not appear, but internal evidence reveals that the letter was addressed to Neil Jamieson. Other letters that McGregor wrote to Jamieson appear under 18 February and 4 March (above).

2. The Philadelphia mercantile firm of Coxe and Frazier predicted that “certi[fi]cate[s] will be up to 4/3 the moment Virginia adopts, as there are not two of the Brokers who will sell now” (to Walter Livingston, 12 June, Coxe Papers, Series I, Volumes and Printed Material, American Letterbook of Coxe and Frazier, PHI). From New York, Peter Collin wrote Nicholas Low that “This morning I delivered Mr [William] Bingham the Certificate I got at the Treasury for those you had deposited there, and I informed him also that no more of the kind could be got at present, as the Holders were unwilling to part with any before they hear from Virginia, in hopes that if the new Constitution is adopted there they would be considerably higher” (18 June, Low Papers, NHi).

3. This is perhaps the earliest known mention in New York that on 23 May South Carolina had become the eighth state to ratify the Constitution. See “New York City Newspapers Report South Carolina’s Ratification of the Constitution,” 5–7 June (below).

4. On 6 June Samuel A. Otis, a Massachusetts delegate to Congress, noted that “In NY the opposition is powerful, but I think they will play the politician, procrastinate until the determination of Verginia & N Hamshire is known—If they assent Join them” (to Theodore Sedgwick, Smith, *Letters*, XXV, 144).

### **Abraham Baldwin to Seaborn Jones** **New York, 5 June 1788 (excerpt)<sup>1</sup>**

. . . We have just got the good news from South-Carolina. Virginia is now in session, we feel very doubtful about them. This state meets 17th inst, their members are chosen, and are said by good judges to be antifederal nearly 2 to 1. This city is almost all federal, the governor, who is their champion of opposition, had but 134 votes here.<sup>2</sup> New

Hampshire meets again on the same day, but they acted so ill before, I dare not hope much good from them. Where we are to go for the ninth, [to] set all the mighty wheels in motion, time must determine. I fear it will be delayed too long. . . .

1. RC, Stokes Autograph Collection, CtY. Baldwin (1754–1807), a Yale College graduate (1772) and a lawyer, moved from Connecticut to Georgia in 1784 and represented Georgia in Congress, 1785, 1787–88, and in the Constitutional Convention, where he signed the Constitution. He was a member of the U.S. House of Representatives, 1789–99, and the U.S. Senate, 1799–1807. Jones (c. 1758–1815), a Georgia lawyer, was secretary of the state Executive Council, 1782, and clerk of the state Assembly, 1786, and a member of the Assembly, 1787, 1789–90 (speaker, 1789–90).

2. For the vote totals, see *Daily Advertiser*, 30 May (IV below, New York County Election).

**Benjamin Chew to Samuel Chew**  
**Philadelphia, 5 June 1788 (excerpt)<sup>1</sup>**

I congratulate you on South Carolina's adopting the new Constitution. Should Virginia, whose Convention are now sitting, concur in the Measure, we may expect to see the new created Animal in Motion in the Course of the present Year, tho' all the other Five states, contrary to all Probability, shou'd prove recreant. It is suppos'd it will meet with the strongest Opposition in the State of N. York, where Govr. Clinton's Interest is really formidable, tho' the Foederal Party there are sanguine that there will be at least a Majority in Favor of it. An opinion is taken up by some among us, who appear to me to have more Zeal than Judgment, that Nine States approving, the other 5 [i.e., 4] have no negative, but are bound to submit of course to the Decision of so large a Majority. . . .

1. RC, Chew Family Papers, Cliveden Collection, PHi. Benjamin Chew (1722–1810) was attorney general of Pennsylvania, 1755–69, and chief justice of the Pennsylvania Supreme Court, 1774–76. During the Revolution, he was arrested and confined as a Loyalist. He was President Judge of the High Court of Errors and Appeals, 1791–1808. His half brother Samuel (1737–1809) was a Chestertown, Md., planter.

**Ebenezer Hazard to Jeremy Belknap**  
**New York, 5 June 1788<sup>1</sup>**

It is so near Time to close the Mail that I can hardly do more than send you the enclosed. So. Carolina has adopted the new Constitution, 149 for—73 against it. Russel must put up the 8th. Pillar.<sup>2</sup>—We have a great Majority of Antifeds. in our Convention, but don't despair yet.—All well.—

1. RC, Belknap Papers, MHi.

2. The reference is to Benjamin Russell of the *Massachusetts Centinel* who used the metaphor of the pillars when reporting on the states that ratified the Constitution. On

16 January the *Centinel* contained a cartoon depicting five erected pillars, with a sixth labeled "MASS." that was in the process of being raised. Russell periodically updated the cartoon, ending with the ratification by North Carolina, the twelfth state. See RCS:Mass., 524–26, 1603–7; and CC:Vol. 6, pp. 381–83.

**Comte de Moustier to Comte de Montmorin**  
**New York, 5 June 1788 (excerpt)<sup>1</sup>**

. . . The elections of the State of Newyork, My Lord, are not favorable to the Government that is being brought into existence, and the opposition party there seems to have a majority of two-thirds. The defection of this State would certainly be very embarrassing for the new Confederation, which would find itself divided, so to speak, by a foreign territory, but sooner or later it would result in a schism between the maritime districts of Newyork, which are Federalist, and those of the North, which are of the opposition party, and as the City of Newyork commands the mouth of the river that is the only resource of this State, it will necessarily force the interior districts to submit to its commercial regulations and fiscal policies, which are the principal purpose for the revolution that is brewing.

1. RC (Tr), Correspondance Politique, États-Unis, Vol. 33, f. 187, Archives du Ministère des Affaires Étrangères, Paris. This letter, dispatch number 14, was endorsed as received on 10 July. For longer excerpts from this item, see CC:771.

**Henry Van Shaack to Stephen Van Rensselaer**  
**Pittsfield, Mass., 5 June 1788<sup>1</sup>**

I sent you a few days ago some Volumns of Debates in our Convention which I hope have got to your hands safe.<sup>2</sup> The printers have sent me some more of them some of which I wish were distributed in your County before the meeting of the Convention of your State If any Gentlemen among you wish to have them I can send 6 over to my Brother David.<sup>3</sup>

As *your* antifederal Gentry plume themselves much upon the number of their Adherents in this Commonwealth I beg leave to give you an Extract of a letter I received yesterday from a Gentleman of the first consequence in Boston. It is dated 29th May

"I have but [one] moment in which I have the pleasure to inform you that at least  $\frac{2}{3}$  of both houses are federal. General Lincoln had 133 Votes of 199 for Lieut. Govr.—In the case of the Speaker the majority was 99 to 47. The List of Councillors was carried by a still larger majority. In Senate Lincoln had 20 to 8. The people are coming to their Sences and the first evidence is their discernment of their true friends."<sup>4</sup> I believe if any of *your* desperate Characters wish to plunge



this Country in a civil War they will find no Support among us not even if the majority were antifederal. Our people are now well informed about their political Situation and be assured, My dear Sir, they will profit by the light given them. Some of your factious characters are held in detestation by our people, and I am much mistaken if the triumph in the late Elections among you will be of much duration. Your people cannot be long blind, I hope, to their real interest—They must be able soon to discover that it is their interest to depend upon Gentlemen of character Estate and information instead of being duped by upstart unprincipled characters.

As I conceive my Boston letter to be of consequence in the present Situation I beg you will Communicate its contents to our Federal friends at Albany.

If you or the General [Philip Schuyler] should come to the Pool this Summer I should be glad to know it, because I think a little manou-  
vering in Columbia County would not be amiss at this time.

[P.S.] I beg my most humble respects to Mrs. Rensselaer General Schuy-  
ler & his lady

[P.P.S.] My friend Sedgwick is Speaker in the lower house and a Mr. Phillips<sup>5</sup> a federal man is president of the Senate

1. RC, Miscellaneous Manuscripts, Henry Van Schaack Folder, NHI.

2. The debates of the Massachusetts Convention were printed and offered for sale on 18 March by several Boston printers. In New York, they were advertised for sale in the *New York Journal*, 31 March, 1, 2, 3, 5, 9, 24, 25, 28 April, and 5 May, and in the *Hudson Weekly Gazette*, 24 June.

3. David Van Schaack, a resident of Kinderhook, lost his citizenship during the Revolution because he refused to take the oath of allegiance to the state of New York. It was restored in 1786 when he took the oath.

4. Van Schaack quotes from a letter (Mfm:Mass., 877) that he received from Theodore Sedgwick, a Stockbridge lawyer, who voted to ratify the Constitution in the Massachusetts Convention on 6 February 1788.

5. Samuel Phillips, Jr., of Andover was elected president of the Massachusetts Senate on 28 May.

### Editors' Note

#### **New York City Newspapers Report South Carolina's Ratification of the Constitution, 5–7 June 1788**

On 12 May the South Carolina Convention met in Charleston, and on the 23rd it ratified the Constitution by a vote of 149 to 73, making South Carolina the eighth state to ratify. A letter written by New York City merchant Collin McGregor reveals that the news of this ratification, which New Yorkers were expecting momentarily, reached the city on 4 June (McGregor to Neil Jamieson, 4 June, above). On 5 June two

New York City newspapers—the *Daily Advertiser* and *New York Morning Post*—reprinted this news of South Carolina ratification from the *Pennsylvania Packet* which had received the news from a gentleman who had arrived in Philadelphia from Baltimore. (A sloop from Charleston had brought the news to Baltimore.) On the same day, the *New York Journal* reprinted the news from a Charleston newspaper. On 7 June, the *Daily Advertiser* and *Impartial Gazetteer* printed the text of the South Carolina Form of Ratification as it had been received and read in Congress the previous day, while the *Independent Journal*, *New York Journal*, and *Morning Post* reprinted the Form from a Charleston paper of 26 May. Also on 7 June, the *Daily Advertiser*, *Independent Journal*, and *Morning Post* printed a description of a grand federal procession in Charleston that celebrated South Carolina's ratification. On 9 and 10 June, respectively, this description appeared in the *New York Journal* and *New York Packet*.

#### **From the New York Federal Republican Committee New York, 6 June 1788<sup>1</sup>**

On 18, 19, and 20 May the New York Federal Republican Committee—intent on adopting amendments to the Constitution before it was ratified by nine states—addressed a circular letter, signed by John Lamb, to prominent Antifederalists in New Hampshire, Pennsylvania, Maryland, Virginia, North and South Carolina, and possibly Rhode Island calling for cooperation in obtaining amendments. (For this circular letter, see “The New York Federal Republican Committee Seeks Interstate Cooperation in Obtaining Amendments to the Constitution,” 18 May–6 August 1788, above.) Because the committee did not send the letters out immediately, all but two of the letters reached their destinations between 7 and 20 June. By the latter date, eight states had ratified the Constitution and the conventions of Virginia, New York, and New Hampshire were in session. (The other two letters arrived after 20 June.)

By the first of June, it was evident that New York Antifederalists had won a landslide victory in the election of state Convention delegates. Therefore, on 6 June the committee again wrote to Virginia and New Hampshire Antifederalists, hoping that the news of the New York election results would stimulate “a communication” among the conventions of New York, Virginia, and New Hampshire in order to obtain prior or conditional amendments.

On 21 June the New Hampshire Convention ratified the Constitution with recommendatory amendments and six days later the Virginia Convention did the same. Both conventions rejected prior amendments.

We addressed you on the \_\_\_\_\_ since which a return has been made of our Elections for Delegates to the convention—It appears from the returns that there is a majority of at least two to one who are against adopting the Constitution in its present form—

We give you this information, to induce you to take measures to bring about a communication between your Convention and ours on the

subject of amendments—There cannot be a doubt but that the necessary alterations can be effected, and all the apprehensions of danger from the new government removed, if your State and ours could unite in sentiments respecting the amendments, and act in concert in measures to bring them about<sup>2</sup>—We have reason to believe that New Hampshire will concur with us—An event of this kind would we are persuaded produce the most happy consequences and procure<sup>3</sup> essential benefits to our ~~common~~ Country. As by this means the<sup>4</sup> obnoxious & exceptionable articles in the new system would be so changed, as to create confidence in the minds of a great number of worthy Citizens, who now regard the government,<sup>5</sup> as a dangerous scheme, calculated to destroy their Liberties—Under these impressions, we earnestly wish, that such of the States as have yet to deliberate on the subject, might confer on the matter, and unite in some rational plan, to procure amendments such as would preserve the strictest union with and affection between sister States—

We may venture to assure you that our State will join in such measures with the greatest cordiality. If you should be in sentiment with us we beg leave to suggest to you the propriety of writing to North Carolina, inviting them to unite with us.<sup>6</sup>

1. FC, Lamb Papers, NH. Docketed: “Drght of a Letter to V[irginia]./June 6. 1788.” This draft is in the handwriting of a amanuensis. Stylistic alterations, all of which have been incorporated into this transcription, are in the handwriting of John Lamb. A draft paragraph was appended for inclusion in a letter to New Hampshire. For significant differences between this draft and another draft letter that was sent to New Hampshire (RCS:N.H.), see notes 2–6 (below).

2. “To bring them about” is replaced by “of such an important and beneficial nature” in the New Hampshire letter.

3. “Most” in the New Hampshire letter.

4. “As by this means the” is replaced by “as, it is highly probable,” in the New Hampshire letter.

5. “Who now regard the government” is replaced by “who now seriously consider it” in the New Hampshire letter.

6. This last sentence is omitted from the New Hampshire letter. At the end of the draft Virginia letter, Charles Tillinghast added: “since the Return of Members for our Convention has been ascertained, we have, sent off a special Messenger to Virginia, whose Convention is now in session, and have written to some of the most influential Delegates, who are in the opposition, on the subject matter of this Letter, which we flatter ourselves will be attended to.”

### **New York Packet, 6 June 1788<sup>1</sup>**

A correspondent observes, that the *distinction* made in some of the newspapers, in the returns of members, chosen at the late election for this State Convention, is highly improper. Wherever the spirit of party

reigns, the public weal generally falls a sacrifice to it. It is mortifying to the true patriot to see the elected members held up in those returns as champions of their respect[ive] parties: They should not be known as foederal or anti-federal, but as members of the same Assembly; selected from their fellow citizens for the purpose of meeting and consulting, with impartiality and due information, on the momentous subject on which they are to decide. But if the outrageous spirit of party is to be introduced into the Convention, in vain will eloquence and ability be exerted to explain, enforce and point out the path to national honor, dignity, and the perpetuation of our inestimable privileges as freemen.

Whatever the complexion of our Convention may be, it is devoutly to be wished, that the proposed Constitution may at least have a fair discussion. But if blind prejudice, predetermined opposition, and “*silent negatives*,” are to be characteristic of our Convention, our reputation as a Sovereign State will be deservedly lost forever!

1. Reprinted in the *New York Morning Post*, 7 June, and in six out-of-state newspapers by 2 July: R.I. (1), N.J. (1), Pa. (2), Va. (1), S.C. (1). In addition, the *Providence Gazette*, 21 June, reprinted the first paragraph only, while three newspapers reprinted the second paragraph only by 20 June: N.H. (1), Mass. (1), R.I. (1).

### **Alexander Hamilton to James Madison New York, 8 June 1788<sup>1</sup>**

In my last I think I informed you that the elections had turned out, beyond expectation, favourable to the Antifoederal party<sup>2</sup>—They have a majority of two thirds in the Convention and according to the best estimate I can form of about four sevenths in the community—The views of the leaders in this City are pretty well ascertained to be turned towards a *long* adjournment say till next spring or Summer. Their incautious ones observe that this will give an opportunity to the state to *see how the government works and to act according to circumstances*.

My reasonings on the fact are to this effect—The leaders of the party hostile to the constitution are equally hostile to the Union. They are however afraid to reject the constitution at once because that step would bring matters to a crisis between this state and the states which had adopted the Constitution and between the parties in the state. A separation of the Southern district from the other part of the state it is perceived would become the object of the Foederalists and of the two neighbouring states. They therefore resolve upon a long adjournment as the safest and most artful course to effect their final purpose. They suppose that when the Government gets into operation it will be

obliged to take some steps in respect to revenue &c. which will furnish topics of declamation to its enemies in the several states and will strengthen the minorities. If any considerable discontent should show itself they will stand ready to head the opposition. If on the contrary the thing should go on smoothly and the sentiments of our own people should change they can then elect to come into the Union. They at all events take the chances of time and the chapter of accidents.

How far their friends in the Country will go with them I am not able to say, but as they have always been found very obsequious we have little reason to calculate upon an uncompliant temper in the present instance.

For my own part the more I can penetrate the views of the Antifœderal party in this state, the more I dread the consequences of the Non adoption of the Constitution by any of the other states, the more I fear an eventual disunion and civil war. God grant that Virginia may accede. The example will have a vast influence on our politics—New Hampshire, all accounts give us to expect, will be an assenting state.

The number of the volumes of the Fœderalist which you desired have been forwarded as well the second as first, to the care of Governor Randolph.<sup>3</sup> It was impossible to correct a certain error.

In a former letter I requested you to communicate to me by express the event of any decisive question in favour of the constitution authorising changes of horses &c with an assurance to the person sent that he will be liberally paid for his diligence.<sup>4</sup>

1. RC, Madison Papers, DLC.

2. See Hamilton to Madison, 19 May (above).

3. Madison had apparently requested volumes of *The Fœderalist* in preparation for the meeting of the Virginia Convention, scheduled to convene on 2 June. Both Madison and Governor Edmund Randolph were delegates to that body. In mid-May Hamilton sent more than fifty copies of volume I of *The Fœderalist* to Randolph, and after the second volume appeared on 28 May he also sent him copies of that volume. For more on the circulation of both volumes of *The Fœderalist* in Virginia, see RCS:Va., 652–54.

4. See note 2 (above).

### Abigail Adams Smith to John Quincy Adams New York, 8 June 1788 (excerpt)<sup>1</sup>

... Federalist, or Antefederalist, is the question—and pray upon which side of the important question do you stand I could almost answer for you three months forward—for you will find your Father a great Advocate for Federalism<sup>2</sup> there has been great rejoicing amongst the Former—at the late accession of Carolina—to the Union—but the friends of the new Constitution are very doubtfull of its Success in this

State—the Convention are to meet upon the Seventeenth of this month—Mr Jay is a Member and many other very strenuous advocates in its favour—but the Governor of the State<sup>3</sup> is said to be opposed to it—and *Some* say he has taken all means to prejudice the Country People against its adoption—the party against it are silent and seem to be ashamed of being known—how it will prove eventually is uncertain—it ever has been and ever will be the Case that upon every Subject there is a diversity of opinion—and it is a very rare instance that People who disagree in Sentiment should be friendly and benevolently disposed towards each other—thus we must ever expect to see One Party rejoice at the ill success of its opponent—and Useing all the means in its Power to render the opposite disregarded disrespected and all their measures frustrated—and untill the milenium in Politicks arrives we cannot expect any alteration of System—so much for Politicks—I must close my Letter—and request you to remember me to all friends—and beleive me your affectionate Sister  
[P.S.] Colln Smith desires his Love to you—

1. RC, Adams Family Papers, MHi. The first part of this letter is missing so that neither the date nor the place appear. On both sides of the one page that has survived John Quincy Adams indicated that his sister wrote the letter on 8 June. Smith (1765–1813) was married to Colonel William Stephens Smith of New York, the secretary to the American legation in London that was headed by her father, the American minister John Adams. The Smiths had returned to America in May and were staying in New York City. They soon settled in Jamaica, Queens County. John Quincy Adams (1767–1848), a graduate of Harvard College (1787) and a critic of the Constitution, was reading law with Newburyport lawyer Theophilus Parsons.

