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THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

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Volume III

Ratification of the Constitution

by the States

Delaware

New Jersey

Georgia

Connecticut

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*Edited by Merrill Jensen*

**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:

Delaware New Jersey Georgia  
Connecticut

THIS third volume of *The Documentary History of the Ratification of the Constitution* contains the records of ratification by Delaware, New Jersey, Georgia, and Connecticut, and completes the history of the first stage of the debate over and action on the Constitution.

Ratification by Connecticut on 9 January 1788 marked the end of rapid and overwhelming approval of the Constitution. During the thirty-four days from 7 December 1787 through 9 January 1788, Pennsylvania ratified by a two-to-one margin, Delaware, New Jersey, and Georgia ratified unanimously, and Connecticut ratified by a three-to-one margin.

The four states in this volume varied widely in social background, in political structure, and in the issues that concerned their citizens. Connecticut, probably the most stable state in the Union, was dominated by an "aristocracy" of older men who, once they attained office, almost never resigned and seldom were defeated for reelection. During the 1780's, new rich merchants and agrarian leaders struggled for control of policy. Merchants supported increased power for the central government while agrarian leaders defeated most measures designed to increase that power. They differed too on economic policies to be adopted by the state. Merchants and their allies mounted a campaign against the agrarians in the state's newspapers and in elections, and by the end of 1787 the majority of the legislature, as of the state Convention, supported the Constitution overwhelmingly.

Georgia was a contrast to Connecticut in almost every way. People poured into the state after 1783, and by 1787 most of the political leaders were men who had come to Georgia during and after the war. The principal concern of most Georgians was the threat of Indian war, a threat that arose from encroachment on Indian lands. Georgians wanted only one thing from the government of the United States both before and after 1789: help in fighting the

(continued on back endflap)





THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

VOLUME III

*Ratification of the Constitution by the States*

DELAWARE

NEW JERSEY

GEORGIA

CONNECTICUT

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THE DOCUMENTARY HISTORY OF THE  
RATIFICATION OF THE CONSTITUTION

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Volume III

Ratification of the Constitution  
by the States

Delaware  
New Jersey  
Georgia  
Connecticut

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*Edited by Merrill Jensen*



MADISON  
STATE HISTORICAL SOCIETY OF WISCONSIN

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## Introduction

During the thirty-four days from 7 December 1787 through 9 January 1788, five states approved the Constitution. Delaware ratified unanimously on 7 December, Pennsylvania by a two-to-one margin (46 to 23) on 12 December, New Jersey unanimously on 18 December, Georgia unanimously on 31 December, and Connecticut by a three-to-one margin (128 to 40) on 9 January.

The period of rapid and overwhelming approval of the Constitution ended with ratification by Connecticut. Nearly four months then elapsed during which ratification was achieved in one state only by the promise of amendments to the Constitution, another state convention adjourned to avoid defeat of the Constitution, and the voters of a third state overwhelmingly rejected the Constitution in a popular referendum. The ratification by the four states in this volume therefore completes the history of the first stage of the debate over and action upon the Constitution.

When the Massachusetts Convention met on 9 January, the day that Connecticut ratified, a majority of the delegates opposed the Constitution. Although Massachusetts Federalists, like Federalists in other states, opposed amendments to the Constitution, they managed to secure ratification by drafting amendments to be submitted to Congress after the new government was established. The amendments, adopted by the Convention on 6 February, the day it ratified, ignored the growing popular demand for a bill of rights. Instead, seven of the eight proposed amendments called for changes to lessen certain specific powers of Congress. But the first amendment was directed to the fundamental nature of the Constitution itself. Its intent, the same as the intent of the fifteenth amendment proposed by Anti-federalists in the Pennsylvania Convention on 12 December 1787, was to define precisely the power of the central government by adding to the Constitution the second Article of the Articles of Confederation. As proposed by Massachusetts, the amendment reads: "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."

The New Hampshire Convention met a week after Massachusetts ratified. The result was the first major setback in the course of ratification. A majority of the delegates either opposed the Constitution or were instructed by their towns to vote against it, and its supporters believed that if it were brought to a vote, the Constitution would be rejected outright. Therefore, on 22 February Federalists persuaded the Convention to adjourn until the 18th of June.

Meanwhile, New York Antifederalists were creating alarm among Federalists everywhere. In opening the legislative session on 11 January, Governor George Clinton first pointed to progress in various areas. Then, in the middle of the speech, he laid the "proceedings of the general Convention" before the legislators "for your information," after commenting that because of the nature of his office it would be "improper" for him "to have any other agency in this business. . . ." He then went on "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 great measure recovered from the wastes and injuries of war."

On 31 January when a motion was made to call a state convention, an Antifederalist offered a preamble pointing out that the Constitutional Convention had exceeded its powers by proposing a new constitution instead of altering or amending the Articles of Confederation. The proposed preamble was narrowly defeated, 27 to 25. Another Antifederalist then moved that the Constitution should be submitted to the Convention "for their investigation, discussion, and decision," the purpose being "to introduce the idea of amendment. . . ." This motion too was defeated. The following day, the legislature called for the election of Convention delegates in April and for the Convention to meet in June.

A month later, the Rhode Island legislature did what no other state legislature had done or would do. It had refused to send delegates to the Constitutional Convention, and on 3 November 1787 and again on 29 February 1788 it had refused to call a state convention. Then on 1 March, it provided for a popular referendum on the Constitution, and on the 24th Rhode Island voters rejected the Constitution by a margin of more than eleven to one (2,711 to 239).

Not until Maryland ratified the Constitution (63 to 11) on 26 April did the process of ratification get underway again.

The sources for the history of ratification by the four states in this volume, except for Connecticut, are sparse when compared to such states as Pennsylvania and Massachusetts. The legislative journals record the formal actions in calling the state conventions; but there are very few letters or diaries commenting upon those actions, and newspapers merely reported the actions taken.

There is no evidence, public or private, of any rivalry in the election of Convention delegates in New Jersey and Georgia. A few petitions and a pamphlet published almost a year later provide some information about the election in Delaware. There are some private letters concerning the election in Connecticut, and the town records reveal a diversity of opinion and action.

The Journal of the Delaware Convention has been lost, except for one scrap of paper. The New Jersey Convention Journal is a formal record of action, while the Georgia Convention Journal is little more than a record of attendance. And there is no evidence that the Connecticut Convention kept a journal.

There is no record of debates in the Delaware and New Jersey conventions, nor are there any letters or diaries by delegates or observers mentioning debates. The single extant letter about the Georgia Convention reported that the Constitution was read paragraph by paragraph "with a great deal of temper," words that must suffice for that convention. Newspapers hired a lawyer to report the debates in the Connecticut Convention, but the only debates printed in the newspapers were a few Federalist speeches and only one short paragraph about a speech by the state's leading Antifederalist.