2. For Smith's earlier assessment of her father's view on the Constitution, see her 10 February letter to her brother (RCS:Mass., 885–86).

3. George Clinton.

### John Jay to Thomas Jefferson

#### Office for Foreign Affairs, 9 June 1788 (excerpt)<sup>1</sup>

... By the Newspapers herewith sent you will perceive that South Carolina has adopted the proposed Constitution. The Convention of this State will convene on Tuesday<sup>2</sup> at Poughkeepsie; and as this City and County has elected me one of their Deputies to it, I shall be absent from hence until it rises. There is Reason to believe that the Majority of this Convention are decidedly opposed to the Constitution, so that whether they will venture to reject it, or whether they will adjourn and postpone a Decision on it is uncertain.—

Accounts from Virginia and New Hampshire render it probable that those States will adopt it, and if so it may be presumed that North

Carolina and even this State will follow the Example.<sup>3</sup> Being exceedingly engaged in dispatching a Variety of Matters preparatory to my going out of Town, I must postpone the Pleasure of writing to Mr. Short<sup>4</sup> by this Opportunity.—

1. FC, RG 59, Foreign Letters of the Continental Congress and the Department of State, 1785–1790, pp. 300–302, DNA. Printed: Boyd, XIII, 247–49n. Jay's draft of this letter is in the Jay Papers, located in the Rare Book and Manuscript Library at Columbia University.

2. 17 June.

3. New York city merchant John Pintard also believed that Virginia's ratification would have an impact on New York. On 10 June he wrote Elisha Boudinot that "We are in anxious expectation of good news from Virginia which I hope may arrive in time to influence our Copperheads" (Boudinot-Pintard Papers, NHi).

4. William Short was secretary at the American legation in Paris, where Jefferson was the American minister.

### **New York Packet, 10 June 1788<sup>1</sup>**

To-morrow is set apart, by the Synod of the Reformed Dutch Churches, to be observed as a day of humiliation, fasting, and prayer. Among other things, it is proposed, to intercede with Almighty God, that he would be pleased to inspire the members of our State Convention, with wisdom from on high; that the decision of that important body may be such, as will secure and perpetuate the civil and religious privileges of the citizens of these United States.

1. Reprinted in the *Daily Advertiser*, 11 June, and in six newspapers outside New York by 26 June: N.H. (1), Mass. (1), R.I. (1), Pa. (3).

### **Tench Coxe to James Madison Philadelphia, 11 June 1788 (excerpt)<sup>1</sup>**

... The course of things at New York has proved very unfavorable unless the Virtue, Knowledge and Abilities of the friends of the Constitution in that Convention, work such Conversions as were effected in Massachussets. The accots. from your State will also have a great effect, & have gone forward by this morning's stage. They will reach New York at furthest on the Morning of the 12th, and New Hampshire on the 19th, by post, or earlier by a short passage by Water, or by a private hand. In the enclosed paper you will find an address to the New York Convention, which being just put to the press when the accots. from Virginia arrived I had time to add a line in the last paragraph affirming that Virginia would adopt. If you think it may serve any useful purpose in your State or North Carolina you will be pleased to have it introduced into your Newspapers<sup>2</sup>—

The opinion of men of knowlege and judgment in New York, before the complexion of yr. house was known, was that their Convention might be induced to adjourn, & such was the plan proposed by the friends of the Constitution. . . .

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, XI, 103–5. For a longer excerpt, see RCS:Va., 1596–97.

2. The reference is to Coxe's essay signed "A Pennsylvanian" that was first printed in the *Pennsylvania Gazette* on 11 June (below). It has not been located in any extant Virginia or North Carolina newspaper.

### **Henry Knox to Otho Holland Williams New York, 11 June 1788 (excerpt)<sup>1</sup>**

You ask in your letter which I have considered as a public one, respecting the line of conduct that will probably be pursued by this state. In a word the antifederal interest is so powerful as to give them a majority of 45 or 46 out of 66.<sup>2</sup> They are obstinate and artful. They will not probably have the hardihood to openly reject the constitution should Virginia adopt it, but they will adjourn to a distant day.<sup>3</sup> They will in the mean time consult on the conduct which will best promote their policy. Every thing rests on the decision of Virginia—If she will adopt the constitution all things will be easy notwithstanding the crooked policy of this State and Rhode Island. . . .

1. RC, Williams Papers, Maryland Historical Society. This letter was marked "(private)." Williams (1749–1794), a pre-Revolutionary War merchant, was a Continental Army officer who rose from the rank of lieutenant (1775) to that of brigadier general (1782). After the war, he settled in Baltimore, where, in 1783, he was appointed state naval officer for the Baltimore district. In 1789 President George Washington appointed him collector of the Port of Baltimore.

2. Two days later Knox wrote to Benjamin Lincoln that the Antifederalists had a majority of "47 out of 66."

3. Pennsylvanian James Wilson agreed. He believed that "New York is certainly antifederal; but many think that, after a Ratification by nine States, she will not hazard a Vote of Rejection" (to Arthur St. Clair, 10 June, Peter Force Miscellany, DLC).

### **A Pennsylvanian to the New York Convention Pennsylvania Gazette, 11 June 1788**

In May and June Tench Coxe, a prolific Philadelphia essayist, addressed newspaper essays to the Virginia and New York conventions encouraging the delegates in these important states to ratify the Constitution. He addressed the Virginia Convention using the pseudonym "An American" and the New York Convention as "A Pennsylvanian." Coxe identified himself as the author of these essays in various letters, including two to James Madison, a delegate to the Virginia Convention, and two to William Bingham, a Pennsylvania delegate



to Congress in New York City. (See Coxe to Madison, 19 May and 11 June, [RCS:Va., 833, 1596]; and Bingham to Coxe, 25 May [above] and 12 June [below]. For more on his authorship of both essays, see CC:751, 780.) Moreover, drafts of “An American” and “A Pennsylvanian,” in Coxe’s handwriting, are in the Coxe Papers, Series III, Essays, Addresses, and Resource Material, at the Historical Society of Pennsylvania. There are no significant differences between the draft of “A Pennsylvanian” and the newspaper version.

“An American” was published in two parts in the *Pennsylvania Gazette* on 21 and 28 May and “A Pennsylvanian” was published in that newspaper on 11 June. Coxe transmitted copies of “An American” to William Bingham, who thought it would have “a very good Effect on the Minds of the People” of New York. Bingham promised to get the essay reprinted in New York City and to show it to Alexander Hamilton to “take his opinion with respect to any exceptionable Passages” (Bingham to Coxe, 25 May, above). The first part of “An American” was reprinted in the *Daily Advertiser* on 9, 10, 12, and 13 June. Coxe also sent copies of “A Pennsylvanian” to Bingham, who promised to give copies to John Jay and Hamilton before they left for the New York Convention in Poughkeepsie on 13 June. Bingham thought the address was “well calculated to affect their Passions, as well as Interests” (Bingham to Coxe, 12 June, below). On 14 and 17 June the *Daily Advertiser* reprinted “A Pennsylvanian.” The essay was also reprinted in its entirety in the *Pittsburgh Gazette*, 26 July, 2 August, and in excerpted form in the *New Haven Gazette*, 19 June, and the *Massachusetts Centinel*, 5 July. (Coxe also hoped that “A Pennsylvanian” would be reprinted in Virginia, North Carolina, and New Hampshire—the states that had not yet ratified the Constitution. Reprintings, however, have not been located in any of the newspapers of those states.)

For more on the publication and circulation of “A Pennsylvanian” outside New York, see CC:780, and note 1 (below).

*To the Honorable the CONVENTION of the STATE of NEW-YORK.*

By the permission of divine providence, and from that large proportion of freedom which has been dispensed to the United States, your honorable body is very soon to deliberate on the nature and consequences of the proposed foederal constitution. The performance of a duty such as this is the most dignified temporal act of human nature. The temper and dispositions, therefore, with which it should be undertaken, ought to be as pure as those with which a pious man would approach the temple of the Deity. Moderation, candor, patience, mutual deference, and a kind conciliating spirit should suggest and govern every thought, word and deed.

The present address will go to you from another state—not dictated by any person, from whose views or connexions in your internal politics you may have entertained well grounded apprehensions—but totally unknown to every citizen of your commonwealth. The object of it is not a reconsideration of the subject at large, but an examination into

a few important particulars, and an attempt to look forward to some future consequences.

The manner in which the powers of the proposed constitution will be invested in the fœderal executive and legislature is the first point that presents itself to our minds. Will the house of representatives be named by little corrupt boroughs?—No, for there must be 30000 electors to send one. Will they be self-elected?—No, for every citizen whom the state legislatures will permit to elect the most democratic branch of their separate governments, will have a right to say who shall represent him in the fœderal house. The creation of that house is immediately by the voice of the people. If they shall say *this man* be our fœderal representative, he will be so.

Will the senators, or second branch, as in other countries, be by hereditary descent? No—Will an idiot of 21, or an aged villain, whose long life has been devoted to the ruin of his country, have, as in England, an indefeasible right to a seat in the senate? No, for the elections of the members of that house is assigned to the state legislatures, whom the people themselves will chuse. Surely we cannot fear to trust the state legislatures with the choice of our fœderal senators. We shall chuse those bodies *freely* and *cautiously*, with a view to this and other important duties. If we elect wise and honest men as our state representatives, they will chuse wise and honest men as our fœderal senators. Were the people at large to chuse the senators, then the government would be termed consolidated or national, and not fœderal. The state legislatures would not have that separate branch of representation and legislation, which is necessary to maintain their independency and *the fœderal quality* of the government. It would be an improper and dangerous abridgement of the powers of the state governments to take the election of the senate out of their hands, yet even that power comes to them only with the consent and by the agency of the people, exercised originally in person. Can a citizen of any one of the states be restrained or prevented from giving his voice for the fœderal representatives, or for those who are to elect the senators, president or vice-president? Will any man hold the office of a representative, a senator or president, by any means but the votes of the people first given directly in his favor, or given for those who shall elect him to his office? On this point we may surely affirm that all the powers of the fœderal government flow, through a very short channel, from THE SACRED FOUNTAIN OF THE PEOPLE.

A simple but very important remark on the exercise of a power thus safely created is, that when a law shall be made by that power, which

concerns the people, it will equally affect the lives, liberties and property of the foederal representatives, senate and president—A most comfortable fact, and an effectual restraint on human folly and wickedness, against which government is intended to provide.

Some gentlemen of your state have believed, that however free the government may be, it is still exceptionable, as being consolidated and not foederal. Permit me to ask your dispassionate attention to a few plain facts in the constitution itself.

The foederal government contains no power to prohibit or punish the most atrocious murders or immoral crimes—nor to fix the qualifications which are to entitle their constituents to elect—they cannot appoint one militia officer, nor train the national militia—they cannot take any step towards the election of a senator, representative or president—they cannot erect or regulate courts for the determination of civil causes between citizens of the same state, or for the punishment of crimes committed within the jurisdiction of any state—nor can they appoint or commission any *state* officer, civil or military.—What nation is there now existing whose government cannot do these things? What nation can exist, if these things are not done and provided for? Does it not therefore follow, that the several members of the confederacy (i. e. the several state governments) must, as heretofore, do these and many other matters of a like nature, which are necessary to the good order, and even to the existence of society. Before we dismiss this point, it will be necessary to attend very particularly to one more fact relating to it. *The sovereign power* of altering and amending the constitution, or supreme law of the American confederacy, does not lie with this foederal legislature, whom some have erroneously apprehended to be supreme—That power, which is truly and evidently *the real point of sovereignty*, is vested in the several legislatures and conventions of the states, chosen by the people respectively within them. The foederal government cannot alter the constitution, the people at large by their own agency cannot alter the constitution, but the representative bodies of the states, that is their *legislatures and conventions*, only can execute these acts of sovereign power.

From the foregoing circumstances results another reflection equally satisfactory and important, which is, that as the foederal legislature cannot effect dangerous alterations which they might desire, *so they cannot prevent such wholesome alterations and amendments as are now desired, or which experience may hereafter suggest*. Let us suppose any one or more alterations to be in contemplation by the people at large, or by the state legislatures. If two thirds of those legislatures require it, Congress *must* call a general convention, even though they dislike the proposed

amendments, and if three fourths of the state legislatures or conventions approve such proposed amendments, they become *an actual and binding part of the constitution*, without any possible interference of Congress. If then, contrary to the opinion of the eight adopting states, the fœderal government should prove dangerous, it seems the members of the confederacy will have a full and uncontrollable power to alter its nature, and render it completely safe and useful.

It cannot be doubted that a great majority of your honorable house think a fœderal constitution for the United States of America expedient and highly necessary. The object of their desires then must be to obtain the best that can be devised, but not to be disappointed in procuring it. Let me respectfully request of those who wish the proposed plan amended, that they seriously consider how much more easy it will be to obtain those amendments under the forms of the constitution itself, than by previously attempting another general convention. Three fourths of the states concurring will ensure *any amendments*, after the adoption of nine or more; but at present *all* must concur, or we lose not only the amendments desired, but unfortunately the union itself—and with that the prosperity of the country and the peace and happiness of the people. Will it not be better to ratify a constitution which was formed by men chosen by the state legislatures and the people, and which secures to the people and their state representatives full power to alter and amend it, and which provides that it shall not be altered by any other authority?

Should the proposed constitution not take effect, there can be little doubt but that a vigorous and serious plan of *co-operation* will be adopted by Connecticut and New-Jersey, to secure a share of your impost, in proportion to their consumption of your imports. They will have no occasion to appeal to arms. Cheaper and more effectual modes of procedure may be adopted. Their respective legislatures have already commenced *a war of laws* in the case of the light-house, and the small craft.<sup>1</sup> It is impossible for any vessel bound to or from New-York to determine whether she may or may not be obliged to anchor in Sandy-hook road: That place belongs to Jersey, and were they to pass a law that every vessel which should anchor therein should pay a duty of two and an half per cent. on all her goods, and a tonnage of one third of a dollar, to a collector who should be fixed there, it would be impossible to prevent the operation of the law. Congress at present have no power to prevent such a law, and Jersey might truly urge that all vessels that go into your ports pay such duties. Both Connecticut and Jersey might also pass acts at the same time, imposing exactly the same duties on all goods imported from your state, which are, or from time to time shall

be, laid on articles of the same kinds imported into your state from foreign countries. They might also prohibit any shallops or small craft from going into their ports from yours without a special permission, at the time of granting which all the force of oaths, bonds, securities, &c. might be previously required for the due and faithful reporting of all goods imported in them. The combined spirit of *interest and resentment* would sharpen the ingenuity of their legislatures, and a few strict laws might be easily framed, that would either cut up your lucrative communication with them, or compel you to grant them a share of the impost. They would have no occasion to use force; but should you hastily appeal to arms, we may venture to affirm, without derogating from the prowess of your citizens, that the militia of Connecticut and New-Jersey would not be contemptible antagonists. These ideas are by no means held out with a view to alarm. They are delivered with sincerity and respect. Indeed we cannot suppose there is the least danger of the matter taking that turn. The contest must be entirely conducted by the legislatures of those suffering states, whose legal measures, if properly taken, cannot be rendered abortive.

The article of the new constitution relating to the regulation of elections has been very much misconceived. Permit me to ask your attention to a short examination of it. The 4th section it will be found relates merely to the mode of conducting an election, the other parts of the constitution fixing those essential points which are necessary to the preservation of liberty. They stand thus.

1st. The members of the house of representatives are to be chosen every second year—and the members of the senate every sixth year—These are the fixed terms of existence of the two branches.

When the 4th section gives the legislature of each state the power of prescribing, in the first instance, the time of *holding* those elections, we cannot on reflection suppose it was meant to give to each of them the power of altering the constitution in so important a matter as *the duration* of the legislature. No, it was merely the time of day or the month in which such an election should be held that was meant to be submitted to them. The frequency of elections is better guarded. Two seasons the convention well knew were necessary to be attended to in this agricultural country. The time of *seeding* and the time of *harvest*. These vary in the different states. Rice is planted and cut in Carolina in months different from those of seed time and harvest in New-York. Therefore a general day could not be fixed in the constitution, but was left to the legislatures. Yet a danger was possible and evident. Another Rhode-Island might start up among us, and regardless of the preservation of the union might omit to prescribe either time, place or manner of holding elections, by which our confederacy might be destroyed

by the smallest member. Congress therefore were vested also with the power just given to the legislatures—that is, the power of prescribing merely the circumstances under which elections shall be *holden*, not the qualifications of the electors, nor those of the elected—nor the duration of the senate—nor the duration of the representatives. These are prescribed by the constitution, *unalterably by Congress*, though the state legislatures can each of them fix the qualifications of the electors of representatives within their jurisdiction, and three fourths of the state legislatures or conventions can alter these and every other article relating to the elections of the fœderal representatives, senate, president, and all other officers of the general government. But let us proceed to the other essential points relating to elections which Congress cannot alter.

2dly. A representative must be 25, a senator must be 30, and a president must be 35 years.

3dly. The representatives and senators must be citizens of the states that send them—the senators must have been American citizens nine years, and the president must be *now* a citizen of some one state, or a natural born citizen hereafter.

4thly. None can elect senators or representatives but in their own state.

5thly. The day of the electors of the president giving their votes must be the same throughout the union.

6thly. Each state has *the exclusive power* of fixing the qualifications of the electors of the fœderal representatives within their respective territory and jurisdiction.

7thly. The state legislatures have *the exclusive right* of electing the fœderal senators.

Those seven important articles relating to the fœderal elections are *fixed* by the constitution, and not alterable by Congress. On considering the remarks made on the power of prescribing the time of *holding* elections, and applying them in the same way to the other two points, it will be found that the 4th section was necessary to the preservation of the union—that it will be useful when invasions or insurrections prevent the sitting of the state legislatures, or when a secession in any state legislature shall prevent a quorum from being obtainable. After providing for the qualifications of the electors and the elected, and the duration of the legislature, there can be no danger in leaving the time of day or year, or place, where government will be undisturbed, and the voting by ballot or *viva voce* to be fixed, and that, in the second place by the fœderal government. In the time of the late war the legislatures of New-York and Pennsylvania ordered elections for their invaded cities

and counties to be held in other places, and even at this day two districts of the county of Philadelphia elect in the city (which is a separate county in its own right) for the purpose of saving expence to the good people of those two districts. On due consideration of the fourth section, and remembering how it is limited by the other important and unalterable provisions of the constitution relating to elections, you will perceive, it is hoped, that the power given by that article is too small to affect the liberties of the people, and that it will prevent many serious inconveniences and evils.

It is asked by a writer of your state, who chuses to call himself a Plebeian<sup>2</sup> in a free and equal government, which rejects every preposterous distinction of blood or titles—it is asked, I say, by this writer, what is the condition of our country? What is there in it disagreeable or alarming? Permit me to tell you. A single fact ought to fix our public credit in foreign countries—that so far from paying the principal or interest of money advanced in the hour of need and distress to purchase the means of establishing the independency of the United States, we have borrowed money to pay *the interest*<sup>3</sup>—a greater proof of either inability or disinclination, a stronger persuasive not to trust us more, cannot be given—this loan to pay the interest unhappily is *upon interest also*. The canker worm of *interest upon interest* is eating up the produce of our fields, and even the lands we cultivate. *This, in regard to foreign credit, is the condition of our country.* But let us look at home for some more pleasing facts. Tho' foreign powers do not receive their interest, what is the situation of private foreigners, who have placed their monies in our funds? They have thousands and tens of thousands in certificates, on some of which near half the amount of the original loan is due for interest. Ye friendly foreigners, who have given us your monies in the hour of our distress, have patience with us, till complicated evils shall teach us to seek the blessings of government, and we will pay you all. Tho' we do not render justice to our powerful supporters and allies, nor to their friendly subjects, do we give to our own citizens their due? Some of the states are paying a part of their arrears of interest in paper currencies, depreciated from seven and a half to eighty per cent. The interest on others is paid in facilities or indents, worth but four shillings in the pound, and the remainder receive *no interest at all*. The medium value of the certificates of public debts, computing it upon the principal and interest, does not exceed twenty per cent. or one dollar for five. *This then, in regard to public credit at home, is the condition of our country.* But how stands private faith, and the obligations of contracts? Ask your merchants and other citizens, who have monies due in New-Jersey, the three

southern states, and Rhode-Island. In Jersey and North-Carolina they can compel payment of their debts, but must receive a paper money, depreciated 25 per cent. In South-Carolina an instalment law prevents them receiving more than one third of their demand, and that in a paper currency, worth no more than 16 or 17 shillings in the pound. In Georgia and Rhode-Island they have a paper lawful tender, depreciated four fifths. *This then is the condition of our country, in regard to private business*, to the utter subversion of common honesty, and the rights of property. 'Tis a posture of affairs, that would corrupt the angels of light, and the friends of virtue, and our country must shudder at the consequences of these alarming facts. How recent was the insurrection under Daniel Shays,<sup>4</sup> and how much more recent was the business of the Genesee country, within your own territory and jurisdiction. 'Tis a case of delicacy, but it will serve to explain the present condition of America, if you develope that matter compleatly, and satisfy yourselves of the true reasons why Massachusetts sold so cheaply and hastily to one company their extensive and valuable grant.<sup>5</sup> But I shall cease to lead your attention to obvious facts, which unhappily wants neither the feeble aid of my pen, nor those "*powers of rhetoric*" the Plebeian speaks of, to prove our situation most painful and alarming.

The consequences to your state, which may follow the rejection of the proposed constitution, should certainly engage a great share of your deliberations. In the event of nine states adopting, Jersey and Connecticut will no longer receive their supplies through you, nor send their produce to your market for sale, for you will then be on the footing of foreigners. This must enable both those states to make commercial establishments of their own, more respectable than they can ever be if you continue in the American union. 'Tis evident that so far as they succeed it must be entirely at the expence of your trade, especially Jersey, which has at present none of her own. In your capital are many foreign merchants, whose object is *the trade of the United States*, and not that of New-York *only*. These gentlemen, with many of your native merchants, will find it impossible to contend with the embarrassments that must ensue, should New-York become a foreign port. The manufacturers of your state will suffer equally with your commerce, in the event of your ceasing to be a part of the union, for you cannot support a duty of five per cent. upon all your articles, greater imposts on particulars, and prohibitions of others, which will unquestionably take place. Your farmers will be still more deeply injured in the sale of their produce, should your state unhappily place herself upon the footing of foreign countries. The amount of the injury to them may be



easily ascertained, by examining how much iron, flour, biscuit, indian-corn, hams, lard, butter, tallow, &c. and other produce of their farms, are exported to the eastern and southern states. These things will be most seriously felt throughout your whole commonwealth, but to the islands of New-York, Long-Island and Staten-Island they will be almost ruinous. These three districts must act together, they are peculiarly placed by nature. Should they fear the ruin of their commerce and manufactures, and the foreign duty on such of their produce as they may send to the ports of the new union, should these considerations induce the honest opponents of the constitution among them to adhere to the new confederacy, what can prevent their secession? If Staten-Island were to associate herself with New-Jersey, to which nature has almost joined her, and the Islands of New-York and Long-Island with Connecticut, those two respectable states, and the new union itself, would be bound to defend them. They would be at peace till attacked by you, and before your people would commence any hostile proceedings, they would consider well the enormous expence of an offensive war, they would remember the dangers to which an invading army is subjected, and they would not be unmindful of the inequality of the force with which your dismembered state would have to contend. Vermont too, seizing the opportunity, might at once effect her separation from you, and maintain her independency. New-York and the former union have for certain reasons thought fit to overlook her suppression of your authority.<sup>6</sup> There can be little doubt but those reasons, strengthened by her connexion with the new union and the secession of your three Islands, would secure the peaceful independency of those four valuable districts.

In such a state of matters, what would be the depreciation of your public securities, what the depreciation of your paper medium, what the consequent discontents among your own people, and what the injuries to commerce by a fluctuating and wounded currency?

Suppose for a moment the city and county of New-York to have separated themselves from your government. Both banks of the Hudson would then belong to the new confederacy. The destruction of your foreign trade must be the inevitable consequence, for a heavy toll might be laid on every ship that should pass between the Island of New-York and the county of Bergen—or a total prohibition might prevent their passing at all.

To complete your difficulties, internal discord would rend the bosom of your state. Without derogating from the wealth, character or abilities of the gentlemen who oppose the constitution, you will readily admit

that there is a very numerous, intelligent and respectable part of every county in your state attached to the union, and friendly to the proposed government. Between these and the opposing interest there would be a never ceasing and ruinous contention.

Tho' the United States are not now, nor are not, as we conceive, intended to be under a general government, competent to internal purposes, yet we are so far *one people*, that all general national maxims apply forcibly and properly to our situation. Among them is one dear to the friends of liberty, that the voice of the people is the voice of God. If we review the treatment the proposed constitution has received from other conventions, we shall find that, instead of half, nearly two thirds of the states have already adopted it—and that these contain not only a majority, but two thirds of the free people of the union. Virginia too will certainly ratify it. An adoption by your state now may therefore be considered as an acquiescence in the sense of the majority of the nation, of which we form a part—THE GREAT LAW OF REPUBLICAN GOVERNMENTS.

1. For several years New Jersey had been angered by New York's state impost and with New York's steadfast refusal to ratify the congressional Impost of 1783 under conditions acceptable to Congress. New Jersey strongly supported this impost. In April 1787 the New York legislature passed a law increasing fees on vessels carrying dutiable goods. Although the act made concessions to the neighboring states by actually reducing some fees, New Jersey farmers objected to the fees on decked vessels under twenty tons burden carrying American produce that under a previous law had entered New York without charge. In June the New Jersey legislature retaliated by levying a tax of £30 per month on the lighthouse that New York had built on Sandy Hook, located in New Jersey. In March 1788 New York exempted American ships of less than fifty tons without dutiable goods on board. (See William F. Zornow, "The Sandy Hook Lighthouse Incident of 1787," *Journal of Economic History*, XIV [1954], 261–66.)

2. See "A Plebeian: An Address to the People of the State of New York," 17 April (RCS:N.Y., 946–47).

3. For example, on 1 June 1787, John Adams—the American minister to Great Britain and to The Netherlands—signed an agreement for a Dutch loan of one million florins (\$400,000). The loan was necessary, in part, to pay interest due on Dutch loans obtained the previous June. On 11 October, Congress approved the loan (JCC, XXXIII, 412–15, 649).

4. Shays's Rebellion in Massachusetts began in the summer of 1786 and was finally suppressed by the state in early February 1787.

5. Between 30 November and 16 December 1786, agents from New York and Massachusetts met in Hartford, Conn., to resolve a dispute between the two states over much of western New York. The agents hammered out an agreement by which New York was to retain sovereignty over the land within its borders while Massachusetts was given legal title to the land. On 1 April 1788 Nathaniel Gorham, Oliver Phelps, and others paid the state of Massachusetts £300,000 Massachusetts currency for a portion of the western land totaling 6,000,000 fertile acres that was known as "the Genesee country." The purchase

price was to be paid in three installments in depreciated consolidated securities of Massachusetts.

6. In 1777 Vermont declared its independence from New York and Great Britain. Later in the year it adopted its own constitution. For the failure of New York to obtain the support of Congress and the other states to suppress the rebellion, see RCS:N.Y., Vol. 1, xxxii; Kaminski, *Clinton*, 63–77.

**William Bingham to Tench Coxe**

**New York, 12 June 1788<sup>1</sup>**

I am much indebted to you for the agreeable & important Communications contained in your Letter of the 10th. Inst

The Ratification of Virginia will be an essential Accession of foederal Force—Without her Cooperation & Assistance, the Union would not possess So robust a Constitution, nor be endued with strength, Sufficient to resist the Difficulties it will probably have to encounter

Mr Jay & Col Hamilton leave New York to Morrow, to meet the State Convention

I Shall present each of them with a Copy of the Address, which is well calculated to affect their Passions, as well as Interests<sup>2</sup>—Your particular Injunctions Shall be attended to—The most Sanguine Advocates for the foederal System only flatter themselves with the hopes that the Convention will adjourn, & not reject; so great & So determined a Majority is opposed to the Ratification—however, the future Prospects of this State, with respect to an Extension of her foreign Commerce & of her internal Resources, are So intimately connected with the Union; that I am disposed to think the People will Soon change their Sentiments & become foederal—

PS. Accept the inclosed from your obed hb s[ervant]

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Bingham, a wealthy Philadelphia merchant, was in New York City representing Pennsylvania in Congress.

2. The reference is to Coxe's essay signed "A Pennsylvanian" that was first published in the *Pennsylvania Gazette* on 11 June (immediately above).

**William Smith to Abraham Yates, Jr.**

**Manor St. George, 12 June 1788<sup>1</sup>**

I have not heard from you this Great While I Assure you my Disposition towards you Doth not Subside and I Dont entertain the least Suspition it Does on your part, pray let me have an Epistle from you every Good Oppertunity. I believe Your Annimal Spirits is raised to a Considerable height on Account of the New Constitution it Strikes me With Amaisement that Good Whiggs Who Suffered and underwent

what they Did Should turn tail too and Act a Simmulal part With the Brittish Nation. but the Scene is Changed if the Americans had been Vanqisht the Sticklers for the New Constitution must have been hewers of Wood and Drawers of Water with us. but they Now See if they Get into the Aristocratical Saddle they may ride With pleasure for their is provision made for Whips Spurs and every other Apparatus Nessassary for a Comfortable Journey, What more Can be Done than their Say so, to be the Supreme law of the land any thing to the Contrary notwithstanding and an Army to inforce—perhaps to Disarm first. This Ground is so thoroly trod over that to [us as there should?] be repetition of what has often Occured to your own mind—I must make One Observation to you Which I never thought of till this Minute (to Witt) their seems a Similarity between those who term themselves federal and Anti Whiggs, I would have you Wish Well for me to all my friends in Albany

1. RC, Yates Papers, NN. Smith (1720–1799), third Lord of the Manor of St. George (now in Mastic Beach, Brookhaven), was a Suffolk County surrogate, 1766–68, and first judge of the Court of Common Pleas, 1771–84. He was a member of New York's Third and Fourth Provincial congresses, 1776–77; and a state senator, 1777–83. As a member of the Fourth Provincial Congress, he sat on the thirteen-member committee appointed to draft the state constitution of 1777. (Yates was chairman of this committee.)

### **New York Journal, 12 June 1788<sup>1</sup>**

Next TUESDAY will be the SEVENTEENTH day of June—A day in which the wisdom of this state are to be convened at Poughkeepsie, to decide upon the greatest and most important question that ever came before them.—Upon this honorable body *thousands* cast their eyes, and perhaps not *ten* of the *thousands* are divested of a *party* prejudice. To please every party is not practicable; admitting it practicable, a man who would not act as he conceives will redound to the glory and best good of his country in every political sphere, surely is unworthy of the public confidence.

*Party*, continues our correspondent, is cursed by many, and by many is called the *protector of freedom*. Without animadverting, I would only ask—where is there a *free country* devoid of party?

1. Reprinted in the *Albany Journal*, 16 June, the *Country Journal*, 17 June, and in nine newspapers outside New York by 2 July: Conn. (1), Pa. (4), Va. (2), S.C. (2).

### **Stephen Elliott to Jedidiah Morse New Haven, 13 June 1788 (excerpt)<sup>1</sup>**

. . . I have notion many questions to ask and desp[er]ate little time to ask them in—I would wish to know, 1st. what was the state of your

health, then how your Geography comes on, for what length of time you propose residing at New York, where will you remove to from thence? how are all my acquaintance; Mr Clinton,<sup>2</sup> in particular, how do you agree about the constitution has he converted you to the true faith—or do you continue firm in your heresy. . . .

1. RC, Chamberlain Collection, Boston Public Library. This letter was addressed to Morse at “Mrs. Rigg’s-Golden Hill/New York [City].” Elliott (1771–1830), a South Carolinian, entered Yale College in February 1788 and was graduated three years later. He returned to South Carolina and became a planter. Elliott probably met Morse, a firm Federalist, who was living in New Haven when Elliott entered Yale in February 1788.

2. Probably either Governor George Clinton or his nephew De Witt Clinton.

### Henry Knox to Benjamin Lincoln

New York, 13 June 1788 (excerpt)<sup>1</sup>

. . . The proposed constitution seems to be as well received as could have been conjectured by the most sanguine. The proposition was complex in itself and subject to a thousand misrepresentations. It is not surprizing that it has had its enemies. Mankind are infinitely deversified in their situations and faculties,<sup>2</sup> and being constrained by local circumstances to veiw the same object through different mediums and with different apparatus, it is no wonder that their conceptions and opinions should be different.—Happy indeed is it for the public and I hope for posterity that so many states have already agreed to it and that none have rejected excepting Rhode Island. The conduct of the majority of that state—The insurrections of Massachusetts,<sup>3</sup> and the opposition to the impost by New York, have been the corrosive means of rousing america to an attention to her liberties—Thank Heaven a government is proposed which in case of a storm will sheild the principle of liberty and its votaries from the rude attacks of anarchy and tyranny.

Eight States have already adopted the Constitution, and there is *good reason* to beleive that Virginia will also receive it on the plan of Massachusetts—You may cherish the hope my dear friend that by the 4th of July you will receive the information that Virginia is the 9th State which has ratified the Constitution

How far Virginia’s acceptance will influence the conduct of this state is uncertain as the Antifederalists have a decided Majority of 47 out of 66<sup>4</sup>—Their present policy appears to be to postpone to a distant day.<sup>5</sup> This will be more deadly<sup>6</sup> than a rejection, and they mean it shall have that operation—In every event however of their conduct they will find  $\frac{3}{7}$ ths of the state as ready to oppose them as they seem inclined to beleive, the minorities of the other states will be to support them—

The real disposition of New Hampshire seems to be concealed—We cannot learn any thing decisive respecting her intentions should she reject the constitution, she would be blind indeed! North Carolina will follow Virginia.<sup>7</sup> . . .

1. RC, Lincoln Papers, MHi. Printed: CC:781. There are numerous differences between this recipient's copy and the draft in GLC 2437, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, New York. The significant differences are noted below.

2. In the draft this clause reads: "when mankind are constantly developing upon their frailties and faculties."

3. Shays's Rebellion.

4. On 11 June Knox's estimate was 45 or 46 out of 66 (to Otho Holland Williams, above).

5. "To a distant day" was added in the recipient's copy.

6. "More deadly" replaced "worse."

7. This sentence was added in the recipient's copy.

## Sydney

### New York Journal, 13, 14 June 1788

Abraham Yates, Jr., wrote this two-part essay, under the signature of "Sydney," not "Sidney" as he had done for the articles that he published in the *Albany Gazette* in February and March. On 15 June he wrote to Abraham G. Lansing that on the next day he would send fifty sets of the essay to Poughkeepsie, where the New York Convention was scheduled to convene on 17 June. He also reserved ten sets of which he would send six to Lansing in Albany. The sixty sets, he said, cost him thirty shillings and six pence. He cautioned Lansing that, if the essay were reprinted, "Some Mistakes" would have to be corrected (below). On 22 June Lansing replied from Albany that the essay had been received and "partly distributed among our Friends." If Yates wanted the essay reprinted, declared Lansing, "I shall have it done, but for the present I should think it of more service if they were republished under the Nose of the Convention at Poghkepsie and perhaps a period may arrive at which they will be of more Service in this quarter than just at this present time—your instructions and opinion shall determine me" (VI below).

In the course of his argument, Yates quotes or summarizes parts of the New York state constitution of 1777 with which he was familiar since he was chairman of the thirteen-member committee that drafted that document.

#### TO THE CITIZENS OF THE STATE OF NEW-YORK.

Although a variety of objections to the proposed new constitution, for the government of the United States, have been laid before the public by men of the best abilities, I am led to believe, that representing it in a point of view which has escaped their observation, may be of use, that is, by comparing it with the constitution of the state of New-York.

The following contrast is therefore submitted to the public, to shew in what instances the powers of the state government will be either

totally or partially absorbed, and enable us to determine whether the remaining powers will, from those kind of pillars, be capable of supporting the mutilated fabric of a government, which, even the advocates for the new constitution admit, excels “the boasted models of Greece or Rome, and those of all other nations, in having precisely marked out the power of the government, and the rights of the people.”

It may be proper to premise, that the pressure of necessity and distress (and not corruption) had a principal tendency to induce the adoption of the state constitutions, & the existing confederation, that power was even then vested in the rulers with the greatest caution; and that, as from every circumstance we have reason to infer that the new constitution does not originate from a pure source, we ought deliberately to trace the extent and tendency of the trust we are about to repose, under the conviction, that a re-assumption of that trust will at least be difficult if not impracticable. If we take a retrospective view of the measures of Congress, who have their secret journals; the conduct of their officers, at home and abroad, acting under an oath of secrecy, as well as of individuals who were intimately connected with them, from the year 1780 to the late convention, who also acted under an injunction of secrecy (and whose journals have not been published even to this day, but will no doubt continue buried in the dark womb of suspicious secrecy) we can scarcely entertain a doubt, but that a plan has long since been framed to subvert the confederation: that that plan has been matured with the most persevering industry and unremitting attention, and that the objects expressed in the preamble to the constitution, that is, “to promote the general welfare and secure the blessings of liberty to ourselves and our posterity,” were merely the ostensible and not the real reasons of its framers. That necessity and danger have been the moving causes to the establishment of the confederation, will appear from the words of Congress, recommending its formation to the several legislatures which are “under a conviction of the absolute necessity of uniting all our councils and all our strength, to maintain and defend our common liberties. Let them be examined with liberality becoming brethren and fellow-citizens, surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together, by the ties the most intimate and indissoluble.”<sup>1</sup>

That these principles equally applied to the formation of our state constitution, no person can seriously doubt who recollects the rapid progress of the British troops in this state, and in Jersey, in the year 1776, and the despondence which prevailed among the people on that

occasion. The convention of this state, about that period, in explaining to the people the justice of the American cause, addressed them as follows:<sup>2</sup> “You and all men were created free, and authorised to establish civil government for the preservation of our rights against civil oppression, and the security of that freedom which God had given you, against the rapacious hand of tyranny and lawless power. If then God hath given us freedom, are we not responsible to him for that as well as other talents? If it is our birth right, let us not sell it for a mess of pottage, nor suffer it to be torn from us by the hand of violence.”<sup>3</sup>

The omission of a bill of rights in this state,<sup>4</sup> has given occasion to an inference, that the omission was equally warrantable in the constitution for the United States. On this it may be necessary to observe, that while the constitution of this state was in agitation, there appeared doubts upon the propriety of the measure, from the peculiar situation in which the country then was; our connection with Britain dissolved, and her government formally renounced—no substitute devised—all the powers of government avowedly temporary, and solely calculated for defence: it was urged by those who were in favor of a bill of rights, that the power of the rulers ought to be circumscribed, the better to protect the people at large from the oppression and usurpation of their rulers. The English petition of rights, in the reign of Charles the first, and the bill of rights in the reign of king William,<sup>5</sup> were mentioned as examples to support their opinions. Those in opposition admitted, that in established governments, which had an implied constitution, a declaration of rights might be necessary to prevent the usurpation of ambitious men, but that that was not our situation, for upon the declaration of independence it had become necessary that the exercise of every kind of authority “under the former government should be totally suppressed, and all the power of government exerted under the authority of the people of the colonies;”<sup>6</sup> that we could not suppose that we had an existing constitution or form of government, express or implied, and therefore our situation resembled a people in a state of nature, who are preparing “to institute a government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness,” and as such the constitution to be formed would operate as a bill of rights.<sup>7</sup>

These and the like considerations operated to induce the convention of New-York to dismiss the idea of a bill of rights, and the more especially as the legislative state officers being elected by the people at short periods, and thereby rendered from time to time liable to be displaced in case of mal-conduct. But these reasons will not apply to the general



government, because it will appear in the sequel, that the state governments are considered in it as mere dependencies, existing solely by its toleration, and possessing powers of which they may be deprived whenever the general government is disposed so to do.