The newspapers of Pennsylvania provide a rich record of the public debate over the Constitution in that state, but those of the four states in this volume, except for Connecticut, contain little written by their citizens. The Delaware, New Jersey, and Georgia newspapers relied heavily on newspaper material from other states. The four extant issues of the only Delaware newspaper indicate that it printed material on both sides from the Philadelphia papers. The three New Jersey and two Georgia newspapers reprinted many Federalist, but only a few Antifederalist, items from other states.

Connecticut's nine newspapers were filled with material written by Connecticut and out-of-state Federalists, to the virtual exclusion of anything written by Antifederalists. Connecticut newspapers also ignored Antifederalists within the state. Only one newspaper even hinted that there might be opposition, and the fact that several towns had voted to reject the Constitution was not revealed until two days before the Convention voted to ratify.

Despite the relative scarcity of sources, it has been possible to bring together in this volume, and in the microfiche supplements to it, a wide variety of documents which provide a basis for a fuller understanding of the political and social context within which the citizens of the four states debated and acted upon the Constitution.

Volume I of this documentary history (CDR, 30-38, 48-50) contains an account of the broad range of sources for the history of the ratification of the Constitution. This should be read in connection

with the "Notes" on sources for each of the four states in this volume.

Volume I (CDR, 26-29) also contains acknowledgments to the many people who, over the years, have contributed so much to this project. In addition, particular acknowledgments are due to those who have contributed directly to this volume. Members of the staffs of libraries and archives in Delaware, New Jersey, Georgia, and Connecticut have been invariably helpful in answering questions and in supplying additional material. Those institutions are: Division of Historical and Cultural Affairs, Delaware Department of State; Historical Society of Delaware; Bureau of Archives and History, New Jersey State Library; New Jersey Historical Society; Princeton University Library; Rutgers University Library; Connecticut State Library; Connecticut Historical Society; Yale University Libraries; Georgia Department of Archives and History; and the Georgia Historical Society. In addition the Massachusetts Historical Society and the Historical Society of Pennsylvania have supplied valuable material for Delaware, New Jersey, and Connecticut; and the American Antiquarian Society continues to supply extant newspaper materials. Thanks are also due to those institutions that have given special permission to publish material from their holdings. Those institutions are: Yale University Library, Bienecke Library at Yale University, the Archives Nationales in Paris, France, and the Archives du Ministère des Affaires Étrangères in Paris, France. And, as in the past, the staff of the library of the State Historical Society of Wisconsin continues to provide unstinting and indispensable assistance.

A very particular debt is owed to the present-day clerks of the ninety-eight Connecticut towns which elected delegates to the state Convention. The records of about a dozen towns had been located in town histories and published town records, but little was known about what had been done in the great majority of towns. I therefore appealed to the town clerks for help. The response was extraordinary. All the ninety-eight town clerks replied by sending photographic copies or officially attested transcripts of their town records, or informed us that the records were no longer extant. The fact that most of the town clerks did so without cost to the project adds to the magnitude of the project's debt to them.

Last, but by no means least, is the continuing debt to the members of the editorial board for their advice and encouragement, and above all, to the members of the editorial staff for their devoted scholarly labors. They are: Esther Anken, Douglas E. Clanin, Gordon Den Boer, John P. Kaminski, Richard Leffler, Gaspere J. Saladino, Michael E. Stevens, and Joan Westgate.

MERRILL JENSEN

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# Organization

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

- (1) *Constitutional Documents and Records, 1776–1787*;
- (2) *Ratification of the Constitution by the States*;
- (3) *Commentaries on the Constitution: Public and Private*;
- (4) *Amendments to the Constitution: From Ratification by the States to the Proposal of a Bill of Rights by Congress*. Each of these groups is interrelated, and cross-references are made from group to group.

## *Constitutional Documents and Records, 1776–1787*

This introductory volume to *The Documentary History of the Ratification of the Constitution* consists of constitutional documents and records from 1776 to 1787, beginning with the Declaration of Independence and concluding with documents describing the transmittal of the Constitution to the states by the Confederation Congress on 28 September 1787. The documents are arranged in chronological order within the following sections: (1) The Declaration of Independence; (2) The Articles of Confederation; (3) Ratification of the Articles of Confederation by the States in Congress; (4) Amendments to the Articles of Confederation, Grants of Power to Congress, and Ordinances for the Western Territory; (5) The Calling of the Constitutional Convention; (6) Appointment of Delegates to the Constitutional Convention; (7) The Resolutions and Draft Constitutions of the Constitutional Convention; (8) The Report of the Constitutional Convention; and (9) The Confederation Congress and the Constitution.

## *Ratification of the Constitution by the States*

The documents relating to *Ratification of the Constitution by the States* are arranged as follows: (1) Pennsylvania; (2) Delaware; (3) New Jersey; (4) Georgia; (5) Connecticut; (6) Massachusetts; (7) First Session of the New Hampshire Convention; (8) Rhode Island Referendum; (9) Maryland; (10) South Carolina; (11) Second Session of the New Hampshire Convention; (12) Virginia; (13) New York; (14) First North Carolina Convention; (15) Second North Carolina Convention; (16) Rhode Island Convention.

With three exceptions, the states are placed in the order in which they ratified the Constitution. Pennsylvania is placed first, although Delaware ratified on 7 December, five days before Pennsylvania. The Pennsylvania Assembly was the first state legislature to receive the Constitution and to call a convention, and the means used to call it attracted nationwide attention. Furthermore, the Philadelphia press was for some time the principal source of material for the public debate on the Constitution.

The second exception is the placement of the first session of the New Hampshire Convention (13–22 February 1788) after Massachusetts, which ratified the Constitution on 6 February. The third exception is the popular referendum on the Constitution in Rhode Island on 24 March 1788, which is placed after the first session of the New Hampshire Convention. Thereafter, the states are arranged in the order in which their conventions ratified the Constitution.

The arrangement of documents in the order in which important events occurred is a more meaningful chronological order than one arbitrarily determined by the dates of ratification.

The documents for each state are arranged in the following order: (1) from the receipt of the Constitution after 17 September 1787 to the meeting of the state legislature which called the state convention; (2) the proceedings of the state legislature in calling the state convention; (3) from the legislature's call of the convention to the meeting of the convention; (4) the proceedings of the state convention day by day; (5) official letters transmitting the act of ratification to the Confederation Congress and to other states; and (6) post-convention documents.

Since the history of the ratification of the Constitution by each state is unique, the organization outlined above varies somewhat from state to state.

#### *Ratification of the Constitution by the States: Microform Supplements*

Much of the material for each state is repetitious or peripheral and is placed in microform supplements to the volumes of *Ratification of the Constitution by the States*. The documents in these supplements consist of consecutively numbered items arranged, for the most part, in chronological order.

The following is a list of the types of documents included in the microform supplements:

- (1) Photographic copies of manuscripts such as notes of debates.
- (2) Transcripts of certain letters which contain peripheral information about politics and social relationships.

(3) Newspaper items consisting of ongoing debates that repeat arguments, examples of which are printed in the volumes relating to ratification.

(4) Photographic copies of petitions with the names of signers.

(5) Pamphlets that circulated primarily within one state and which are not printed in either *Ratification of the Constitution by the States* or in *Commentaries on the Constitution*.

(6) Miscellaneous documents such as town records, election certificates, pay vouchers and financial records, attendance records, "recollections" of past events, etc.

#### *Commentaries on the Constitution: Public and Private*

The public debate and private commentary about a new government began before the Constitutional Convention met in the spring of 1787, continued during the Convention, and intensified after the Constitution was published in September 1787. The various forms of the public debate—newspapers, pamphlets, and broadsides which circulated in more than one state and throughout the nation—were read and referred to by men in and out of legislatures and conventions. Thus the Constitution was debated on a regional and on the national level as well as within each state. The purpose of these volumes is to place the ratification of the Constitution in this broad context.

These volumes also contain certain private letters. Most private letters were concerned with ratification in particular states and have been placed in *Ratification of the Constitution by the States*. However, other private letters were published and widely debated, gave men's opinions of the Constitution in general, contained reports of ratification in more than one state, or discussed the means of securing or preventing ratification of the Constitution with or without amendments. Such documents, public and private, are an essential matrix of the history of ratification.

The documents are arranged in chronological order and are numbered consecutively throughout the volumes. A few of these documents are also printed in *Ratification of the Constitution by the States* because of their significance in the state of origin.

#### *Amendments to the Constitution: From Ratification by the States to the Proposal of a Bill of Rights by Congress*

The purpose of this selected group of documents is to bridge the gap between the ratification of the Constitution in each state and the pro-

posal of a bill of rights in Congress on 8 June 1789. There is a basic continuity because the debate over the Constitution continued as actively in several states after ratification as it did before and during the state conventions. The debate centered upon the issue of amendments to the Constitution, and if amendments were needed, whether they should be proposed by a second constitutional convention or by the first Congress under the Constitution. These documents therefore provide the essential background for an understanding of the twelve amendments proposed by Congress on 26 September 1789.

This group of documents consists of materials in the following categories: (1) amendments adopted or rejected by state conventions; (2) amendments proposed by individuals and groups after the state conventions; (3) calls for a second constitutional convention; (4) the responses of state legislatures to calls for a second constitutional convention; (5) documents illustrating individual and group attitudes toward the Constitution after ratification; (6) examples of the continuing newspaper and pamphlet debate on the Constitution after ratification; (7) the role of the Confederation Congress in establishing the new government by setting the date for the first federal elections and the place for the first meeting of the government under the Constitution; (8) the first federal elections; (9) the debate over amendments in the first Congress under the Constitution; (10) the amendments proposed in and rejected by Congress; (11) the twelve amendments submitted to the states for consideration.

# Editorial Procedures

## *Literal Reproduction of Official Documents*

Official documents such as the Constitution, resolutions of the Confederation Congress, state acts calling conventions, forms of ratification, and proclamations are reproduced as literally as possible. A few other documents, because of their character or importance, are also reproduced as literally as possible. The literal reproduction of such documents is indicated by the symbol "LT" (i.e., literal transcript) in the footnote citation to the source.

Those who took part in the debate over the Constitution often quoted official documents in their writings and speeches. All such quotations, whether accurate or not, have been printed literally. If misquotations are merely verbal, attention is not called to them, but if they amount to a distortion of the document quoted, that fact is indicated in an editorial note.

## *Reproduction of Newspaper, Pamphlet, and Broadside Material*

Eighteenth century printers sometimes used several varieties of type in a single item—large capitals, small capitals, and italics, as well as ordinary type. No attempt is made to reproduce varieties of type except when capital letters and italics were evidently used for emphasis by the author or the printer. In a few cases we have reproduced, so far as possible, the format of newspaper items.

Newspaper items are usually printed as separate documents, but occasionally more than one item from a single issue is printed under the title and date of the newspaper. In such cases the items are separated by asterisks.

## *Notes by Contemporaries*

Contemporary footnotes and marginal notes are printed as footnotes after the document and immediately preceding editorial footnotes. Eighteenth-century symbols, such as asterisks, daggers, double daggers, etc., have been replaced by letters ("a," "b," "c," etc.), while Arabic numbers are used for editorial footnotes. Notes inserted in the text by authors remain in the text and are enclosed in parentheses.



*Salutations, Closings, etc., of Letters*

Endorsements, addresses, salutations, and complimentary closings of letters are omitted, except in cases where they provide information important for the understanding or identification of a letter. In such cases they are included in the editorial notes.

*Excerpts and Elisions*

Many documents, particularly letters, contain material such as family news, business affairs, and the like, which is not relevant to ratification. Hence, such material has been omitted. However, when longer excerpts or entire documents have been printed elsewhere, or are included in the microform supplements, this fact is noted.

*Headings for Documents*

All headings are supplied by the editors. They are as follows:

(1) Letters: Headings include the names of the writer and the recipient, and the place and date of writing.

(2) Newspaper essays, broadsides, and pamphlets: Headings are usually shortened versions of the full titles, which are given in editorial notes.

(3) Pseudonymous essays: Headings contain the pseudonym, title or short title, and the source if printed in a newspaper. Information and conjectures about the authors of such essays and full titles are placed in editorial notes.

(4) Untitled newspaper items: Headings consist of the short title of the newspaper and the date.

(5) Reports of public meetings: Headings consist of the name and date of such meetings with the source given in editorial notes.

*Capitalization, Punctuation, and Italics in Manuscript Materials*

Capital letters are used to begin each sentence. Random capitals and italics are removed except when they are evidently used by the author for emphasis. Periods are placed at the ends of sentences instead of dashes, colons, or no punctuation at all. Punctuation is altered within sentences if needed to clarify meaning.

*Spelling*

With one exception, spelling is made to conform to present-day practice. For example, "labour" and "foederal" are spelled "labor" and "federal." The exception to this rule is the spelling of names of individuals. While it is easy enough to correct the spelling of the

names of a "Madison" or a "Washington," there are hundreds of legislators and other men whose names are spelled in various ways in document after document, and sometimes in the same document. The editors therefore follow the practice of the editors of such modern publications as the papers of Thomas Jefferson, John Adams, and Benjamin Franklin, who print the names as they are spelled in each document.