If then the powers of the state governments are to be totally absorbed, in which all agree, and only differ as to the mode, whether it will be effected by a rapid progression, or by as certain, but slower, operations: what is to limit the oppression of the general government? Where are the rights, which are declared to be incapable of violation? And what security have the people against the wanton oppression of unprincipled governors. No constitutional redress is pointed out, and no express declaration is contained in it, to limit the boundaries of their rulers; besides which the mode and period of their being elected tends to take away their responsibility to the people, over whom they may, by the power of the purse and the sword, domineer at discretion; nor is there a power on earth to tell them, What dost thou? or, why dost thou so?

I shall now proceed to compare the constitution of the state of New-York with the proposed federal government, distinguishing the paragraphs in the former which are rendered nugatory by the latter; those which are in a great measure enervated, and such as are in the discretion of the general government to permit or not.

The 1st and 37th paragraph of the constitution of the state of New-York.

The 1st “Ordains, determines, and declares, 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.”

The 37th, “That no purchases or contracts for the sale of lands with or of the Indians within the limits of this state, shall be binding on the Indians, or deemed valid, unless made under the authority and with the consent of the legislature of this state.”

I beg leave here to observe, that the whole history of this spurious constitution for the government of the United States, from its origin to the present day, and the measures taken by Congress respecting the Indian affairs in this state, are a series of violations of these paragraphs, and of the 13th article of the confederation.<sup>8</sup>

It was a violation of the state constitution, for the senate and assembly, on the 19th February, 1787, to instruct their members to move in Congress for an act recommending a convention;<sup>9</sup> and it was also a violation of the 13th article of the confederation for Congress, on the 21st day of February, to recommend a convention to the several legislatures.<sup>10</sup> It was a further violation of the constitution of this state, by

the senate and assembly, on the 27th day of March, to join and to appoint delegates to meet in convention;<sup>11</sup> and it being done in that hasty, if not surreptitious manner, by joint resolutions, when acts of the least consequence, even for the yoking of hogs, require to be passed under the formalities of a law, makes it more glaringly so.

It was an outrageous violation in the convention on the 17th September, 1787, to attempt a consolidation of the union and utterly destroy the confederation, and the sovereignty of particular states, when their powers were restricted “to the sole and express purpose of revising and amending the confederation.”

It was again an infringement of the 13th article in the confederation, for Congress, on the 28th September,<sup>12</sup> not to arrest and prevent its being transmitted to the several legislatures; nor was the legislature of this state less culpable in the beginning of February, 1788, who in the course of three hours took up and concluded the measure of calling a convention, without apprising their constituents of the danger.<sup>13</sup>

It is notorious, that the right of regulating Indian affairs, especially with the five nations, has been in the colony of New-York, since the year 1664, and before that period from the year 1614, whilst it was called New-Nederland under the Dutch—That by the confederation, although Congress are invested with the power of regulating the trade and managing all affairs with the Indians, that they are restricted to those Indians, “not members of any of the states, and a special proviso that the legislative rights of any state within its own limits, be not infringed or violated.”<sup>14</sup>—It therefore was a violation of the confederation and of the rights of the state for the congressional commissioners of Indian affairs to treat, at fort Stanwix, with and thereat to make a purchase from the five nations without the authority or consent of the legislature of this state.<sup>15</sup> It was an infraction of the rights of the citizens of this state, and an insult on their government, for those commissioners to wrest private property from individuals, imprison their persons, set at defiance the civil authority of the county of Montgomery, and violently to resist the execution of legal process. Nor was the ordinance of the 7th of August 1786, for the regulation of Indian affairs, less so, namely, that “the Indian department be divided into two districts, viz. the southern, which shall comprehend within its limits all the nations in the territory of the United States, who reside to the southward of the Ohio; and the northern, which shall comprehend all the nations within the said territory, and westward, not of lake Ontario, but of Hudson’s river—that a superintendant for the northern district shall have authority, to appoint two deputies to reside in such places as shall best facilitate the regulation of the Indian trade, that no person, citizen,

or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian nations within the territory of the United States, without a license for that purpose first obtained from the superintendant of the district, or of one of the deputies, who is hereby directed to give such licence to every person who shall produce from the supreme executive of any state a certificate under the seal of the state, that he is of good character, and suitably qualified and provided for that employment, for which licence he shall pay for one year the sum of fifty dollars to the said superintendant for the use of the United States.”<sup>16</sup>

If this was the conduct of Congress and their officers, when possessed of powers which were declared by them to be insufficient for the purposes of government, what have we reasonably to expect will be their conduct when possessed of the powers “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes,” when they are armed with legislative, executive and judicial powers, and their laws the supreme laws of the land—and when the states are prohibited, without the consent of Congress, to lay any “imposts or duties on imports or exports,” and if they do, they shall be for the use of the treasury of the United States—and all such laws subject to the revision and controul of Congress.

It is therefore evident that this state, by adopting the new government, will enervate their legislative rights, and totally surrender into the hands of Congress the management and regulation of the Indian affairs, and expose the Indian trade to an improper government—and the traders to be fleeced by iniquitous impositions, operating at one and the same time as a monopoly and a poll-tax.—The deputy, by the above ordinance, has a right to exact yearly fifty dollars from every trader, which Congress may increase to any amount, and give it all the operation of a monopoly—fifty dollars on a cargo of 10,000 dollars value, will be inconsiderable, on a cargo of 1000 dollars burthensome, but on a cargo of 100 dollars will be intolerable, and amount to a total prohibition, as to small adventurers.

#### II. III. IX. XII. and XXXI.

The second paragraph provides, “that the supreme legislative power within this state shall be vested in two separate and distinct bodies of men, the one to be called the assembly, and the other to be called the senate of the state of New-York, who together shall form the legislature.”

The ninth provides “that the assembly shall be the judge of their own members, and enjoy the same privileges, and proceed in doing

business in like manner as the assembly of the colony of New-York of right formerly did.”

The twelfth paragraph provides “that the senate shall, in like manner, be judges of their own members,” &c.

The 31st describes even the stile of laws—that the stile of all laws shall be as follows, “Be it enacted by the people of the state of New-York represented in senate and assembly”—and that all writs and proceedings, shall run in the name of the people of the state of New-York, and tested in the name of the chancellor or the chief judge from whence they shall issue.

The third provides against laws, that may be hastily and inadvertently passed, inconsistent with the spirit of the constitution and the public good, and that, “the governor, the chancellor and judges of the supreme court, shall revise all bills about to be passed into laws by the legislature.[”]<sup>17</sup>

The powers vested in the legislature of this state by these paragraphs will be weakened, for the proposed new government declares, that “all legislative powers therein granted, shall be vested in a congress of the United States, which shall consist of a senate and a house of representatives,”—and it further prescribes, that “this constitution, and the laws of the United States, which shall be made *in pursuance thereof*; and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding: and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution.”

Those who are full of faith, suppose that the words *in pursuance thereof* are restrictive, but if they reflect a moment and take into consideration the comprehensive expressions of the instrument, they will find that their restrictive construction is unavailing, and this is evidenced by 1st art. 8 sect. where this government has a power “to lay and collect all taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States,” and also “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office[r] thereof.”

Art. 1st. sect. 7, provides a qualified negative, that is, that “every bill which shall be passed the house of representatives and the senate, shall,

before it become a law, be presented to the president of the United States.”

To conclude my observations on this head, it appears to me as impossible that these powers in the state constitution, and those in the general government can exist and operate together, as it would be for a man to serve two masters whose interests clash, and secure the approbation of both. Can there at the same time and place be and operate two supreme legislatures, executives, and judicials. Will a “guarantee of a republican form of government to every state in the union” be of any avail, or secure the establishment and retention of state rights.

If this guarantee had remained, as it was first reported by the committee of the whole house, to wit,—“that a republican constitution, and its existing laws, ought to be guaranteed to each state by the United States,”<sup>18</sup> it would have been substantial; but the changing the word *constitution* into the word *form* bears no favorable appearance.

#### IV. V. XII. XVI.

The fourth provides,—“that the assembly of the state of New-York shall consist of at least seventy members, to be annually chosen in the several counties in certain proportions.” The 5th, 12th, and 16th, declare, that a census shall be taken every seven years to regulate the augmentation of the number seventy so as not to exceed three hundred. Here seventy members are divided among the several counties, and consequently into at least as many poles and sets of members to be *annually* chosen. If this is contrasted with the constitution for the federal government—the continental assembly or house of representatives, will be found to consist of sixty-five members divided among thirteen states to be chosen every second year. Six for the state of New-York; not distributed among the counties, but by all the counties. And although “the times, places and manner of holding elections for senators and representatives shall be prescribed in each state, by the legislature thereof,” yet, as it provides that “Congress may at any time by law, make or alter those regulations, except as to places of chusing senators[”]—the power in the state government to prescribe rules in those cases will be superseded by the executive of the general government, perhaps to the great inconvenience of the people.

From the VIth to the XIIth.

The sixth paragraph recites, that “an opinion hath long prevailed among divers of the good people of this state, that voting at the election by ballot would tend more to preserve the liberty and equal freedom of the people, than voting viva voce; to the end therefore, that a fair experiment be made which of these two methods of voting is to be

prefer[r]ed,["'] it declares, that after the war elections shall be by ballot.

The seventh and eighth regulate the freeholds, and what property shall entitle a man to vote;—the ninth, the mode of conducting business in the assembly, and their privileges;—the tenth, eleventh and twelfth, the number of the senate, and how, and by whom they shall be elected.

As these clauses regulate the mode of elections and qualifications of the voters of senate and assembly, a relation of what gave rise to the provisions for voting by ballot, and that of the value of the freehold will help to unravel what otherwise may appear mysterious.

In respect to the first it may be necessary to observe, that under the colonial government there existed violent parties, not known by the name of whig and tory—republican and aristocrats. Those who were in the employments of government or the *ins*, were for extending the prerogative of the crown; while the *outs* were checks to it. Many of the leaders on both sides were under strong expectations, that sooner or later, that branch of colonial government called the king's council, would be erected into a hereditary house of lords. The *ins* being nearest to the disposition of the offices of honor and profit, and in the way of obtaining patents for vacant lands, and being from time to time, joined by other crown officers and dependents, who flocked to and settled in this colony since the year 1763, had the means of making use of undue influence, to retain their situations—which made the *outs* at least despair of ever having a turn, unless the elections were by ballot. This opinion was propogated in every part of the colony before and at the time of the revolution; and so strongly did it operate upon the committee that were ordered to consider of, and report the constitution—that at one time they had the whole system interwoven in the draft; but either because it would have made too lengthy, or that one of the parties were then reduced and not likely to rise again into importance. About the time the draft was reported, it was struck out and was left by the constitution to the legislature to decide, as experience on the exercise of both principles should suggest.

[14 June] As to the value of the freeholds, there has been great diversity of opinions: for notwithstanding all agreed that the rights and liberties of a country were ever in danger from the rich and the poor, and their safety in the middle sort or yeomanry of the country, still the difficulty occurred in establishing the mean.

While the convention, in 1776, was setting at Haerlem, the outlines of a constitution were handed about, to try, it was supposed, the temper

of the members, in which it was proposed to have a governor, lieutenant governor, senate, and assembly; the qualification of the governor, lieutenant governor, and senate, to be, that each should possess real estate to the value of 10,000 pounds, and to be elected by freeholders possessing freeholds to the value of 1,000 pounds. Although this was not attended with bad effects, yet the qualifications of the electors gave rise to various arguments, and, among others, that as taxation and representation ought to go together, so the right of electing shall be in proportion to the value of each man's estate. To exemplify this, a man of 100 l. estate had one vote; a man of 1,000 l. should have ten; and a man of ten thousand pounds, a hundred, and so on in the same ratio. Others, on the contrary, supposed, that there ought to be no other criterion than the age of twenty-one, a citizen born, and resident in the county: out of the two extremes was produced the present system of election and qualification, both admitted to be as secure and consistent rights as any that have ever been contrived.

It is apprehended, from the duplicity in the wording of 1st art. 4th sec. that seemingly to leave in the power of the respective legislatures to regulate the elections, and still, that *Congress may at any time by law make or alter such regulations*; and the undefined wording of the sixth article, *that the constitution and laws of the United States, which shall be made in pursuance thereof, shall be the law of the land*, any thing in the constitution or laws of any state to the contrary notwithstanding: will render the whole system ineffectual, if not nugatory, and a new system as destructive to the liberties of the citizens, as that of the ratio of voices to the ratio of property introduced. Besides being liable to have the whole state erected into one district, and consequently may give rise to the inconveniences I mentioned before.

VII. sec. 6. VIII. sec. 6. IX. sec. 6. X. sec. 6.

XI. sec. 6. XII. sec. 2, 6. XVI. sec. 6,

XIII. XXXV. XLI.

By the 13th paragraph "no member of this state shall be disfranchized, or deprived of any of the rights or privileges secured to the subjects of the state by this constitution, unless by the law of the land, or the judgment of his peers."

The 35th adopts, under certain exceptions and modifications, the common law of England, the statute law of England and Great-Britain, and the acts of the legislature of the colony, which together formed the law on the 19th April, 1775.

The 41st provides, "that the trial by jury remain inviolate forever; that no acts of attainder shall be passed by the legislature of this state, for crimes other than those committed before the termination of the

present war. And that the legislature shall at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.[”]

There can be no doubt, that if the new government be adopted, in all its latitude, every one of these paragraphs will become a dead letter: nor will it solve my difficulties, if the United States guarrantee “to every state in the union a republican FORM of government;” we may be allowed the form and not the substance. And that it was so intended will appear from the changing the word *constitution* to the word *form*, and the omission of the words *and its existing laws*. And I do not even think it uncharitable to suppose, that it was designedly done; but whether it was so or not, by leaving out these words the jurisprudence of each state is left to the mercy of the new government. By 1st art. 8th sec. 1st clause, “The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States.”

By the 9th clause of the same section, “To constitute tribunals inferior to the supreme court.”

By the 18th clause, “To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.”

The 3d art. 1st sec. “The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.”

By sect. 2d, “The judicial power shall extend to all cases in law and equity.” To have in various instances an original and exclusive, in others a concurrent jurisdiction, and the supreme court in many cases an appellate jurisdiction both as to law and fact. It provides, indeed, that the trial for crimes shall be by jury, but has left the trial in civil matters to the mercy of construction and their own legislative sovereign will and pleasure.

By the 3d art. 3d sec. “The Congress shall have power to declare the punishment of treason, but no attainder shall work a corruption of blood, or forfeiture, except during the life of the person attainted.[”] By 1st art. 9th sec. 3d clause, “No bill of attainder or ex post facto law shall be passed.[”]

XVII. XVIII. XIX. XX. XXI. XXIII. XL.

The 17th orders, “That the supreme executive power and authority of this state, shall be vested in a governor.” By the 18th he is commander in chief of the militia and admiral of the navy of the state; may



grant pardons to all persons convicted of crimes; he may suspend the execution of the sentence in treason or murder.

By 19th paragraph he is to see that the laws and resolutions of the legislature be faithfully executed.

By the 27th [i.e., 23rd], he is president of the council of appointment, and has a casting vote, and the commissioning of all officers.

The 20th and 21st paragraphs give the lieutenant-governor, on the death, resignation, removal from office, or impeachment of the governor, all the powers of a governor.

The 40th paragraph orders, that the militia at all times, both in peace and war, shall be armed and disciplined, and kept in readiness; in what manner the quakers shall be excused; and that a magazine of warlike stores be forever kept at the expence of the state, and by act of the legislature established, maintained, and continued, in every county in the state.

Whoever considers the following powers vested in the government, and compares them with the above, must readily perceive they are either all enervated or annihilated.

By the 1st art. 8th sec. 15th, 16th and 17th clauses, Congress will be empowered to call forth the militia to execute the laws of the union, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, and for the erection of forts, magazines, &c.

And by the 2d art. 2d sec. "The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states when called into actual service of the United States. And he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

And by the 6th art. "The members of the several state legislatures, and all the executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support the constitution;" can this oath be taken by those who have already taken one under the constitution of this state?

XVIII. sec. 17. XIX. sec. 17. XX. sec. 17.

XXI. sec. 17. XXIII. sec. 17.

XXII to XXX inclusive.

These paragraphs regulate the election—appointment, construction and duration of all the state, county and district officers, including the delegates to Congress; and how they severally are to be created and commissioned.

The 22d directs that the treasurer shall be appointed by act of the legislature to originate with the assembly. The 23d establishes a council to appoint the officers.—

The 24th directs, that the military officers shall be, during the pleasure of the council, the chancellor, judges of the supreme court, and first judge in every county until the age of 60.

Twenty-five and 28, which offices are incompatible, and the tenure and duration of such offices.

Twenty-six, that sheriffs and coroners be annually appointed, and shall not continue more than four years.

Twenty-seven, that the officers of the court be appointed by the respective courts, except the attornies, by the first judge of every court.

Twenty-nine, provides that town-clerks, supervisors, assessors, constables and collectors, and all other officers heretofore eligible by the people, shall always continue to be so eligible.

Thirty, directs the mode how the delegates to represent this state in the general Congress of the United States shall be elected.

I apprehend that the paragraphs aforesaid will be compleatly rendered unoperative by the following articles in the new constitution.

Second article, second section, second clause, the president “shall have power, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States where appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior office[r]s as they think proper, in the president alone, in the courts of law, or in the heads of departments.”

By the 1st article, 8 section, 9, 18 clauses, Congress have power “to constitute tribunals inferior to the supreme court; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in [the] government of the United States, or in any department or officer thereof.[’]”

By the 3d article, 2d section, there is an extensive federal power as abovementioned.

By 2d article, 2d section, the president “shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.”

From these powers lodged in Congress, and the powers vested in the states, it is clear that there must be a government within a government, two legislative, executive and judicial powers. The power of raising an

army in time of peace, and to command the militia, will give the president ample means to enforce the supreme laws of the land.

XXIII. sec. 21. XXIV. sec. 21. XXV. sec. 21. XXVI. sec. 21. XXVII. sec. 21, XXVIII. sec. 21. XXIX. sec. 21. XXX. sec. 21. XXXI. sec. 2. XXXII. XXXIII. XXXIV.

The 32d paragraph orders, "That a court shall be instituted for the trial of impeachments and the correction of errors, under the regulations which shall be established by the legislature, and to consist of the president of the senate for the time being, and the senators, chancellor, and judges of the supreme court."

The 33d vests the power of impeaching all officers of the state for mal and corrupt practice in the representatives of the people in assembly.