*Abbreviations, Contractions, Superscripts, Numbers, Crossed-out Words, and Blank Spaces*

Abbreviations such as those for place names ("Phila." for Philadelphia, for example) and military titles are spelled out. Contractions such as "can't," "tis," and "altho" are retained. Superscripts are lowered to the line. Archaic forms such as "yt" and "ye" are spelled out, "&c." is printed "etc.," and "&" is printed "and." Numbers are printed as they appear in the documents. Crossed-out words in documents, if they are significant, are placed in editorial notes. Otherwise they are not reproduced. Spaces intentionally left blank in documents are indicated by an underline.

*Brackets*

Brackets are used for the following purposes:

- (1) Editorial insertions are enclosed in brackets: [Amendment].
- (2) Conjectural readings are enclosed in brackets and followed by a question mark: [Amendment?].
- (3) Illegible and missing words are indicated by dashes enclosed in brackets: [—].

*Legislative Proceedings*

The actions of state legislatures relating to ratification are printed under the headings "House Proceedings," "Senate Proceedings," or whatever the name of the "upper" or "lower" house may be, and are followed by the day and date. These proceedings consist primarily of excerpts from the journals of state legislatures but are supplemented by other sources.

When both houses acted on the same day, their actions are placed under the heading: "House and Senate Proceedings." In such cases the proceedings are arranged in the order of action by the two houses so that the progress of a report, a resolution, or a bill through the two houses can be followed in the order in which it occurred.

Messages, resolutions, and reports adopted by one house and sent to the other were often copied in the journals of the house to which they were sent. To avoid duplication in such cases, editorial notes enclosed in brackets are placed at appropriate places in the journals.

No attempt has been made to reproduce literally the *form* of printed or manuscript journals. Lists of names of members of committees, for example, which appear in column form, are printed as paragraphs, and each motion and resolution is set off as a paragraph.

When the first names of men making speeches or motions are not given, they are inserted without using brackets. The full names of speakers are set in italics. When a member is referred to in a general manner, the name is inserted in the proper place in brackets (i.e., "the member from Fayette [John Smilie] said").

We have included in the House and Senate proceedings only those actions relating to ratification. But it should be remembered that the legislatures which called state conventions also carried on their regular business during the same sessions, and usually spent far more time on such business than they did on ratification.

### *Convention Proceedings*

The nature of the sources for the proceedings of state conventions varies from state to state, and sometimes from day to day within a state. In this *Documentary History* the proceedings of a convention, with some exceptions, are printed in the following order:

- (1) Official convention journals.
- (2) Accounts of convention debates by reporters.
- (3) Notes of debates and proceedings by convention members (arranged alphabetically).
- (4) Public and private commentaries on a day's proceedings.

In printing the convention journals and debates, the editorial procedures used in printing legislative journals and debates are followed, with some exceptions arising from the nature of the sources.

### *Cross-references*

(1) Each volume of *The Documentary History of the Ratification of the Constitution* is divided into sections indicated by Roman numerals and subsections indicated by capital letters. Cross-references to documents within a single volume are indicated by the Roman numeral and the capital letter. For example: "II:B above," "III:C below," etc.

(2) Cross-references to documents in the first volume of *The Documentary History*, subtitled *Constitutional Documents and Records, 1776-1787*, are indicated by "CDR" followed by the page number. For example: "CDR, 325."

(3) Cross-references to volumes in *The Documentary History*, subtitled *Ratification of the Constitution by the States*, are indicated by "RCS" followed by the abbreviation of the name of the state. For example: "RCS:Pa."

(4) Cross-references to documents in the microform supplements to *Ratification of the Constitution by the States* are indicated by "Mfm" followed by the abbreviation for the name of the state and the number of the document. For example: "Mfm:Pa. 36."

(5) Cross-references to documents in *Commentaries on the Constitution: Public and Private* are indicated by "CC" followed by the number of the document. For example: "CC:25."

#### *References to Reprinting of Newspaper Items*

Many items printed in a state's newspaper were reprinted by other newspapers in the same state and by newspapers in other states. When such reprinting appears significant, the distribution will be indicated in editorial notes.

# Symbols

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

### Manuscripts

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

### Manuscript Depositories<sup>1</sup>

Ct	Connecticut State Library, Hartford
CtHi	Connecticut Historical Society, Hartford
CtY	Yale University, New Haven, Connecticut
De-Ar	Division of Historical and Cultural Affairs, Delaware Department of State, Dover
DLC	Library of Congress, Washington, D.C.
DNA	National Archives, Washington, D.C.
G-Ar	Georgia Department of Archives and History, Atlanta
GHi	Georgia Historical Society, Savannah
GU	University of Georgia Library, Athens
MHi	Massachusetts Historical Society, Boston
NHi	New-York Historical Society, New York City
NjHi	New Jersey Historical Society, Newark
NjR	Rutgers—The State University, New Brunswick, New Jersey
PHi	Historical Society of Pennsylvania, Philadelphia

## Short Titles

Abernethy	Thomas P. Abernethy, <i>The South in the New Nation, 1789-1819</i> (Baton Rouge, La., 1961).
Adams, <i>Works</i>	Charles Francis Adams, ed., <i>The Works of John Adams</i> . . . , VI (Boston, Mass., 1851).
Boyd	Julian P. Boyd, ed., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950—).
Coleman	Kenneth Coleman, <i>The American Revolution in Georgia, 1763-1789</i> (Athens, Ga., 1958).
CSR	Charles J. Hoadly, et al., eds., <i>The Public Records of the State of Connecticut</i> (Hartford, Conn., 1894—).
<i>Delaware Laws</i>	<i>Laws of the State of Delaware</i> . . . [1700-1797] (2 vols., New Castle, Del., 1797).
Dwight, <i>Travels</i>	Timothy Dwight, <i>Travels in New England and New York</i> , ed. Barbara Miller Solomon (4 vols., Cambridge, Mass., 1969).
Farrand	Max Farrand, ed., <i>The Records of the Federal Convention</i> (3 vols., New Haven, Conn., 1911).
GHQ	<i>The Georgia Historical Quarterly</i> .
JCC	Worthington C. Ford, et al., eds., <i>Journals of the Continental Congress, 1774-1789</i> . . . (34 vols., Washington, D.C., 1904-1937).
LMCC	Edmund C. Burnett, ed., <i>Letters of Members of the Continental Congress</i> (8 vols., Washington, D.C., 1921-1936).
McCormick	Richard P. McCormick, <i>Experiment in Independence: New Jersey in the Critical Period, 1781-1789</i> (New Brunswick, N.J., 1950).
PCC	Papers of the Continental Congress, 1774-1789 (Record Group 360, National Archives).
RG 11	United States Government Documents Having General Legal Effect (National Archives).