Thirty-fourth allows the party impeached or indicted for crimes and misdemeanors to have counsel.

This system is undermined and rendered nugatory by 1st art. [3d. sec.] 6 and 7th clauses, where the senate in the new constitution have the trial and judgment on all impeachments.

By 3d art. 2d sec. 3d clause, the trial of all crimes is regulated.

By the 3d art. 3 sec. it is defined, what shall be treason—the proof required—the punishment, and how the judgment in attainder shall operate.

XXXIII. sec. 32. XXXIV. sec. 32. XXXV. sec. 13. XXXVII. sec. 1. XXXVIII. XXXIX.

The 38th paragraph provides "that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind, provided that the liberty of conscience hereby granted, shall not excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the state."

The 39th provides, that "no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter under any pretence or description whatever, be eligible to, or capable of holding any civil or military office or place within this state."

The first of those articles protects us from persecution in religious matters. The other excludes the clergy from enjoying any office civil or military. Two provisions passed by in silence by the framers of the new constitution; although possibly the leaders in both have been equally averse to a democratic system, and have had the same object, the ruin of the state government, in view.

## XLII.

This paragraph provides, “that it shall be in the discretion of the legislature to naturalize all such persons, and in such manner as they shall think proper.”

The 1st art. 8 sect. 4th clause, give to the new government power “to establish a uniform rule of naturalization.[’]”

And by the 4th art. 2d sec. “the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states,” whereby the clause is rendered entirely nugatory.

From this contrast it appears, that the general government when compleatly organized will absorb all those powers of the state which the framers of its constitution had declared should be only exercised by the representatives of the people of the state; that the burthens and expence of supporting a state establishment will be perpetuated; but its operations to ensure or contribute to any essential measures promotive of the happiness of the people may be totally prostrated, the general government arrogating to itself the right of interfering in the most minute objects of internal police, and the most trifling domestic concerns of every state by possessing a power of passing laws “*to provide for the general welfare of the United States,*” which may affect life, liberty and property in every modification they may think expedient, unchecked by cautionary reservations, and unrestrained by a declaration of any of those rights which the wisdom and prudence of America, in the year 1776 held, ought to be at all events protected from violation.

In a word, the new constitution will prove finally to dissolve all the powers of the several state legislatures, and destroy the rights and liberties of the people; for the powers of the first will be all in all; and of the latter a mere shadow and form without substance, and if adopted we may (in imitation of the Carthagenians) say, *delenda vit Americæ*.<sup>19</sup>

1. Quoted from the 17 November 1777 circular letter to the states sending the Articles of Confederation for the states to adopt (JCC, IX, 933).

2. See the pamphlet entitled *An Address of the Convention of the Representatives of the State of New-York to Their Constituents* (Philadelphia, 1777) (Evans 15468), 2, 11–12. Dated at Fishkill, N.Y., on 23 December 1776, this address was also printed in 1777 in Annapolis and Baltimore (Evans 15469, 43311). In 1777 Samuel Loudon printed a Dutch-language copy in Fishkill (Evans 15470). By order of Congress the address was translated into German and 1,000 copies were printed in Philadelphia in 1777 and paid for by Congress (Evans 15471).

3. For Esau’s sale of his birthright, see Genesis 25:29–34.

4. The committee of thirteen that drafted the state constitution was also instructed to draft a bill or declaration of rights but it failed to do so and no objection was raised in the state convention. Nevertheless, the state constitution does protect a number of rights. (See RCS:N.Y., Vol. 1, xxv, 502–4.) In January 1787 the legislature enacted a bill of rights entitled “An Act Concerning the Rights of the Citizens of this State” (RCS:N.Y., 504–6).

5. Adopted, respectively, in 1628 and 1689.
6. Quoted from the preamble (15 May 1776) to a resolution adopted by Congress on 10 May 1776 (JCC, IV, 342, 357–58). Both the preamble and the resolution are quoted in full in the preamble to the New York constitution of 1777.
7. Quoted from the Declaration of Independence, adopted by Congress on 4 July 1776. The full text of the Declaration is included as part of the preamble to the New York constitution of 1777.
8. Article XIII of the Articles of Confederation reads: “And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual: nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state” (CDR, 93).
9. The state Senate, of which Yates was a member, actually concurred with the resolution on 20 February 1787 (RCS:N.Y., 507).
10. For the congressional resolution of 21 February 1787 calling a constitutional convention, see CC:1.
11. The New York legislature adopted a resolution appointing delegates to the Constitutional Convention on 6 March (not 27 March). For a full discussion, see RCS:N.Y., 507–25. Yates was a member of the state Senate at this time.
12. For the 28 September 1787 resolution of Congress transmitting the Constitution to the states, see CC:95, p. 241. Yates was a member of Congress at this time.
13. For the debate in and the passage by the legislature of the 1 February 1788 resolution calling a state convention to consider the Constitution, see RCS:N.Y., 687–731. Yates was a member of the state Senate.
14. See Article IX, paragraph 4, of the Articles of Confederation (CDR, 91).
15. For the Treaty of Fort Stanwix, 22 October 1784, see JCC, XXVIII, 423–24.
16. For “An Ordinance for the Regulation of Indian Affairs,” adopted by Congress on 7 August 1786, see JCC, XXXI, 490–93, especially pp. 491–92. Yates edited the quoted material, although he did not change the meaning. Massachusetts and New York were the only states to vote against the adoption of the ordinance.
17. For the New York Council of Revision, see RCS:N.Y., Vol. 1, xxiv, 501.
18. “Sydney” refers to one of the Virginia Resolutions (29 May 1787) as amended by the Constitutional Convention. For this amended resolution, see CDR, 250, and for the resolution as originally offered on 29 May, see CDR, 245.
19. Latin: Life of America is to be destroyed. In the Roman Senate, Cato the Censor (234–149 B.C.), often concluded his speeches by declaring “*Delenda est Carthago*” (Carthage must be destroyed).

### **Nathan Dane to Samuel Holten**

#### **New York, 14 June 1788 (excerpt)<sup>1</sup>**

... the Convention of this State (N York) meets the 18th. instant—it appears to be agreed by both parties that of the 65 members who compose that Convention—46 are against the Constitution, and 19 for it—if Virginia and N Hampshire shall adopt—it will be difficult to say what line of conduct N York will think it adviseable to pursue—I am inclined to think the parties are more fixed in this State than in any other in the union—much has been written, published, and read in the State, and perhaps, the aristocratical and democratical characters

in the State, are more accurately divided than in any other State—I think on the whole the Constitution will be adopted by eleven States, and it is a very desirable thing that the other two may not Stand out—so divided in sentiment as the people of some of the States are which have adopted and so difficult it will be for the union to make & execute commercial regulations, &c if N. York and R.I only shall be out of the union that we shall find many embarrassments in the Confederacy of nine, ten, or eleven States. . .

1. RC, The James S. Copley Library, La Jolla, Calif. Printed: Smith, *Letters*, XXV, 168–69.

### **Richard Platt to Winthrop Sargent**

**New York, 14 June 1788 (excerpts)<sup>1</sup>**

The Debates of Massachusetts's Convention<sup>2</sup> you mention in your's of the 20th. April have never come to my hands but Downer informs me he has some Packages for you, which he imagines contains them: And I send by him the 2 Volumns of Publius for you. . . .

Eight States have adopted the Constitution, and Virginia have had hold of it two Weeks—Our Accounts from thence, to several Members of Congress are flattering, & admit of not the least Doubt.—In Consequence of which, we are preparing for it's Celebration both here & in Philada.—

This Day our City Members set out for Poughkeepsie where our Convention is to assemble on the 17th.—Clinton is at the head of Anti-federalists, who are upwards of 40 & the Federalists only 19. among whom are Mr. Jay, the Chancellor, Judge Morris, Judge Hobart, the Mayor, Col Hamilton<sup>3</sup>—Such is the present apparent disposition of the Anti's, that nothing short of comparing them to Rhode Island, can do them justice, in point of Opposition & Rascallity—'Tis conjectured they will adjourn to a distant period, not having spirit enough to reject it. . . .

1. RC, Sargent Papers, MHi. Platt (1755–1830), a New York City broker, was a 1773 graduate of the College of New Jersey (Princeton) and a major in the Continental Army during the Revolution. He was treasurer of the Ohio Company—a large land company. Platt was involved in speculative adventures with entrepreneur William Duer. He was declared a bankrupt in 1800. Sargent (1753–1820), a graduate of Harvard College (1771), was a captain in the Continental Army during the Revolution. In 1787 Congress named Sargent, the clerk of the Ohio Company, to be secretary of the Northwest Territory. (He had left for the territory in the spring of 1788.) Sargent held this position until 1798; in that year he became the first governor of the Mississippi Territory, serving until 1801.

2. From the end of March to the beginning of May the debates of the Massachusetts Convention were advertised for sale in the *New York Journal*. (See Henry Van Schaack to Stephen Van Rensselaer, 5 June, note 2, above.)

3. A reference to John Jay, Robert R. Livingston, Richard Morris, John Sloss Hobart, Mayor James Duane, and Alexander Hamilton.

**New York Daily Advertiser, 14 June 1788<sup>1</sup>**

A correspondent observes, that the political face of things is daily changing itself in this City and State—that the grand question now is, not whether the Federal Constitution is a good one, but whether it will be for the interest of this State to belong to the Union, or to enjoy the benefits of independence?—Under the supposition that our Convention will incline to the latter opinion, another query has been made, the merits of which is daily discussed by many of our citizens, viz. Whether this City had not better become a free and independent Town? Before any remarks are made upon the policy or impolicy of this measure, it should not be forgotten that unless the question is properly stated, it is highly *treasonable*, and people ought to be cautious not to offend the higher powers—or to expose themselves to a resentment they may not have influence to defend themselves from.—The means to procure any wished for change, with respect to the *too great consolidation* of the counties of this State, must at present be supposed to be drawn from remonstrance, humble address and petition, &c. &c. &c. This being premised, it is to be observed that the measure is dangerous and impolitic, in itself considered;—for, in the first place, where are all these changes and revolutions to end? Your fathers, eternally restless, broke off from the Pope, and then from the house of Stewart; and Ye, a restless progeny, first rebel against your *Mother Country*, then break your Union and rebel against your *Sister States*; and now, lastly, you would divide the very members of your own political body. Secondly, should this favorite expectation ever be realized, have you not to dread the just indignation of Albany, Orange and Ulster counties?—Will not their hardy, brave and active veterans besiege your very gates?—Will they not ruin your commerce, or convert its channels either into Canada, or to the country of Rhode-Island? Thirdly, If this city is independent, she will undoubtedly be able to appropriate the whole impost to her own benefit! It is an *immense sum* in this point of view; it would pay every public expence incident to this city; it would pave our streets; it would erect for us fortifications, effectually to secure our property from Algerine pirates; it would maintain our poor, trim our lamps, and, in short, make this place the Tyre of the modern world.<sup>2</sup> It is an advantage (as our rulers have taught us to know) which nature has put into our hands, and therefore ought not to be given up. But what are all these advantages, to the honor of being the capital of the State of New-York—to the security and wealth resulting from her protection and friendship? While this connection continues, we have

neither to fear the rivalship of Quebec, nor the incursions of the savages of the desert. Rather than risque the consequences of a rupture with our sister counties, we had better be unfairly represented in our Legislature, and triflingly oppressed by an over-proportion of taxation. Alas! unhappy spot, should ever independence ever be thy portion! When dust, and crowds, and noise, and ships, and workmen, and coaches, and sailors, and carts, and foreigners, shall create an eternal alarm and rattle about thy borders!

But if you will still be so infatuated as to look for this event, should the Constitution be rejected, let me advise you not to speak treason—to pursue a constitutional mode to obtain your desire—to avoid what may spill blood—and not to be the first to dissolve this astonishing, this magic spell of political tranquillity!

1. Reprinted: *Pennsylvania Packet*, 19 June; *Philadelphia Independent Gazetteer*, 20 June; *Connecticut Journal* and *Virginia Independent Chronicle*, 25 June; and *Baltimore Maryland Gazette*, 1 July.

2. In antiquity, the Phoenician city of Tyre, was a great maritime and commercial center.

### **Massachusetts Centinel, 14 June 1788<sup>1</sup>**

By the New-York papers, it appears, that of the members of Convention chosen in that State, there is a majority who are not now in favour of the Constitution. However, as nine or ten States will undoubtedly have adopted the measure before the decision on it in New-York, the ground of opposition, if any, will be entirely altered.—It cannot be supposed but that many of the members now in the opposition are friends to *Union*, though not satisfied with some parts of the *instrument* proposed to form that Union, yet as it has been agreed to by a very great majority of the States, on republican principles, all opposition to it about *forms* and *words* must cease—This question alone will be for them to decide upon—*Will New-York withdraw from the union?*—The Convention may resolve in the affirmative, but that they will is hardly conceivable, when it is considered, that she will in that case be surrounded by enemies—made such by herself—and that a MAJORITY of her citizens are opposed to such a measure.

1. Reprinted in eight newspapers by 27 June: Mass. (2), R.I. (2), Pa. (3), Md. (1).

### **Nathan Dane to Rufus King New York, 15 June 1788<sup>1</sup>**

I enclose to you a letter which was handed to me to forward<sup>2</sup>—the principal object of attention and enquiry now is the Virginia Convention—but I need not add on this Subject, as I presume the enclosed



letter will give you all the information of any importance relative to it, which, at present, can be obtained—the members of the Convention in this State meet this week—parties 46 and 19<sup>3</sup>—the result of their doings I must leave to time to discover—it must be an undesirable thing even to have R— I— out of the union much more N.Y. the opposition in the latter State appear to be, (many of them at least) sensible of this—from this and other circumstances I can by no means conclude, at present, that N.Y. will not keep herself in the union—

1. RC, King Papers, NHi. This letter was addressed to King in Boston. He had left New York City for Boston on 26 May.

2. The enclosed letter was probably James Madison's 4 June letter to King (RCS:Va., 1573-74). On 27 June King thanked Dane for his "obliging Letter covering a few lines from Mr. Madison" (below).

3. On 15 June Dane also wrote to Caleb Strong, stating that "46 against—19 for the Constitution—at least this seems to be agreed by both parties—Notwithstanding this inequality I think, all things considered, we ought not to conclude that NY. will not keep herself Still in the union" (Strong Papers, Forbes Library, Northampton, Mass.).

**Abraham G. Lansing to Abraham Yates, Jr.**

**Albany, 15 June 1788 (excerpt)<sup>1</sup>**

During the last week I received several Letters from you by the Sloops, and I have not been able to send you one word in Return, A severe toothach attacked me inflamed my Face and swelled it to such degree as to prevent my taking any nourishment for Five days and since I have only been able to take a Little Milk, this starving together with the Medicine I have been compelled to take to remove the inflammation has flagg'd my Spirits and weakened me so much that I am only now able to crawl about the House—My Appetite is not yet returned and until it does I see no prospect of getting Strong—

Judge Oothoudt my Brother<sup>2</sup> and Ten Eyck left us Yesterday Morning in a Sloop but the wind having blown from the South ever since I apprehend they will not be able to get to Poughkepsie so early as they wished. Swart wrote me a note from John Moores last night [thither?] I sent Baker from Washington to overtake him—Vrooman and *all* the Montgomery Members are in Town and go [- - -] Stage to Morrow—Williams is also gone—and of Thompson I have no Account but his Zeal will not I am perswaded permit him to lag behind—

It appears to be the opinion of all those whom I have conversed with that the Constitution will be effectually amended previous to its adoption—or that it will be Totally rejected—hence knowing the Sentiments of the Gentlemen from the Middle Counties you may be able nearly to determine what will be its Fate.

I have requested Oothoudt and my Brother to give you a regular [i.e., regular] detail of the Business—which they have both promised to do. . . .

1. RC, Yates Papers, NN. The place of writing does not appear but it was probably written from Lansing's home in Albany. It bears an Albany postmark.

2. John Lansing, Jr.

**Abigail Adams Smith to Abigail Adams  
New York, 15 June 1788 (excerpts)<sup>1</sup>**

. . . We are treated, here, with great politeness, civility, and friendship. We were invited to dine with the Governor,<sup>2</sup> which was a *very particular* favour. He nor his family either visit, or are visited by, any families, either in public or private life, of this place. He sees no company, and is not much beloved or respected. His conduct in *many respects* is censured, perhaps unjustly; he is particular, perhaps, in others. That he is a man of no decided character, no one who sees him will say. To me he appears one whose conduct and motives of action are not to be seen through upon a slight examination. The part he has taken upon the subject of the new Constitution is much condemned. What are his motives, I do not pretend to judge; but I do not believe that he acts or thinks without some *important* motives. Mrs. Clinton is not a showy, but a kind, friendly woman. She has five daughters, and one son; the second daughter is about fourteen years old, and as smart and sensible a girl as I ever knew—a zealous politician, and a high anti-Federalist. The Governor does not conceal his sentiments, but I have not heard that he has given any reasons for them. His family are all politicians. He set off, yesterday, for the Convention. . . .

Every body is looking forward to the establishment of the new Constitution, with great expectations of receiving advantage from it. To me, I confess, the consequences are problematical; and should any one or more States continue to oppose it, and refuse to adopt it, melancholy will be the scenes which ensue, I fear. . . .

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, 80–84. Abigail Adams (1744–1818), the mother of Abigail Adams Smith, and John Adams arrived in Boston on 17 June, after John Adams had served as American minister to Great Britain and The Netherlands.

2. George Clinton.

**Abraham Yates, Jr., to Abraham G. Lansing  
New York, 15 June 1788<sup>1</sup>**

Yesterday About Eleven the Governour With a number of the anti-Members of Convention Set out in A Poughkepsse Sloop And in the

afternoon about 6: O Clock the Federals under the Firing of Canon from the Battery (a Cerremoney Coll Bowman tells me [the] Governour with the anties Would not Consent to)

I dont feel very uneasy About Consequences What steps the federals Mean to take in reality I cannot Imagin It Would seem from Common Conversation that they had Some hopes that the Anties Would be taken in by their Superior Ability Either to Adopt or to Adjourn because they suppose the anties after so many States Coming in Will not *dare* to Reject it Which they Suppose An Adoption With previous Amendments Would In its Effect be—I remember Brittain Called out that We Were paltroons but it had the Contrary effect to what they intended it should have—and it is possible it may have the same effect here

I have seen the Notes for Amendments the anties Carry up, I have had the Copy made some Addition And sent it up to Yates & Lansing<sup>2</sup>

The Piece is publish'd in two papers 50 Sets are gone to pouhkepe 10 Sets (Of which I send You Six) I Reserved—These You Will keep one Set and Deal out the others to the friends<sup>3</sup>—

I find Some Mistakes that must be Rectified if they are Reprinted—The sixty Copies Cost me 30/6. I Shall Send the papers to Morrow (I believe with Capt Dan) together With the ordinary Daily papers Ver-ginia the federalist are Confident Will Adopt And so they Say Will New Hampshire—The Members from this place seems Determined not to Adopt (Without previous Amendments) tho all the others Should I Shall Write from time to time If I have any thing Materiel

1. RC, Yates Papers, NN.

2. On 28 May Yates had informed Lansing (in a postscript) that he had asked the Antifederalist state Convention delegates then in New York City to prepare amendments to the Constitution (above). On 1 June Lansing replied to Yates from Albany that he would also urge Antifederalist delegates to do likewise (above).