## Cross-references

CC	<i>Commentaries on the Constitution: Public and Private</i>
CDR	<i>Constitutional Documents and Records, 1776-1787</i>
Mfm	Microform Supplements to RCS
RCS	<i>Ratification of the Constitution by the States</i>

1. The symbols are those adopted by the Library of Congress: *Symbols of American Libraries* (10th ed., Washington, D.C., 1969).

# Chronology, 1786—1790

## 1786

- 21 January Virginia legislature calls meeting to consider granting Congress power to regulate trade.
- 7 August Grand committee of Confederation Congress reports amendments to the Articles of Confederation.
- 11–14 September Meeting of commissioners at Annapolis, Maryland.
- 14 September Commissioners at Annapolis propose that states elect delegates to a convention at Philadelphia in May 1787.
- ca. 20 September Confederation Congress receives report of commissioners at Annapolis.
- 11 October Confederation Congress appoints committee to consider report of commissioners at Annapolis.
- 23 November Virginia legislature authorizes election of delegates to Convention at Philadelphia.
- 23 November New Jersey legislature elects delegates.
- 4 December Virginia legislature elects delegates.
- 30 December Pennsylvania legislature elects delegates.

## 1787

- 6 January North Carolina legislature elects delegates.
- 17 January New Hampshire legislature elects delegates.
- 3 February Delaware legislature elects delegates.
- 10 February Georgia legislature elects delegates.
- 21 February Confederation Congress calls Convention to amend Articles of Confederation.
- 22 February Massachusetts legislature authorizes election of delegates.

- 28 February New York legislature authorizes election of delegates.
- 3 March Massachusetts legislature elects delegates.
- 6 March New York legislature elects delegates.
- 8 March South Carolina legislature elects delegates.
- 14 March Rhode Island legislature refuses to elect delegates.
- 28 March Pennsylvania legislature elects Benjamin Franklin to Convention.
- 23 April-26 May Maryland legislature elects delegates.
- 5 May Rhode Island legislature again refuses to elect delegates.
- 14 May Convention meets at Philadelphia: quorum not present.
- 14-17 May Connecticut legislature elects delegates.
- 25 May Convention begins with quorum of seven states.
- 29 May Virginia Resolutions presented to Convention.
- 29 May Charles Pinckney's Plan presented to Convention.
- 13 June Amended Virginia Resolutions submitted to Convention.
- 15 June New Jersey Amendments to Articles of Confederation presented to Convention.
- 16 June Rhode Island legislature again refuses to elect delegates.
- 18 June Alexander Hamilton's Plan presented to Convention.
- 19 June Convention rejects New Jersey Amendments to Articles of Confederation and accepts Amended Virginia Resolutions.
- 27 June New Hampshire legislature renews election of delegates.
- 13 July Confederation Congress adopts Northwest Ordinance.
- 24, 26 July Convention submits resolutions to Committee of Detail.



- 6 August Committee of Detail submits draft constitution to Convention.
- 10 September Convention submits amended draft constitution of 6 August to Committee of Style.
- 12 September Committee of Style submits draft constitution to Convention.
- 17 September Constitution signed and Convention adjourns *sine die*.
- 18 September Constitution read in Pennsylvania legislature.
- 20 September Constitution read in Confederation Congress.
- 26-28 September Confederation Congress debates Constitution.
- 28 September Congress transmits Constitution to the states.
- 28-29 September Pennsylvania calls state convention to meet on 20 November.
- 17 October Connecticut calls state convention to meet on 3 January 1788.
- 25 October Massachusetts calls state convention to meet on 9 January 1788.
- 26 October Georgia calls state convention to meet on 25 December 1787.
- 31 October Virginia calls state convention to meet on 2 June 1788.
- 1 November New Jersey calls state convention to meet on 11 December 1787.
- 6 November Pennsylvania elects delegates to state convention.
- 10 November Delaware calls state convention to meet on 3 December 1787.
- 12 November Connecticut elects delegates to state convention.
- 19 November 1787-7 January 1788 Massachusetts elects delegates to state convention.
- 20 November-15 December Pennsylvania Convention.
- 26 November Delaware elects delegates to state convention.
- 27 November Maryland calls state convention to meet on 21 April 1788.

- 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 to meet on 21 July 1788.
- 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 to meet on 13 February 1788.
- 18 December New Jersey Convention ratifies Constitution, 38 to 0.
- 25 December 1787–  
5 January 1788 Georgia Convention.
- 31 December Georgia Convention ratifies Constitution, 26 to 0.
- 31 December 1787–  
12 February 1788 New Hampshire elects delegates to state convention.

## 1788

- 3–9 January Connecticut Convention.
- 9 January Connecticut Convention ratifies Constitution, 128 to 40.
- 9 January–  
7 February Massachusetts Convention.
- 16–19 January South Carolina legislature debates Constitution.
- 19 January South Carolina calls state convention to meet on 12 May 1788.
- 1 February New York calls state convention to meet on 17 June 1788.
- 6 February Massachusetts Convention ratifies Constitution, 187 to 168, and proposes amendments.
- 13–22 February New Hampshire Convention: first session.

- 1 March Rhode Island legislature calls statewide referendum on Constitution on 24 March.
- 3-31 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, and 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 Confederation Congress sets dates for election of President and meeting of new government under the Constitution.
- 20 November Virginia legislature requests Congress under the Constitution to call a second constitutional convention.
- 30 November North Carolina legislature calls second state convention to meet on 16 November 1789.

### 1789

- 4 February Presidential Electors cast ballots for President and Vice President.
- 4 March New Congress meets: quorum not present.
- 1 April Quorum present in House of Representatives.
- 6 April Quorum present in Senate, and votes for President and Vice President are counted.
- 30 April George Washington takes oath of office as President.
- 21-22 August North Carolina elects delegates to second state convention.
- 26 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 legislature calls state convention to meet on 1 March 1790.
- 8 February Rhode Island elects delegates to state convention.
- 1-6 March Rhode Island Convention: first session.
- 13 May United States Senate passes bill to sever Rhode Island from Union.
- 24-29 May Rhode Island Convention: second session.
- 29 May Rhode Island Convention ratifies Constitution, 34 to 32, and proposes amendments.

# Calendar for the Years 1787—1790

1787

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

1788

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

## 1789

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

## 1790

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

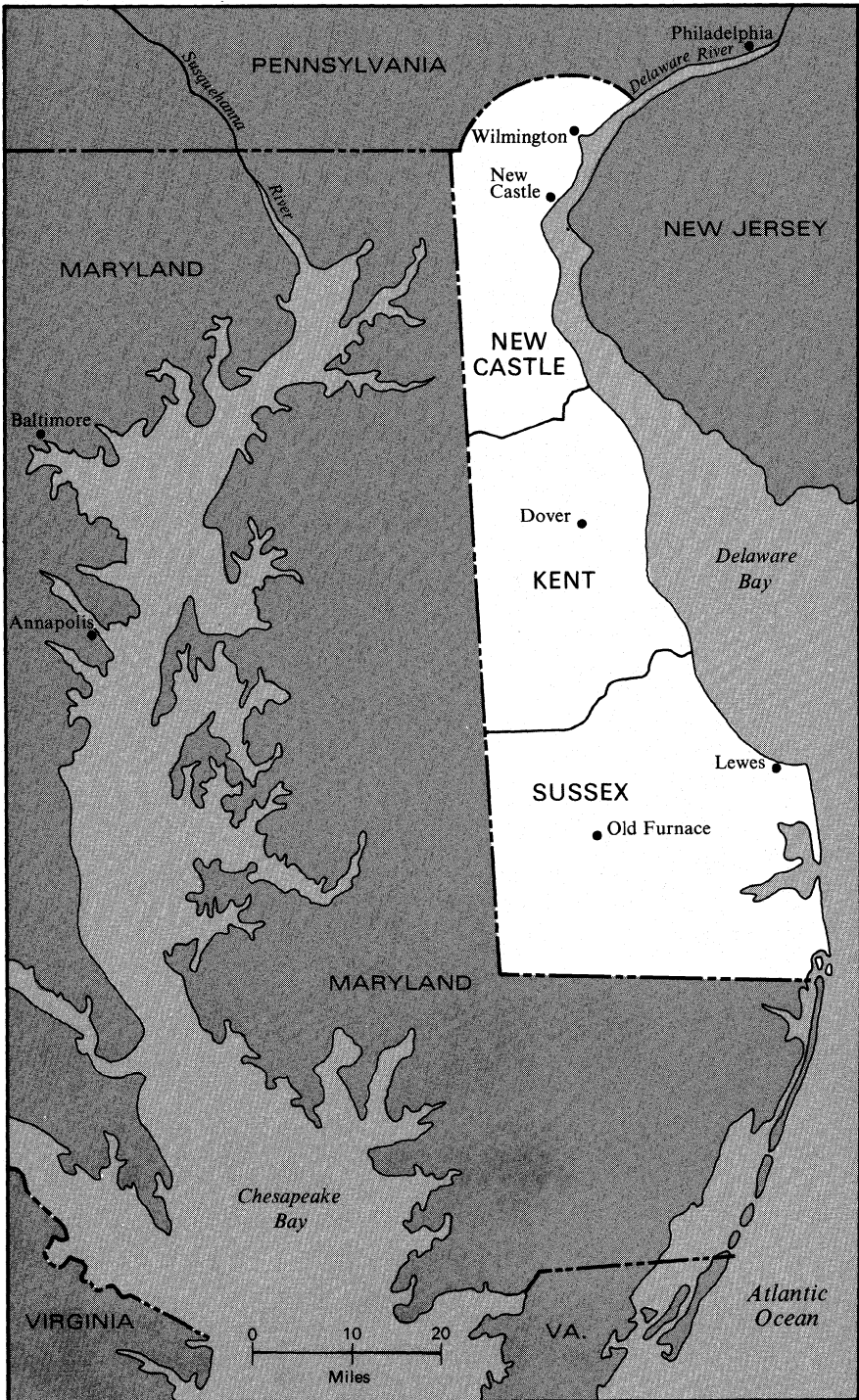


# The Ratification of the Constitution by Delaware

- I. The Constitution in Delaware to 24 October 1787
  - II. The General Assembly and the Constitution  
24–25 October 1787
  - III. The General Assembly and the Sussex Elections  
25 October–10 November 1787
  - IV. The General Assembly Calls the State Convention  
7–10 November 1787
  - V. The Election of Convention Delegates  
26 November 1787
  - VI. The Delaware Convention, 3–7 December 1787
- Biographical Gazetteer



# DELAWARE, 1787



Map prepared by Cartographic Laboratory, University of Wisconsin — Madison

## Introduction

The first state constitution named it "The Delaware State," but before 1776 the future state was commonly known as the "three lower counties" of Pennsylvania. Swedish colonists planted the first settlements in 1638, the Dutch from New Amsterdam seized them in 1655, and after the English capture of New Amsterdam in 1664, King Charles II gave the area to his brother, James, Duke of York. In 1682 the Duke granted the land to William Penn, who united it with his proprietary province of Pennsylvania. The three counties of New Castle, Kent, and Sussex at first sent delegates to the Pennsylvania Assembly, but in 1701 Penn granted them a charter similar to the one he had granted to Pennsylvania in 1683. Thereafter, Delaware had a unicameral legislature, with the governor of Pennsylvania serving as its governor.

Until 1776, and for a time afterwards, some prominent people were, in effect, citizens of both Pennsylvania and Delaware. Thus, before 1776 John Dickinson served at one time as Speaker of the Delaware Assembly and at another as a Philadelphia representative in the Pennsylvania Assembly. He was President of Delaware in 1783, when he was elected President of Pennsylvania. From 1776 to 1783, when the Delaware legislature ended the practice, non-residents often represented the state in Congress. For instance, in 1782 three of the four men elected were residents of Pennsylvania, including a former Delawarean, Thomas McKean, who had been Chief Justice of Pennsylvania since 1777.

Delaware welcomed independence from Pennsylvania in 1776, but divided sharply on the issue of independence from Great Britain. Perhaps four-fifths of New Castle County favored independence, but half of Kent and four-fifths of Sussex were opposed to it. The vote of the Delaware delegates in Congress reflected the split in the colony and forecast future political divisions. On 1 July 1776 Thomas McKean voted for and George Read voted against independence. The tie was broken the next day with the arrival of Caesar Rodney, who voted for independence.

Delaware remained divided for years, with two factions, commonly called Whigs and Tories, fighting for control. The Whigs, sometimes called the "country," "Presbyterian," or "democratic" party, were led by Caesar Rodney until his death in 1784. The Tories, sometimes called the "court," "church," or "aristocratic" party, were led by George Read until his death in 1798.

Late in July 1776 the old colonial assembly, which had not been replaced by a revolutionary congress, called an election to choose delegates to a convention to write the state's first constitution. The Tories won an overwhelming victory, defeating such leaders for independence as Caesar Rodney. George Read was elected president of the convention. On 11 September the convention adopted a declaration of rights which guaranteed, among other things, freedom of religion, freedom of the press, trial by jury, and the right of petition. On 20 September the convention adopted a constitution without submitting it to the voters. The constitution went into effect with the election of the first state legislature in October. (For the texts of the constitution and the declaration of rights, see Mfm:Del. 1.)