3. Yates refers to his own essay signed “Sydney,” *New York Journal*, 13, 14 June (above).

### Cyrus Griffin to Thomas FitzSimons

New York, 16 June 1788 (excerpt)<sup>1</sup>

... I am not a little happy that the important business of the proposed Constitution is going on so well in Virginia—Governor Randolph's recantation, 'tho embarrassing enough with respect to himself, may produce some pleasing consequences.<sup>2</sup>

New Hampshire will certainly adopt the system. about two thirds of this state are at present in opposition—but the federal members expect to convert a great number—and indeed from good authority I am told that Governor Clinton thinks it absolutely necessary that N York should adopt the measure also. Governor Collins and some of the leading men

of Rhode Island are advocates for the plan now. from the appearance of things taken altogether we have good reason to conclude that the union will be complete.

no Intelligence from Europe.

1. RC, Gratz Collection, Old Congress, PHi. Printed: Smith, *Letters*, XXV, 174. Fitz-Simons docketed this letter as received on 17 June. Griffin (1748–1810), a Lancaster County, Va., lawyer, was a delegate to Congress, 1778–80, 1787–88 (president, 1788), and a member of the Continental Court of Appeals in Cases of Capture, 1780–87. FitzSimons (1741–1811), a Philadelphia merchant and banker and a Pennsylvania assemblyman, was a delegate to Congress, 1782–83, and a signer of the Constitution in the Constitutional Convention. He was a member of the U.S. House of Representatives, 1789–95.

2. Griffin refers to Governor Edmund Randolph's speech to the Virginia Convention on 4 June 1788, in which Randolph announced his support for the Constitution (RCS:Va., 931–36). Randolph had refused to sign the Constitution in the Constitutional Convention and had written a letter opposing it that had been published at the end of December 1787 (CC:385).



## Appendix I

### Original and Reprinted Federalist Articles Appearing in New York Newspapers, 1 February–26 July 1788

For articles originating outside of New York, the original out-of-state printing is indented and preceded by a box.

- |  |  |
|--|--|
| <p>Giles Hickory (Noah Webster) (RCS:N.Y.)<br/>New York <i>American Magazine</i>, 1 February<br/>1788</p>  | <p>Fabius (RCS:N.Y.)<br/><i>Albany Gazette</i>, 7 February<br/><i>Hudson Weekly Gazette</i>, 14 February</p>   |
| <p>Publius: The Federalist 48 (Madison)<br/>(CC:492)<br/><i>New York Packet</i>, 1 February<br/>New York <i>Independent Journal</i>, 2 February<br/>New York <i>Daily Advertiser</i>, 4 February<br/><i>The Federalist</i>, Vol. II, 28 May</p>  | <p>George Washington on the Constitution<br/>(CC:386–A)<br/><i>Hudson Weekly Gazette</i>, 7 February<br/><i>Albany Gazette</i>, 27 March<br/><input type="checkbox"/> <i>Maryland Journal</i>, 1 January</p>   |
| <p>A Freeman I (Tench Coxe) (CC:472)<br/><i>New York Morning Post</i>, 1 February<br/><input type="checkbox"/> <i>Pennsylvania Gazette</i>, 23 January</p>   | <p>Publius: The Federalist 52 (Madison?)<br/>(CC:514)<br/><i>New York Packet</i>, 8 February<br/>New York <i>Independent Journal</i>, 9 February<br/><i>The Federalist</i>, Vol. II, 28 May</p>  |
| <p>Publius: The Federalist 49 (Madison)<br/>(CC:495)<br/>New York <i>Independent Journal</i>, 2 February<br/><i>New York Packet</i>, 5 February<br/>New York <i>Daily Advertiser</i>, 6 February<br/><i>The Federalist</i>, Vol. II, 28 May</p>  | <p>Fabius (RCS:N.Y.)<br/><i>Albany Journal</i>, 9 February<br/><i>Hudson Weekly Gazette</i>, 21 February</p>   |
| <p>An Old Man (Thomas Duncan?)<br/>(CC:407)<br/><i>Albany Journal</i>, 4 February<br/><input type="checkbox"/> <i>Carlisle Gazette</i>, 2 January</p>  | <p>Publius: The Federalist 53 (Madison?)<br/>(CC:519)<br/>New York <i>Independent Journal</i>, 9 February<br/><i>New York Packet</i>, 12 February<br/><i>The Federalist</i>, Vol. II, 28 May</p>   |
| <p>Publius: The Federalist 50 (Madison)<br/>(CC:500)<br/><i>New York Packet</i>, 5 February<br/>New York <i>Independent Journal</i>, 6 February<br/>New York <i>Daily Advertiser</i>, 9 February<br/><i>The Federalist</i>, Vol. II, 28 May</p>  | <p>Extract of a Letter from a Baltimore<br/>Gentleman (RCS:Md.)<br/>New York <i>Independent Journal</i>, 9 February<br/><i>New York Packet</i>, 12 February<br/><input type="checkbox"/> <i>Philadelphia Independent Gazetteer</i>,<br/>2 February</p> |
| <p>Publius: The Federalist 51 (Madison)<br/>(CC:503)<br/>New York <i>Independent Journal</i>, 6 February<br/><i>New York Packet</i>, 8 February<br/>New York <i>Daily Advertiser</i>, 11 February<br/><i>The Federalist</i>, Vol. II, 28 May</p> | <p>A.B.: The Raising (Francis Hopkinson)<br/>(CC:504)<br/>New York <i>Daily Advertiser</i>, 11 February<br/><i>Hudson Weekly Gazette</i>, 6 March<br/><input type="checkbox"/> <i>Pennsylvania Gazette</i>, 6 February</p>                             |
|  | <p>Poor S——m (RCS:N.Y.)<br/><i>New York Packet</i>, 12 February</p>  |

- Publius: The Federalist 54 (Madison)  
(CC:524)  
*New York Packet*, 12 February  
*New York Independent Journal*, 13 February  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 55 (Madison?)  
(CC:525)  
*New York Independent Journal*, 13 February  
*New York Packet*, 15 February  
*The Federalist*, Vol. II, 28 May
- Mathew Carey: The Prayer of an  
American Citizen (CC:235)  
*Hudson Weekly Gazette*, 14 February  
*New York Morning Post*, 20 February  
 Philadelphia *American Museum*,  
7 November 1787
- Publius: The Federalist 56 (Madison?)  
(CC:533)  
*New York Independent Journal*, 16 February  
*New York Packet*, 19 February  
*The Federalist*, Vol. II, 28 May
- A Citizen of the United States (CC:526)  
*New York Morning Post*, 16 February  
*New York Packet*, 11 March  
 *Pennsylvania Gazette*, 13 February
- A Citizen of America (Noah Webster?)  
(RCS:N.Y.)  
*New York Daily Advertiser*, 19 February
- Publius: The Federalist 57 (Madison?)  
(CC:542)  
*New York Packet*, 19 February  
*New York Independent Journal*, 20 February  
*The Federalist*, Vol. II, 28 May
- A Copy of a Letter from Centinel  
(Francis Hopkinson) (CC:471)  
Poughkeepsie *Country Journal*, 19 February  
 *Pennsylvania Gazette*, 23 January
- Publius: The Federalist 58 (Madison?)  
(CC:546)  
*New York Independent Journal*, 20 February  
*New York Packet*, 22 February  
*The Federalist*, Vol. II, 28 May
- A Freeholder of the City of Albany  
(RCS:N.Y.)  
*Albany Gazette*, 21 February
- Suilbup (Publius spelled backwards)  
(RCS:N.Y.)  
*Albany Gazette*, 21 February
- Publius: The Federalist 59 (Hamilton)  
(CC:555)  
*New York Packet*, 22 February  
*New York Independent Journal*, 23 February  
*The Federalist*, Vol. II, 28 May
- Fabius (RCS:N.Y.)  
*Albany Journal*, 23 February  
*Albany Federal Herald*, 25 February
- Publius: The Federalist 60 (Hamilton)  
(CC:558)  
*New York Independent Journal*, 23 February  
*New York Packet*, 26 February  
*The Federalist*, Vol. II, 28 May
- John Adams on the Constitution  
(CC:557)  
*New York Journal*, 23 February  
 Adams, *Defence of the Constitutions*, III
- Civis (David Ramsay) (CC:498)  
*New York Independent Journal*,  
23, 27 February  
 Charleston *Columbian Herald*,  
4 February
- Spurious Centinel XV (Benjamin Rush?)  
(CC:534)  
*New York Daily Advertiser*, 23 February  
 *Pennsylvania Mercury*, 16 February
- Senex (RCS:N.Y.)  
*Albany Journal*, 25 February
- A Citizen (George Metcalf) (RCS:N.Y.)  
*Albany Federal Herald*, 25 February
- A Dutchess County Farmer (RCS:N.Y.)  
Poughkeepsie *Country Journal*,  
26 February
- Publius: The Federalist 61 (Hamilton)  
(CC:564)  
*New York Packet*, 26 February  
*New York Independent Journal*, 27 February  
*The Federalist*, Vol. II, 28 May

- A Yankee (CC:552)  
*New York Journal*, 26 February  
*New York Morning Post*, 27 February  
 Pamphlet, printed by John Reid, 1788  
 *Pennsylvania Mercury*, 21 February
- Publius: The Federalist 62 (Madison?)  
 (CC:569)  
*New York Independent Journal*, 27 February  
*New York Packet*, 29 February  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 63 (Madison?)  
 (CC:582)  
*New York Independent Journal*, 1 March  
*New York Packet*, 4 March  
*The Federalist*, Vol. II, 28 May
- A Citizen (George Metcalf) (RCS:N.Y.)  
*Albany Federal Herald*, 3 March
- The Arraignment of Centinel  
 (Benjamin Rush?) (CC:577)  
*New York Daily Advertiser*, 4 March  
 *Pennsylvania Mercury*, 28 February
- A Countryman (RCS:N.Y.)  
*New York Daily Advertiser*, 5 March
- Publius: The Federalist 64 (Jay)  
 (CC:592–A)  
*New York Independent Journal*, 5 March  
*New York Packet*, 7 March  
*The Federalist*, Vol. II, 28 May
- A Real Patriot (CC:529–B)  
*New York Daily Advertiser*, 6 March  
 *Pennsylvania Mercury*, 26 February
- Publius: The Federalist 65 (Hamilton)  
 (CC:601)  
*New York Packet*, 7 March  
*New York Independent Journal*, 8 March  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 66 (Hamilton)  
 (CC:607)  
*New York Independent Journal*, 8 March  
*New York Packet*, 11 March  
*The Federalist*, Vol. II, 28 May
- The Triumphs of Reason (RCS:N.Y.)  
*Poughkeepsie Country Journal*, 11 March
- Publius: The Federalist 67 (Hamilton)  
 (CC:612)  
*New York Packet*, 11 March  
*New York Independent Journal*, 12 March  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 68 (Hamilton)  
 (CC:615)  
*New York Independent Journal*, 12 March  
*New York Packet*, 14 March  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 69 (Hamilton)  
 (CC:617)  
*New York Packet*, 14 March  
*New York Independent Journal*, 15 March  
*Albany Federal Herald*, 31 March  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 70 (Hamilton)  
 (CC:619)  
*New York Independent Journal*, 15 March  
*New York Packet*, 18 March  
*The Federalist*, Vol. II, 28 May
- Letter from Hagerstown, Md. (RCS:Md.)  
*New York Morning Post*, 15 March  
 *Carlisle Gazette*, 27 February
- Fabius (RCS:N.Y.)  
*Albany Federal Herald*, 17 March
- Letter from a Dutchess County Friend  
 (RCS:N.Y.)  
*Poughkeepsie Country Journal*, 18 March  
*Hudson Weekly Gazette*, 27 March  
*Albany Federal Herald*, 7 April
- Publius: The Federalist 71 (Hamilton)  
 (CC:625)  
*New York Packet*, 18 March  
*New York Independent Journal*, 19 March  
*The Federalist*, Vol. II, 28 May
- “A. B.” (Francis Hopkinson)  
*New York Daily Advertiser*, 18 March  
*New York Journal*, 19 March  
 *Philadelphia Independent Gazetteer*,  
 11 March
- Publius: The Federalist 72 (Hamilton)  
 (CC:628)  
*New York Independent Journal*, 19 March  
*New York Packet*, 21 March  
*The Federalist*, Vol. II, 28 May



- A Dialogue Between Two Neighbors  
(RCS:N.H.)  
*New York Journal*, 20 March  
□ Exeter, N.H., *Freeman's Oracle*,  
29 February
- Publius: The Federalist 73 (Hamilton)  
(CC:635)  
*New York Packet*, 21 March  
*New York Independent Journal*, 22 March  
*The Federalist*, Vol. II, 28 May
- Timon (RCS:N.Y.)  
*New York Daily Advertiser*, 22 March
- Publius: The Federalist 74 (Hamilton)  
(CC:644)  
*New York Packet*, 25 March  
*New York Independent Journal*, 26 March  
*The Federalist*, Vol. II, 28 May
- Publius: The Federalist 75 (Hamilton)  
(CC:646)  
*New York Independent Journal*, 26 March  
*New York Packet*, 28 March  
*The Federalist*, Vol. II, 28 May
- Purported Letters from George Bryan to  
John Ralston (CC:647)  
*New York Packet*, 28 March (brief excerpt)  
*New York Daily Advertiser*, 29 March  
*New York Journal*, 18 April  
□ *Pennsylvania Gazette*, 26 March
- Plain Truth (RCS:N.Y.)  
*Albany Federal Herald*, 31 March
- George Washington on Massachusetts  
Ratification (CC:638–A)  
*New York Daily Advertiser*, 31 March  
*New York Journal*, 31 March  
*New York Packet*, 1 April  
*Albany Federal Herald*, 7 April  
Poughkeepsie *Country Journal*, 8 April  
*Hudson Weekly Gazette*, 10 April  
□ *Massachusetts Centinel*, 22 March
- Agricola's Opinion (RCS:N.Y.)  
Poughkeepsie *Country Journal*, 1 April
- Publius: The Federalist 76 (Hamilton)  
(CC:656)  
*New York Packet*, 1 April  
*New York Independent Journal*, 2 April  
*The Federalist*, Vol. II, 28 May
- The New Litany (CC:553)  
*New York Daily Advertiser*, 1 April  
□ *Virginia Herald*, 21 February
- Publius: The Federalist 77 (Hamilton)  
(CC:657)  
*New York Independent Journal*, 2 April  
*New York Packet*, 4 April  
*The Federalist*, Vol. II, 28 May
- A Citizen (RCS:N.Y.)  
*Hudson Weekly Gazette*, 3 April
- The Landholder X (Oliver Ellsworth)  
(CC:588)  
*New York Daily Advertiser*, 4 April  
□ *Connecticut Courant*, 3 March
- A Friend to Good Government  
(RCS:N.Y.)  
Poughkeepsie *Country Journal*, 8, 15 April
- Anticipation (RCS:N.Y.)  
Poughkeepsie *Country Journal*, 8 April
- The Landholder XII (Oliver Ellsworth)  
(CC:622)  
*New York Packet*, 4 April (excerpt)  
*New York Daily Advertiser*, 9 April  
□ *Connecticut Courant*, 17 March
- Robert Morris to the Printer  
(Mfm:Pa. 613)  
*New York Daily Advertiser*, 16 April  
*New York Journal*, 21 April  
□ *Philadelphia Independent Gazetteer*,  
8 April
- Peter Prejudice (John Mifflin?) (CC:685)  
*New York Packet*, 22 April  
Lansingburgh *Federal Herald*, 5 May  
□ *Philadelphia Federal Gazette*, 15 April
- Cassius I (RCS:Va., 641–47)  
*New York Daily Advertiser*, 24, 26, 29 April  
□ *Virginia Independent Chronicle*, 2 April
- The New Roof (Francis Hopkinson)  
(CC:395)  
Lansingburgh *Federal Herald*, 28 April  
□ *Pennsylvania Packet*, 29 December  
1787)
- Cassius II (RCS:Va., 713–19)  
*New York Daily Advertiser*, 8, 12, 13 May  
□ *Virginia Independent Chronicle*, 9 April

- A Patriotic Citizen (CC:740)  
 New York *Independent Journal*, 17 May  
 *Pennsylvania Mercury*, 10 May
- Cassius III (RCS:Va., 749–53)  
 New York *Daily Advertiser*, 19, 20 May  
 *Virginia Independent Chronicle*,  
 23 April
- An American (Noah Webster?) (RCS:N.Y.)  
*New York Packet*, 27 May
- Publius: The Federalist 78 (Hamilton)  
 (CC:759)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 14 June  
*New York Packet*, 17, 20 June
- Publius: The Federalist 79 (Hamilton)  
 (CC:760)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 16 June  
*New York Packet*, 24 June
- Publius: The Federalist 80 (Hamilton)  
 (CC:761)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 21 June  
*New York Packet*, 27 June
- Publius: The Federalist 81 (Hamilton)  
 (CC:762)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 25, 28 June  
*New York Packet*, 4, 8 July
- Publius: The Federalist 82 (Hamilton)  
 (CC:763)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 2 July  
*New York Packet*, 11 July
- Publius: The Federalist 83 (Hamilton)  
 (CC:764)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 5, 9, 12 July  
*New York Packet*, 15, 18, 22, 25 July
- Publius: The Federalist 84 (Hamilton)  
 (CC:765)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*, 16, 26 July,  
 9 August  
*New York Packet*, 29 July, 8, 12 August
- Publius: The Federalist 85 (Hamilton)  
 (CC:766)  
*The Federalist*, Vol. II, 28 May  
 New York *Independent Journal*,  
 13, 16 August  
*New York Packet*, 15 August
- An American (Tench Coxe) (RCS:Va.,  
 832–43)  
 New York *Daily Advertiser*, 9, 10, 12,  
 13 June  
 *Pennsylvania Gazette*, 21, 28 May
- A Pennsylvanian (Tench Coxe)  
 (RCS:N.Y.)  
 New York *Daily Advertiser*, 14, 17 June  
 *Pennsylvania Gazette*, 11 June
- Address to the New York Convention  
 (RCS:N.Y.)  
*Hudson Weekly Gazette*, 24 June
- “A Master-Piece of Human Wisdom”  
 (CC:793)  
 New York *Daily Advertiser*, 2 July  
 New York *Independent Journal*, 2 July  
*New York Packet*, 4 July, and 12 August  
 Lansingburgh *Federal Herald*, 14 July  
 *Pennsylvania Mercury*, 28 June
- The Prospect, June 1788: A Poem  
 (RCS:N.Y.)  
 Poughkeepsie *Country Journal*, 8 July
- Cato (RCS:N.Y.)  
 Poughkeepsie *Country Journal*, 8 July
- “Z. Y.” (RCS:N.Y.)  
*New York Packet*, 11 July
- Francis Hopkinson: Ode (CC:799–F)  
*New York Packet*, 11 July  
 New York *Daily Advertiser*, 15 July  
*New York Journal*, 15 July  
 New York *Independent Journal*, 19 July  
 Lansingburgh *Federal Herald*, 21 July  
 Poughkeepsie *Country Journal*, 22 July  
 Albany *Journal*, 4 August  
 Broadside, Philadelphia, [4 July]

Happy Prospects under the Constitution  
(CC:800)

*New York Packet*, 15 July

*New York Daily Advertiser*, 12 September  
(excerpt)

Poughkeepsie *Country Journal*,

16 September (excerpt)

□ *Springfield Hampshire Chronicle*,  
9 July

David Ramsay: Oration (CC:773)

*New York Daily Advertiser*, 17 July

□ *Charleston Columbian Herald*,  
5 June

Religious Liberty and the Constitution  
(CC:806)

*New York Daily Advertiser*, 18 July

*New York Packet*, 18 July

Poughkeepsie *Country Journal*, 5 August

□ *Pennsylvania Gazette*, 16 July

William Pitt Smith: Ode (CC:816)

*New York Journal*, 24 July

*New York Packet*, 25 July

*New York Independent Journal*, 26 July

*New York Morning Post*, 26 July

*New York Impartial Gazetteer*, 26 July

*Lansingburgh Federal Herald*, 4 August

Poughkeepsie *Country Journal*, 5 August

*Hudson Weekly Gazette*, 5 August

## Appendix II

### Original and Reprinted Antifederalist Articles Appearing in New York Newspapers, 1 February–26 July 1788

For articles originating outside of New York, the original out-of-state printing is indented and preceded by a box.

- Philadelphiensis VIII (Benjamin Workman) (CC:473)  
*New York Morning Post*, 31 January  
*New York Journal*, 1 February  
 Philadelphia *Freeman's Journal*, 23 January
- Agrippa XIII (James Winthrop) (RCS:Mass., 770–72)  
*New York Morning Post*, 2 February  
 *Massachusetts Gazette*, 22 January
- Elbridge Gerry to the Vice President of Massachusetts Convention (RCS:Mass., 1265–67)  
*New York Daily Advertiser*, 2 February  
*New York Journal*, 2 February  
*New York Packet*, 5 February  
*Albany Gazette*, 7 February  
 *Massachusetts Centinel*, 23 January
- Luther Martin to the Printer (CC:460)  
*New York Journal*, 6 February  
 *Maryland Journal*, 18 January
- Brutus XII (RCS:N.Y.)  
*New York Journal*, 7 February
- Hampden (James Sullivan) (RCS:Mass., 806–10)  
*New York Morning Post*, 7 February  
 *Massachusetts Centinel*, 26 January
- Cicero (Mfm:Pa. 387)  
*New York Journal*, 8 February  
 Philadelphia *Independent Gazetteer*, 30 January
- Tamony (CC:430; and RCS:Va., 286–88)  
*New York Journal*, 8 February  
 *Virginia Independent Chronicle*, 9 January
- Elbridge Gerry: A State of Facts (RCS:Mass., 1267–70)  
*New York Journal*, 11 February and 8 March  
*New York Morning Post*, 12 February and 4 March  
 Boston *American Herald*, 28 January
- Centinel XII (Samuel Bryan) (CC:470)  
*New York Journal*, 11 February  
 Philadelphia *Independent Gazetteer*, 23 January
- An American (CC:386–F)  
*New York Journal*, 12 February  
 Boston *American Herald*, 28 January
- Centinel XIII (Samuel Bryan) (CC:487)  
*New York Journal*, 12 February  
 Philadelphia *Independent Gazetteer*, 30 January
- Letter from the Eastern Shore of Maryland (CC:515)  
*New York Morning Post*, 12 February  
*New York Journal*, 22 February  
 Philadelphia *Independent Gazetteer*, 8 February
- Centinel XIV (Samuel Bryan) (CC:501)  
*New York Journal*, 13, 15 February  
 Philadelphia *Independent Gazetteer*, 5 February
- Brutus XII (continued) (RCS:N.Y.)  
*New York Journal*, 14 February
- A Countryman VI (Hugh Hughes) (RCS:N.Y.)  
*New York Journal*, 14 February

On the New Constitution (CC:481)

*New York Journal*, 14 February

- State Gazette of South Carolina*,  
28 January

Candour (Mfm:Pa. 420)

*New York Journal*, 16 February

- Philadelphia Independent Gazetteer*,  
12 February

An Old American (Mfm:Pa. 419)

*New York Morning Post*, 16 February

- Philadelphia Independent Gazetteer*,  
11 February

Luther Martin: Genuine Information III  
(CC:414)

*New York Journal*, 18, 19, 20 February

- Baltimore Maryland Gazette*,  
4 January

Luther Martin: Genuine Information IV  
(CC:425)

*New York Journal*, 20, 22, 25 February

- Baltimore Maryland Gazette*,  
8 January

Sidney (Abraham Yates, Jr.) (Mfm:N.Y.)

*Albany Gazette*, 21 February

Poughkeepsie *Country Journal*, 4 March

Brutus XIII (RCS:N.Y.)

*New York Journal*, 21 February

An Address of Thanks (RCS:Pa., 661–63)

*New York Journal*, 22 February

- Philadelphia Freeman's Journal*,  
13 February

Algernon Sidney II (Mfm:Pa. 429)

*New York Journal*, 23 February

- Philadelphia Independent Gazetteer*,  
13 February

John Williams on the Constitution

(RCS:N.Y., 673–74)

*Albany Federal Herald*, 25 February

*Albany Gazette*, 28 February (not extant)

*New York Journal*, 29 February

*New York Packet*, 29 February

Poughkeepsie *Country Journal*, 4 March

*New York Morning Post*, 8 March

Centinel XV (Samuel Bryan) (CC:556)

*New York Journal*, 26 February

*Albany Journal*, 3 March

- Philadelphia Independent Gazetteer*,  
22 February

Luther Martin: Genuine Information VI  
(CC:451)

*New York Journal*, 26, 27 February

- Baltimore Maryland Gazette*,  
15 January

Luther Martin: Genuine Information VII  
(CC:459)

*New York Journal*, 27 February, 1, 7 March

- Baltimore Maryland Gazette*,  
18 January

Brutus XIV (RCS:N.Y.)

*New York Journal*, 28 February

Expositor II (Hugh Hughes) (RCS:N.Y.)

*New York Journal*, 28 February

Sidney (Abraham Yates, Jr.) (Mfm:N.Y.)

*Albany Gazette*, 28 February (not extant)

Poughkeepsie *Country Journal*, 11 March

Centinel XVI (Samuel Bryan) (CC:565)

*New York Journal*, 4 March

- Philadelphia Independent Gazetteer*,  
26 February

Brutus XIV (continued) (RCS:N.Y.)

*New York Journal*, 6 March

“James Bowdoin to James de Caledonia”  
(CC:570)

*New York Journal*, 6 March

- Philadelphia Independent Gazetteer*,  
27 February

Luther Martin: Genuine Information VIII  
(CC:467)

*New York Journal*, 7, 12, 14 March

- Baltimore Maryland Gazette*,  
22 January

A Baptist (Mfm:Pa. 359)

*New York Journal*, 8 March

- Philadelphia Freeman's Journal*,  
23 January

- A Citizen of a Free and Independent State (Mfm:Pa. 478)  
*New York Journal*, 8 March  
 Philadelphia *Independent Gazetteer*, 3 March
- Algernon Sidney III (Mfm:Pa. 480)  
*New York Journal*, 8 March  
 Philadelphia *Independent Gazetteer*, 4 March
- “James de Caledonia to James Bowdoin” (Mfm:Pa. 481)  
*New York Journal*, 10 March  
 Philadelphia *Independent Gazetteer*, 4 March
- A Real State of the Proposed Constitution (CC:603)  
*New York Morning Post*, 11 March  
*New York Journal*, 21 March  
 Philadelphia *Independent Gazetteer*, 7 March
- Sidney (Abraham Yates, Jr.) (Mfm:N.Y.)  
*Albany Gazette*, 13 March
- Luther Martin: Genuine Information IX (CC:484)  
*New York Journal*, 14, 15, 17 March  
 Baltimore *Maryland Gazette*, 29 January
- Luther Martin: Genuine Information X (CC:493)  
*New York Journal*, 17, 18, 19 March  
 Baltimore *Maryland Gazette*, 1 February
- A Lover of Truth and Decency (RCS:N.Y.)  
*New York Journal*, 18 March  
*Albany Gazette*, 27 March
- Brutus XV (RCS:N.Y.)  
*New York Journal*, 20 March
- Investigator (RCS:Pa., 721–22)  
*New York Journal*, 29 March  
 Philadelphia *Freeman’s Journal*, 19 March
- Luther Martin: Genuine Information XII (CC:516)  
*New York Journal*, 3, 7 April  
 Baltimore *Maryland Gazette*, 8 February
- Luther Martin: Genuine Information XI (CC:502)  
*New York Journal*, 7 April  
 Baltimore *Maryland Gazette*, 5 February
- Brutus XVI (RCS:N.Y.)  
*New York Journal*, 10 April
- Centinel XVIII (Samuel Bryan) (CC:671)  
*New York Journal*, 12 April  
 Philadelphia *Independent Gazetteer*, 9 April
- Luther Martin: Address No. I (CC:626)  
*New York Journal*, 19, 21 April  
 Maryland *Journal*, 18 March
- Federal Argument (Mfm:Pa. 572)  
*New York Journal*, 21 April  
 Philadelphia *Independent Gazetteer*, 26 March
- Common Sense (RCS:N.C.)  
*New York Journal*, 21 April  
 North Carolina *Wilmington Centinel*, issue not extant
- Thomas Tinsel (RCS:N.C.)  
*New York Journal*, 23 April  
 North Carolina *Wilmington Centinel*, issue not extant
- Luther Martin: Address No. IV (CC:662)  
*New York Journal*, 28 April  
 Maryland *Journal*, 4 April
- Elbridge Gerry Responds to Maryland Landholder X (CC:691)  
*New York Journal*, 30 April  
 Boston *American Herald*, 18 April
- None of the Well-Born Conspirators (CC:702)  
*New York Journal*, 30 April  
 Philadelphia *Freeman’s Journal*, 23 April
- A Spectator (RCS:N.Y.)  
*New York Journal*, 2 May  
 Poughkeepsie *Country Journal*, 13 May
- A Subscriber (RCS:N.Y.)  
*New York Journal*, 2 May

Extract of a Letter from Franklin County,  
Pa. (CC:718)

*New York Journal*, 6 May

*New York Morning Post*, 6 May

- Philadelphia Independent Gazetteer*,  
30 April

A Freeman (CC:742)

*New York Journal*, 17 May

- Philadelphia Independent Gazetteer*,  
13 May

Rusticus (RCS:N.Y.)

*New York Journal*, 23 May

The Federalist's Creed (CC:739)

*New York Journal*, 24 May

- Philadelphia Independent Gazetteer*,  
10 May

Sydney (Abraham Yates, Jr.) (RCS:N.Y.)

*New York Journal*, 13, 14 June

A Militia Man to Mr. Fragment (RCS:Md.)

*New York Journal*, 16 June

- Baltimore Maryland Gazette*, 3 June

Virginia Convention (RCS:Va., 1658–60)

*New York Journal*, 20 June

Leonidas (RCS:N.Y.)

*New York Journal*, 3 July

- The Times of London*, 1 April

Philo-Quinceus (Mfm:N.Y.)

*New York Journal*, 21 July

- Philadelphia Independent Gazetteer*,  
12 July

### Appendix III

## News Reports in New York Newspapers

### 1 February–26 July 1788

For reports originating outside of New York, the original out-of-state printing is indented and preceded by a box.

- Conn. Convention Minority Praised  
(CC:Vol. 3, pp. 570–71)  
*Albany Gazette*, 31 January  
*Hudson Weekly Gazette*, 7 February  
*New York Packet*, 8 February  
*Poughkeepsie Country Journal*,  
12 February  
 *New Haven Gazette*, 24 January
- N.Y. Assembly Debates Resolution Calling  
State Convention (RCS:N.Y.)  
*New York Daily Advertiser*, 12 February  
*New York Morning Post*, 13–14 February  
*Albany Gazette*, 21, 28 February  
*Poughkeepsie Country Journal*,  
26 February
- N.Y. Senate Debates Resolution Calling  
State Convention (RCS:N.Y.)  
*New York Daily Advertiser*, 8 February  
*New York Morning Post*, 9, 11 February  
*New York Journal*, 9, 12, 13 February  
*Poughkeepsie Country Journal*,  
12, 19 February  
*Albany Federal Herald*, 15 (suppl.),  
25 February  
*Albany Journal*, 18, 23 February
- N.Y. Resolution Calling State Convention  
(RCS:N.Y.)  
*New York Daily Advertiser*, 4 February  
*Albany Journal*, 4 February  
*New York Morning Post*, 5 February  
*New York Journal*, 5 February, 30 April  
*New York Packet*, 5 February  
*Poughkeepsie Country Journal*, 5 February  
*Hudson Weekly Gazette*, 7 February
- Portsmouth, N.H.: Election of Convention  
Delegates (RCS:N.H.)  
*New York Journal*, 4 February  
 *New Hampshire Spy*, 15 January
- Ga. Convention: Form of Ratification  
(RCS:Ga., 278–79)  
*New York Daily Advertiser*, 5 February  
*New York Journal*, 5 February  
*New York Independent Journal*, 6 February  
*New York Packet*, 8 February  
*Albany Journal*, 11 February  
*Poughkeepsie Country Journal*,  
12 February  
*New York American Magazine*, 1 March  
 *Georgia State Gazette*, 5 January
- Charles Pinckney: Speech in S.C. House  
of Representatives (RCS:S.C.)  
*New York Journal*, 6, 8, and 9 February  
*New York Daily Advertiser*, 7 February  
 *Charleston City Gazette*, 18 January
- Antifederalism Still Strong in Connecticut  
(CC:Vol. 4, p. 513)  
*New York Journal*, 7 February  
*New York Daily Advertiser*, 8 February  
*Poughkeepsie Country Journal*,  
12 February
- Mass. Convention: John Hancock's  
Proposed Amendments to Constitution  
(RCS:Mass., 1381–82)  
*New York Daily Advertiser*, 11 February  
*New York Journal*, 11, 14 February  
*New York Packet*, 12 February  
*Poughkeepsie Country Journal*,  
19 February  
*Hudson Weekly Gazette*, 21 February  
 *Massachusetts Centinel*, 2 February
- N.C.: Correction of Erroneous Report of  
Its Ratification (CC:Vol. 4, p. 508)  
*New York Journal*, 14 February  
*Poughkeepsie Country Journal*,  
19 February  
*Albany Gazette*, 21 February (summary)



- Mass. Convention: Ratifies Constitution  
(RCS:Mass., 1606)  
New York *Daily Advertiser*, 14 February  
New York *Morning Post*, 15 February  
New York *Packet*, 15 February  
New York *Independent Journal*, 16 February  
Albany *Gazette*, 21 February  
Hudson *Weekly Gazette*, 28 February  
New York *American Magazine*, 1 March  
□ Boston *Independent Chronicle*,  
7 February
- Boston: Procession Celebrating Mass.  
Ratification (RCS:Mass., 1617–23)  
New York *Daily Advertiser*, 14 February  
New York *Packet*, 15 February  
New York *Independent Journal*, 16 February  
Albany *Gazette*, 21 February  
Hudson *Weekly Gazette*, 28 February  
New York *American Magazine*, 1 March  
□ Massachusetts *Centinel*, 9 February
- Mass. Convention: Final Version of  
Amendments to Constitution (CC:508)  
New York *Journal*, 16 February  
New York *Independent Journal*, 20 February  
New York *American Magazine*, 1 March  
□ Massachusetts *Gazette*, 8 February
- New York City: Celebration of Mass.  
Ratification (RCS:N.Y.)  
New York *Daily Advertiser*, 18 February  
New York *Morning Post*, 19 February  
New York *Packet*, 19 February  
Albany *Federal Herald*, 25 February  
Poughkeepsie *Country Journal*,  
26 February
- N.H. President John Sullivan: Speech to  
Legislature (CC:339–B)  
Albany *Journal*, 18 February (excerpt)  
Hudson *Weekly Gazette*, 21 February  
(excerpt)  
□ New Hampshire *Mercury*, 30 January
- Burning of Constitution in Ulster County,  
N.Y. (RCS:N.Y.)  
(1) Letterbox, *New York Journal*,  
23 February  
(2) *New York Journal*, 28 February  
Albany *Federal Herald*, 3 March (summary)  
(3) A Friend to Truth, *New York Daily  
Advertiser*, 4 March
- (4) A Countryman, *New York Daily  
Advertiser*, 12 March  
*New York Journal*, 13 March
- Mass. Convention: Amendments to  
Constitution Are Deceptive  
(CC:Vol. 4, p. 522)  
New York *Journal*, 23 February  
New York *Morning Post*, 25 February  
(excerpt)  
□ Philadelphia *Freeman's Journal*,  
20 February
- Post Office and Newspapers in Mails  
(CC:Vol. 4, pp. 551–52)  
New York *Journal*, 25 February  
Albany *Gazette*, 13 March  
Hudson *Weekly Gazette*, 20 March  
□ Massachusetts *Centinel*, 16 February
- Hugh Williamson: Speech at Edenton,  
N.C. (CC:560 and Editors' Note,  
RCS:N.Y.)  
New York *Daily Advertiser*, 25–27 February  
New York *Independent Journal*, 30 August  
(excerpts)
- N.H. Convention: Adjourns Without  
Voting on Constitution  
(CC:Vol. 4, p. 531)  
New York *Journal*, 3 March  
New York *Daily Advertiser*, 4 March  
Poughkeepsie *Country Journal*, 11 March  
Hudson *Weekly Gazette*, 13 March
- N.H.: Support for Constitution in Despite  
Adjournment of State Convention  
(CC:Vol. 4, p. 530)  
New York *Daily Advertiser*, 3 March  
New York *Morning Post*, 3 March  
New York *Packet*, 4 March  
Poughkeepsie *Country Journal*, 11 March
- Mass. Governor John Hancock: Speech to  
Legislature (CC:566–A)  
New York *Daily Advertiser*, 7 March  
(excerpt)  
New York *Journal*, 7 March  
New York *Packet*, 7 March  
Albany *Journal*, 15 March  
Albany *Federal Herald*, 17 March  
□ Boston *Independent Chronicle*,  
28 February

Carlisle, Pa.: Antifederalist Riot (CC:Vol. 4, pp. 531–32)

*New York Morning Post*, 7 March

*New York Journal*, 8 March

- Philadelphia *Independent Gazetteer*, 4 March

Arthur Lee Asserts Four-Fifths of Virginians Are Antifederalists (CC:602)

*New York Morning Post*, 10 March

*New York Journal*, 11 March

*New York Packet*, 11 March

*New York Independent Journal*, 12 March

- Philadelphia *Independent Gazetteer*, 7 March

Arthur Lee's Assertion Challenged (CC:602)

*New York Daily Advertiser*, 11 March

*New York Journal*, 11 March

*New York Morning Post*, 11 March

*New York Packet*, 11 March

*New York Independent Journal*, 12 March

(variant)

Pa. Antifederalists Acquiesce (CC:Vol. 4, pp. 534–35)

*New York Daily Advertiser*, 14 March

*New York Morning Post*, 14 March

*New York Independent Journal*, 15 March

*New York Packet*, 18 March

*Hudson Weekly Gazette*, 27 March

- Pennsylvania Gazette*, 12 March

R.I. Divided on Constitution (CC:Vol. 4, p. 533)

*New York Daily Advertiser*, 17 March

*New York Journal*, 17 March

*New York Packet*, 18 March

*Hudson Weekly Gazette*, 27 March

- Massachusetts Centinel*, 8 March

R.I. Legislature Submits Constitution to Referendum (CC:Vol. 4, pp. 532–33)

*New York Morning Post*, 18 March

- Massachusetts Centinel*, 8 March

Edmund Randolph and John Marshall

Elected to Va. Convention (RCS:Va., 592)

*New York Journal*, 18 March

*Albany Gazette*, 27 March

*Hudson Weekly Gazette*, 3 April

- Virginia Independent Chronicle*, 5 March

Eleazer Oswald: Post Office and Newspapers in Mails (CC: Vol. 4, pp. 557–60)

*New York Journal*, 21 March

- Philadelphia *Independent Gazetteer*, 12 March

A True Federalist (Eleazer Oswald) to Postmaster General Ebenezer Hazard (RCS:N.Y.)