The constitution created a two-house legislature called "The General Assembly." The "Legislative Council" consisted of three delegates from each of the three counties who were elected for three-year terms. Once the new government was established, one councillor from each county was elected each year. The "House of Assembly" consisted of seven delegates elected annually from each of the three counties. The chief executive, the President, was elected for a three-year term by joint ballot of the two houses and was then ineligible for three years. He was commander in chief of the militia and had certain powers of appointment, but unlike the colonial governor, he could not veto legislation. A four-member Privy Council, two elected by each house for three-year terms and then ineligible for three years, acted as advisor to the President.

The judicial system consisted of a supreme court, a court of common pleas in each county, and justices of the peace. The three Supreme Court justices and the four justices of each county court were chosen by joint ballot of the two houses of the legislature to serve during good behavior. Twelve justices of the peace for each county were appointed for seven years by the President and Privy Council from a list of twenty-four names nominated for each county by the House of Assembly. The President and Privy Council also appointed county sheriffs and coroners for one-year terms from lists of two men for each post nominated by the freemen of each county. Sheriffs serving three years consecutively were ineligible for three years thereafter.

The annual election of representatives, of one councillor for each county, and of county coroners and sheriffs was held on 1 October, or on the day following if the 1st fell on Sunday. Annual legislative sessions began on 20 October, or on the day following if the 20th fell on Sunday. The property qualification for voting remained what it had been before 1776: the ownership of fifty acres of land, twelve acres of which were cleared, or the ownership of property worth £40.

The Tories won the first state elections in October 1776. The elections were characterized by violence, especially in Sussex County. The new legislature promptly elected John Dickinson and reelected George Read, both opponents of independence, to Congress. Thomas McKean and Caesar Rodney, the two outstanding supporters of independence, were defeated for reelection. John McKinly, described as a "mere patch upon the back" of George Read, was elected President of the state early in 1777.

Armed Tories had driven Whigs from the polls in 1776, but the next year the Whigs retaliated in kind and won control of the Assembly. In 1778 the legislature elected Caesar Rodney President in place of McKinly, who had been captured by the British. In May and June 1778 the Whig-controlled legislature adopted an act denying political rights to those who refused to take oaths of allegiance to the state, and an act confiscating Tory property. The state also suppressed Loyalist rebellions in 1778 and 1780. Despite such measures, the Tories gained strength, especially in Sussex County, which was a refuge for Loyalists from other states, and whose inhabitants were allied with dissident elements in the neighboring counties on the Eastern Shore of Maryland.

The Whigs maintained control of the Assembly until 1786, but during most of these years the Tories controlled the Council. In 1786 the Tories got control of both houses and retained control for several years thereafter.

The animosity among political leaders and the violence on election days were probably unmatched in any other state, but at the same time Delawareans seemed remarkably united in their attitude toward other states and the government of the United States. From the beginning, Delaware insisted on an equal vote with other states in Congress. In addition, during the writing of the Articles of Confederation, Delaware opposed interference by the central government in the internal affairs of the states. However, there was one important exception: Delaware joined with the other four "landless" states in demanding that Congress have the power to limit the boundaries of states claiming land west of the Appalachians, and in demanding an equal share in those lands. Delaware refused to ratify the Articles of

Confederation until February 1779 because the Articles did not give Congress that power (CDR, 130-35). But Delaware did not give up its demands. George Read declared in the Constitutional Convention in 1787 that the "unjust appropriation of the public lands" was a "great evil." He also opposed guaranteeing the territorial integrity of the states because it would "confirm the assumed rights of several states to lands which do belong to the Confederation" (Farrand, I, 206, 471).

After 1781, Delaware consistently supported attempts to increase the powers of Congress. The legislature ratified the Impost Amendment of 1781 in November 1781, the Impost of 1783 in June 1783, and the congressional request of 1784 for temporary power to regulate trade in February 1786. It also adopted, in June 1783, the amendment to the Articles of Confederation which proposed to change the basis for sharing expenses among the states from land values to population. (For the amendments and the request for temporary power, see CDR, 140-41, 146-48, 148-50, 153-54.)

During 1786, Delaware tried to improve its economic position in various ways. The legislature established New Castle and Wilmington as free ports for twenty-five years in an effort to end the state's economic dependence on Philadelphia. The legislature also elected delegates to a convention (which never met) of Maryland, Pennsylvania, and Delaware to consider improving the navigation of the Susquehanna River and opening a waterway between Chesapeake and Delaware bays. As in other states, there was a popular demand for paper money. The House responded by passing two paper money bills, but the Tory-controlled Council rejected both.

In June 1786 the legislature answered Virginia's call for a commercial convention at Annapolis by electing five important leaders as delegates: Richard Bassett, Gunning Bedford, Jr., Jacob Broom, John Dickinson, and George Read. Bassett, Dickinson, and Read attended the Annapolis Convention. Dickinson served as its chairman and signed the report sent to Congress and the states. The report recommended that a convention meet in Philadelphia in May 1787 to devise measures "to render the constitution of the Foederal Government adequate to the exigencies of the Union . . ." (CDR, 177, 181-85).

The report was laid before the House of Assembly on 25 October 1786, and on 3 February 1787 the legislature elected the same delegates to the Philadelphia convention that it had sent to the Annapolis Convention. The delegates were empowered to join in proposing alterations "to render the Foederal Constitution adequate to the Exigencies of the Union," but they were forbidden to agree to any alteration in Article V of the Articles of Confederation which gave each state one vote in Congress (CDR, 203-4).

All five Delaware delegates attended the Constitutional Convention and, up to a point, they followed their instructions concerning the equality of states. On the second day of the debate on the Virginia Resolutions (CDR, 243-45), George Read threatened that Delaware would leave the Convention if it adopted representation by population in both houses of the "National Legislature." However, John Dickinson first proposed the solution eventually adopted: equality of the states in the Senate and election of Senators by the state legislatures.

Thereafter, the Delaware delegates divided on the extent of the power of the central government. George Read supported the extreme nationalists, who wanted a powerful executive chosen for life and a senate whose members would serve long or even life terms. And despite his defense of equality of the states in Congress, he finally joined those who wanted to abolish the states, at one point declaring that the state governments should be annihilated. John Dickinson, who had supported a strong central government ever since he wrote the first draft of the Articles of Confederation in 1776 (CDR, 79-86), believed that the states must be an integral part of the political system. He therefore joined those delegates who wanted to create a "federal government" which divided sovereignty between the central government and the states, rather than a "national government" of unlimited and unchecked power over the states and their citizens.