*New York Journal*, 25 March

R.I. Legislature: Submits Constitution to Referendum (RCS:R.I.)

*New York Journal*, 17 March (excerpt)

*New York Packet*, 18 March (excerpt)

*New York Journal*, 20 March

- Providence *United States Chronicle*, 6 March

Va. Governor Edmund Randolph Supports Constitution (CC:627)

*New York Daily Advertiser*, 1 April

*New York Packet*, 1 April

*Hudson Weekly Gazette*, 10 April

- Massachusetts Centinel*, 19 March

Newport, R.I.: Approves Constitution (RCS:R.I.)

*New York Journal*, 7 April

*New York Packet*, 8 April

- Newport Herald*, 27 March

R.I.: Referendum Rejects Constitution (RCS:R.I.)

*New York Journal*, 17 April

Poughkeepsie *Country Journal*, 22 April

Lansingburgh *Federal Herald*, 28 April

- Newport Mercury*, 7 April (not extant)

- Virginia Will Ratify Constitution  
(CC:Vol. 5, p. 403)  
New York *Daily Advertiser*, 19 April  
New York *Packet*, 22 April  
Poughkeepsie *Country Journal*, 22 April  
New York *Independent Journal*, 23 April  
Lansingburgh *Federal Herald*, 28 April  
 Philadelphia *Federal Gazette*, 12 April
- Virginia Will Not Ratify Constitution  
(CC:Vol. 5, pp. 407–8)  
New York *Journal*, 19 April  
Poughkeepsie *Country Journal*, 29 April  
 Philadelphia *Independent Gazetteer*,  
16 April
- Baltimore Town and County: Election of  
Md. Convention Delegates (RCS:Md.)  
New York *Daily Advertiser*, 19 April  
New York *Independent Journal*, 19 April  
 Baltimore *Maryland Gazette*, 11 April  
 Maryland *Journal*, 11 April
- Luther Martin No Longer Opposes  
Constitution (CC:Vol. 5, p. 408)  
New York *Daily Advertiser*, 22 April  
New York *Independent Journal*, 23 April  
 Philadelphia *Federal Gazette*, 17 April
- James Madison and Others Elected to  
Va. Convention (RCS:Va., 629–30)  
New York *Packet*, 22 April  
New York *Independent Journal*, 23 April  
New York *Journal*, 23 April  
 Annapolis *Maryland Gazette*, 10 April
- Frederick County, Md.: Election of Md.  
Convention Delegates (RCS:Md.)  
New York *Packet*, 22 April  
New York *Independent Journal*, 23 April  
Poughkeepsie *Country Journal*, 29 April  
 Maryland *Journal*, 11 April
- Va. Convention: How Delegates Will Vote  
(RCS:Va., 627)  
New York *Packet*, 22 April  
New York *Journal*, 23, 28 April  
 Virginia *Journal*, 8 April (not extant)
- R.I. Informs Congress About Referendum  
on Constitution (RCS:R.I.)  
New York *Journal*, 24 April  
New York *Daily Advertiser*, 25 April  
Poughkeepsie *Country Journal*, 29 April  
 Providence *United States Chronicle*,  
10 April
- Montgomery County, Md.: Election for  
Md. Convention Delegates (RCS:Md.)  
New York *Packet*, 29 April (excerpt)  
New York *Journal*, 1 May  
New York *Packet*, 2 May  
 Maryland *Journal*, 18 April
- Maryland Will Ratify Constitution  
(RCS:Md.)  
New York *Daily Advertiser*, 30 April  
Poughkeepsie *Country Journal*, 6 May
- Md. Convention Ratifies Constitution  
(RCS:Md.)  
New York *Daily Advertiser*, 1 May  
New York *Packet*, 2 May  
New York *Journal*, 3 May  
Lansingburgh *Federal Herald*, 12 May
- Md. Convention Ratifies Constitution  
Without Amendments (RCS:Md.)  
New York *Daily Advertiser*, 5 May  
New York *Morning Post*, 6 May  
Albany *Journal*, 12 May  
 Pennsylvania *Packet*, 2 May
- South Carolina Will Ratify Constitution  
(RCS:S.C.)  
New York *Daily Advertiser*, 6 May  
Poughkeepsie *Country Journal*, 13 May  
Lansingburgh *Federal Herald*, 19 May
- Unrest in Western Pa. Counties  
Concerning Constitution (CC:718)  
New York *Journal*, 6 May  
New York *Morning Post*, 6 May  
 Philadelphia *Independent Gazetteer*,  
30 April
- Md. Convention: List of Signers of Form  
of Ratification (RCS:Md.)  
New York *Daily Advertiser*, 7 May  
 Pennsylvania *Packet*, 3 May

Baltimore: Procession Celebrating  
Maryland's Ratification (RCS:Md.)  
*New York Daily Advertiser*, 7 May  
 *Pennsylvania Packet*, 3 May

Md. Convention: William Paca's Amend-  
ments to Constitution (CC:716-A)  
*New York Independent Journal*, 7 May  
*New York Journal*, 7, 8 May  
*New York Daily Advertiser*, 8 May  
*New York Packet*, 9 May  
*Poughkeepsie Country Journal*, 13 May  
*Lansingburgh Federal Herald*, 19 May  
*Hudson Weekly Gazette*, 20 May  
 *Baltimore Maryland Gazette*, 29 April  
 *Maryland Journal*, 29 April

N.C. Convention: Majority of Delegates  
Pledge to Support Rights and Liberties  
(RCS:N.C.)  
*New York Journal*, 9, 14 May  
*New York Daily Advertiser*, 10 May  
*Albany Gazette*, 15 May  
*New York Packet*, 16 May  
*Poughkeepsie Country Journal*, 20 May  
 *Martin's North Carolina Gazette*,  
2 April (not extant)

Md. Convention: Address of Minority  
(CC:716-B)  
*New York Journal*, 12 May  
 *Annapolis Maryland Gazette*, 1 May

Baltimore: Procession Celebrating  
Maryland's Ratification (RCS:Md.)  
*New York Independent Journal*, 14 May  
 *Maryland Journal*, 6 May

Dobbs County, N.C.: Election Riot  
(Editors' Note, RCS:N.Y.; and  
RCS:N.C.)  
*New York Packet*, 16 May  
*New York Journal*, 17 May  
*Poughkeepsie Country Journal*, 20 May  
*Lansingburgh Federal Herald*, 26 May  
 *Martin's North Carolina Gazette*,  
16 April (not extant)

Philadelphia Printers' Petition  
Concerning Newspapers in Mails  
(CC:Vol. 4, pp. 562-63, 566)  
*New York Daily Advertiser*, 17 May  
*New York Journal*, 17 May  
 *Philadelphia Independent Gazetteer*,  
10 May

Post Office and Newspapers in Mails  
(CC:Vol. 4, pp. 589-91)  
*New York Daily Advertiser*, 20 May  
*New York Independent Journal*, 21 May  
 *Massachusetts Centinel*, 7 May

Hugh Williamson: On Dobbs County,  
N.C. Election Riot (Editors' Note,  
RCS:N.Y.; and RCS:N.C.)  
*New York Packet*, 20 May  
*Poughkeepsie Country Journal*, 27 May

Antifederalist Rawlins Lowndes Declines  
Seat in S.C. Convention (RCS:S.C.)  
*New York Journal*, 29 May  
*New York Morning Post*, 29 May  
 *Charleston City Gazette*, 7 May

S.C. Convention: Ratifies Constitution  
(RCS:S.C.)  
*New York Daily Advertiser*, 5 June  
*New York Morning Post*, 5 June  
*New York Journal*, 5 June  
*New York Packet*, 6 June  
*Lansingburgh Federal Herald*, 9 June  
*Poughkeepsie Country Journal*, 10 June  
*Hudson Weekly Gazette*, 17 June  
 *Baltimore Maryland Gazette*, 31 May  
(extra issue not extant)

S.C. Convention: Amendments to  
Constitution (CC:753)  
*New York Daily Advertiser*, 7 June  
*New York Impartial Gazetteer*, 7 June  
*New York Independent Journal*, 7 June  
*New York Journal*, 7, 12 June  
*New York Morning Post*, 10 June  
*New York Packet*, 10 June  
*Albany Gazette*, 12 June  
*Hudson Weekly Gazette*, 17 June  
*Poughkeepsie Country Journal*, 17 June  
*Lansingburgh Federal Herald*, 23 June  
 *Charleston Columbian Herald*, 26 May  
 *State Gazette of South Carolina*, 26 May

- Charleston, S.C.: Procession Celebrating  
S.C. Ratification (RCS:S.C.)  
*New York Daily Advertiser*, 7 June  
*New York Independent Journal*, 7 June  
*New York Morning Post*, 7 June  
*New York Journal*, 9 June  
*New York Packet*, 10 June  
*Albany Gazette*, 12 June  
*Hudson Weekly Gazette*, 17 June  
 *Charleston Columbian Herald*, 29 May
- George Washington and Miniature Ship  
*Federalist* from Baltimore's Procession  
 (RCS:Md.)  
*New York Journal*, 10 June  
*New York Daily Advertiser*, 12 June  
*Albany Journal*, 16 June  
*Hudson Weekly Gazette*, 17 June  
*Lansingburgh Federal Herald*, 23 June  
 *Maryland Journal*, 3 June
- Va. Governor Edmund Randolph  
 Converted (RCS:Va., 1612)  
*New York Daily Advertiser*, 13 June  
*New York Journal*, 13 June  
*New York Packet*, 13 June  
*New York Impartial Gazetteer*, 14 June  
*New York Independent Journal*, 14 June  
*Poughkeepsie Country Journal*, 17 June  
*Hudson Weekly Gazette*, 24 June  
 *Pennsylvania Gazette*, 11 June
- North Carolina Will Ratify Constitution  
 (CC:Vol. 6, p. 376)  
*New York Morning Post*, 17 June  
*New York Packet*, 17 June  
*New York Daily Advertiser*, 18 June  
 *Providence United States Chronicle*,  
5 June
- Virginia Will Ratify Constitution  
 (RCS:Va., 1649–50)  
*New York Daily Advertiser*, 20 June  
*New York Packet*, 20 June  
*New York Independent Journal*, 21 June  
*Lansingburgh Federal Herald*, 30 June  
 *Pennsylvania Gazette*, 18 June
- N.H. Convention: News of Ratification  
 Arrives in New York City from  
 Poughkeepsie (RCS:N.Y.)  
*New York Packet*, 27 June  
*New York Impartial Gazetteer*, 28 June  
*New York Independent Journal*, 28 June  
*Hudson Weekly Gazette*, 8 July
- Pres. John Sullivan Informs Gov. John  
 Hancock of N.H. Ratification  
 (RCS:N.H.)  
*New York Independent Journal*, 28 June  
*New York Journal*, 30 June  
*New York Packet*, 1 July  
 *Boston American Herald*, 23 June  
 *Boston Gazette*, 23 June
- Va. Convention: Analysis of Roster  
 Reveals Constitution Will be Ratified  
 (CC:Vol. 6, p. 383)  
*New York Daily Advertiser*, 27 June  
*New York Journal*, 27 June  
*New York Independent Journal*, 28 June  
*New York Impartial Gazetteer*, 28 June  
 *Pennsylvania Gazette*, 25 June
- Va. Convention: News of Ratification  
 Arrives in New York City by Express  
 Rider (RCS:Va., 1725–26)  
*New York Journal*, 3 July  
*Albany Journal*, 7 July  
*Hudson Weekly Gazette*, 8 July
- Va. Convention: Form of Ratification  
 (RCS:Va., 1542, 1546)  
*New York Daily Advertiser*, 3 July  
*New York Journal*, 3, 9 July  
*New York Morning Post*, 3 July  
*New York Packet*, 4 July  
*New York Impartial Gazetteer*, 5 July  
*Albany Journal*, 7 July  
*Lansingburgh Federal Herald*, 7 July  
*Poughkeepsie Country Journal*, 8 July  
*Hudson Weekly Gazette*, 8 July  
*New York American Magazine*, 1 August  
 Original printing not determined.

N.H. Convention: Amendments to  
Constitution (CC:785)

*New York Journal*, 3 July  
*New York Daily Advertiser*, 4 July  
*New York Independent Journal*, 5 July  
*Poughkeepsie Country Journal*, 8 July  
 *New Hampshire Spy*, 24 June

Portsmouth, N.H.: Celebrates  
N.H. Ratification (RCS:N.H.)

*New York Daily Advertiser*, 5 July  
*New York Independent Journal*, 5 July  
*New York Journal*, 5, 10 July  
*New York Packet*, 8 July  
*Albany Journal*, 14 July  
*Lansingburgh Federal Herald*, 4 August  
(excerpt)  
 *New Hampshire Gazette*, 26 June

Va. Convention: Federalists Also Support  
Amendments to Constitution  
(CC:Vol. 6, pp. 389–90)

*New York Journal*, 5 July  
*New York Morning Post*, 9 July  
 *Pennsylvania Packet*, 3 July

Albany, N.Y.: 4th of July Fracas Between  
Federalists and Antifederalists  
(RCS:N.Y.)

*New York Daily Advertiser*, 10 July  
*New York Journal*, 11 July  
*New York Packet*, 11 July  
*New York Impartial Gazetteer*, 12 July  
*New York Independent Journal*, 12 July

Va. Convention: Amendments to  
Constitution (CC:790)

*New York Daily Advertiser*, 9 July  
*New York Journal*, 10 July  
*Poughkeepsie Country Journal*, 15, 22 July  
 *Virginia Independent Chronicle*, 2 July

New York City: Mechanics Prepare for  
Procession of 23 July (RCS:N.Y.)

*New York Daily Advertiser*, 11 July  
*New York Independent Journal*, 12 July  
*New York Journal*, 12 July  
*New York Morning Post*, 14 July

R.I. Governor Will Convene Legislature  
to Call a State Convention  
(CC:Vol. 6, 386–87)

*New York Daily Advertiser*, 11 July  
*New York Packet*, 11 July  
*Poughkeepsie Country Journal*, 15 July  
*Albany Gazette*, 17 July  
*Lansingburgh Federal Herald*, 21 July  
 *Massachusetts Centinel*, 2 July

James Wilson: 4th of July Oration in  
Philadelphia (CC:799–E)

*New York Journal*, 18 July  
*New York American Magazine*, 2 September  
*Hudson Weekly Gazette*, 25 September  
(excerpt)  
 *Pennsylvania Gazette*, 9 July  
(supplement)

Benjamin Rush: Observations on  
Philadelphia's 4th of July Procession  
(CC:805)

*New York Packet*, 18 July  
*Lansingburgh Federal Herald*, 4 August  
 *Pennsylvania Mercury*, 15 July

New York City: Arrangements Committee  
Thanks Participants of Procession of  
23 July (RCS:N.Y.)

*New York Daily Advertiser*, 24 July  
*New York Packet*, 25 July  
*New York Independent Journal*, 26 July  
*Poughkeepsie Country Journal*, 29 July

New York City: Description of Procession  
of 23 July (RCS:N.Y.)

*New York Journal*, 24 July  
*Poughkeepsie Country Journal*, 29 July

New York City: Printers, Booksellers, and  
Book Binders Celebrate After  
Procession of 23 July (RCS:N.Y.)

*New York Daily Advertiser*, 25 July  
*New York Packet*, 25 July  
*New York Impartial Gazetteer*, 26 July  
*New York Independent Journal*, 26 July  
*Poughkeepsie Country Journal*, 29 July











Antifederalist letter writers are well represented by New Yorkers George Clinton, John Lansing, Jr., Abraham Yates, Jr., Abraham G. Lansing, Hugh Hughes, Melancton Smith, DeWitt Clinton, John Williams, Charles Tillinghast, the New York City Federal Republic Committee, the Albany Anti-Federal Committee, and by out-of-staters Hugh Ledlie and Nathan Dane.

Thirteen insightful "Editors' Notes" describe either important events like the ratification of the Constitution by Massachusetts with recommendatory amendments, the adjournment of the New Hampshire Convention without ratifying the Constitution, the Doctors' Riot in New York City in April 1788, and the New York reprinting, distribution, and impact of important out-of-state items, both Federalist and Antifederalist. Groupings of documents examine the burning of the Constitution in Ulster County, the attempt to establish an Antifederalist printer in Albany, the dissemination of Antifederalist literature by the New York City Federal Republican Committee, the Federalists' alleged interference with the U.S. mail, the failed Antifederalist attempt to cooperate with Antifederalists in other states, and the Federalist express system established to rush the news of New Hampshire ratification to the New York Convention in Poughkeepsie.

As with Volume 1 of New York, this volume provides a general ratification chronology, a more specific New York chronology, a list of New York officers, and a three-color state map as endpapers that depicts the New York Convention's vote on ratification. Three appendices list the printings and reprintings of Federalist and Antifederalist newspaper items as well as news reports of events from around America that appeared in New York newspapers. An index for this volume will be placed on the publisher's web site ([www.wisconsinhistory.org/ratification](http://www.wisconsinhistory.org/ratification)) and a cumulative index for all five New York volumes will be compiled and appear in the final New York volume.



---

Critical acclaim for *The Documentary History of the Ratification of the Constitution*

"The most important editorial project in the nation." LEONARD W. LEVY

"No student of the period should neglect this splendid scholarly achievement."  
AMERICAN HISTORICAL REVIEW

"A reference work's reference work." JOURNAL OF AMERICAN HISTORY

"... the great work will always hold a high and honored place in the annals of  
American scholarship." VIRGINIA MAGAZINE OF HISTORY AND BIOGRAPHY

"Each new volume now fills another vital part of a heroic mosaic of national history."  
AMERICAN BAR ASSOCIATION JOURNAL

"... will be of enduring value centuries hence ... one of the most interesting documentary  
publications we have ever had ... it will stand high among the enduring  
monuments of our Constitutional Convention's bicentennial." NEW YORK HISTORY

"These volumes will be used always as examples of the editor's art. The value of  
each volume and the whole series is awesome in terms of constitutional history."  
GEORGIA HISTORICAL QUARTERLY

"... a monument not to be bettered and one likely to be a landmark for all future  
excursions into the history of the ratification of the federal Constitution."  
NORTH CAROLINA HISTORICAL REVIEW

"An unmatched treasure of materials, edited with the highest standards of balance  
and objectivity, it will inspire students and scholars for generations to  
come. Its value will be measured in the scholarship it will stimulate." WILLIAM  
AND MARY QUARTERLY



#### The Documentary History of the Ratification of the Constitution

- I\* *Constitutional Documents and Records, 1776-1787*
  - Ratification of the Constitution by the States*
    - II\* Pennsylvania
  - III\* Delaware • New Jersey • Georgia • Connecticut
    - IV-VII\* Massachusetts
    - VIII-X\* Virginia
    - XI Maryland • South Carolina
  - XII New Hampshire • Congress and Ratification
    - XIX\*-XXIII New York
    - XXIV North Carolina
    - XXV Rhode Island
    - XXVI-XXVII Bill of Rights
- Commentaries on the Constitution: Public and Private*
  - XIII\* 21 February to 7 November 1787
  - XIV\* 8 November to 17 December 1787
  - XV\* 18 December 1787 to 31 January 1788
  - XVI\* 1 February to 31 March 1788
  - XVII\* 1 April to 9 May 1788
  - XVIII\* 10 May to 13 September 1788

\*Volumes already available

---

WISCONSIN HISTORICAL SOCIETY PRESS  
MADISON WISCONSIN 53706

ISBN 08-7020-359-2



90000



9 780870 203596