There was no overt opposition to the Constitution in Delaware. Whigs and Tories both favored ratification, although they engaged in the usual attacks upon and threats of violence against one another during the election of Convention delegates on 26 November 1787. Delaware was the first state to ratify the Constitution, the state Convention doing so unanimously on 7 December, five days before Pennsylvania ratified.

Tories continued to dominate state politics in 1788 and elected a Tory delegation to the first Congress under the Constitution: George Read and Richard Bassett to the Senate and John Vining to the House of Representatives. During the 1790s most Tories were Federalists in national politics, while most Whigs joined the opposition as members of the emerging Democratic-Republican Party.

## Note on Sources

### *Delaware Legislative Records*

The official sources for Delaware's history for 1787 and 1788, except as noted below, are in the Division of Historical and Cultural Affairs of Delaware's Department of State. The legislative records consist of the Journals of the Legislative Council, the Journals of the House of Assembly, and the Legislative Papers. The Journals of the Council for the October–November 1787 session were published, by order of the Council, as *Votes and Proceedings of the Legislative Council of the Delaware State . . .* [27–31 August, 20 October–10 November 1787] (Wilmington, 1787). Since the manuscript Journals are rough and sometimes incomplete, the excerpts we have printed from the Council Proceedings have been transcribed from the official 1787 imprint.

The Journals for the January–February 1788 session of the Council are printed as "Minutes of the Council of the Delaware State, from 1776 to 1792," *Papers* of the Historical Society of Delaware, VI (Wilmington, 1887). The excerpts from the Council Proceedings in the microfiche supplement have been transcribed from this printed version. No 1788 imprint of the Council Journals is extant.

The manuscript Journals of the House of Assembly for 1787 and 1788 are not extant. The Journals were published, by order of the House, at the end of each session. The House Journals for the August 1787 and October–November 1787 sessions were published as *Votes and Proceedings of the House of Assembly of the Delaware State . . .* [27–29 August, 20 October–10 November 1787] (Wilmington, 1787). The Journals for the January–February 1788 session were published as *Votes and Proceedings of the House of Assembly of the Delaware State . . .* [7 January–2 February 1788] (Wilmington, 1788).

The Legislative Papers are a valuable source for Delaware's legislative history. They contain official letters, the President's messages to the legislature, drafts of committee reports, draft resolutions and bills, and petitions to the legislature. The collection also includes documents relating to legislative investigations, particularly the testimonies and depositions of witnesses.

Related documents, probably removed from the Legislative Papers, are in Folder 181, Convention to Ratify the Constitution of the United States—1787, of the General Reference Collection. Folder 181 consists of petitions calling for a state convention and recommending a cession of land for the federal capital, committee reports and draft resolutions for calling a state convention, and petitions protesting the illegality of the election of Sussex County Convention delegates.

There are no reports of legislative debates. In January 1788 Frederick Craig and Company, publishers of the *Delaware Gazette*, petitioned the House of Assembly for permission to publish accounts of its debates. The publishers stated that the debates would be "highly interesting to the citizens of the state and cannot but reflect honor on their representatives" (ADS, Legislative Papers, 1787, October–November, Petitions, De-Ar). In refusing the request on 16 January 1788, the House replied that, since it met in "a small room," the taking of notes of debates "could not be performed with requisite exactness and propriety."

#### *Executive and Administrative Records*

The executive and administrative records are not as voluminous as the legislative records, but they contain useful documents. The manuscript Minutes of the Privy Council are in the Historical Society of Delaware. The Executive Papers contain letters and documents received from the Secretary of Congress and from the chief executives of the other states. Some letters of Delaware's chief executives are in the Colonial and Revolutionary Documents of the State of Delaware, Manuscript Division, Library of Congress. The Account and Waste Books of the state auditor have the financial records of the Delaware Convention.

#### *County Records*

The "Sussex County Records" contain material relating to the disputed Sussex elections of 15 October and 26 November 1787. The records include lists of people who voted and the indentures of election for the men elected to both houses of the legislature. The records for the other two counties contain no relevant material on the Constitution.

#### *Personal Papers and Records*

There are only a few letters and other records of Delaware's political leaders. The H.F. Brown Collection of Rodney Papers and the Rodney Collection in the Historical Society of Delaware have letters



to and from Thomas Rodney and his draft essays on political subjects. The Coxe Papers (Tench Coxe Section) and the Hollingsworth Papers in the Historical Society of Pennsylvania have a few letters written by Delawareans.

#### *Newspapers and Pamphlets*

Only one newspaper, *The Delaware Gazette, or, the Faithful Centinel*, appears to have been published in Delaware after 17 September 1787. The *Gazette* was published weekly by Frederick Craig and Company [Frederick Craig, Peter Brynberg, and Samuel Andrews] of Wilmington, the state's largest town. Only four issues are extant for the period 17 September 1787—June 1788: 10, 17, and 31 October, and 19 December 1787. They contain Federalist and Anti-federalist articles reprinted from newspapers in other states, but no essays by Delawareans. However, Philadelphia and Baltimore newspapers reprinted material from no longer extant issues of the *Gazette* under the dateline "Wilmington."

A second weekly, *The Delaware Courant, and Wilmington Advertiser*, was published in Wilmington, but the last known issue of that paper appeared on 8 September 1787. The *Courant's* publishers were Samuel and John Adams, brothers of James Adams, Jr., who was the *Courant's* founder and a printer to the State of Delaware.

So far as is known, no Delaware printer published a pamphlet on the Constitution. However, an unidentified Philadelphia printer published, in August or September 1788, a pamphlet written by Dr. James Tilton, a Dover physician and a leader of the Whigs. Written under the pseudonym "Timoleon," the pamphlet is entitled *The Biographical History of Dionysius, Tyrant of Delaware, Addressed to the People of the United States of America*. The pamphlet is an attack upon the political activities of George Read, the leader of Delaware's Tories.

The pamphlet is essential for an understanding of Delaware politics from 1776 to 1788. Although Tilton's interpretations and the motives that he attributes to George Read are open to debate, his account of the events between October 1787 and January 1788 can be substantially corroborated from other sources.

The pamphlet has been republished with an historical and biographical introduction by John A. Munroe as *Timoleon's Biographical History of Dionysius, Tyrant of Delaware* (Newark, Del., 1958).

#### *Convention Records*

There are no Journals or records of debates for the Convention. The Journals of the House of Assembly for 11 January 1788 indicate that the President of Delaware laid the Convention's "proceedings"

before the House, but the "proceedings" apparently have been lost except for a fragment. The only extant Convention records concern its expenses. Pay vouchers, which include the days the delegates attended, are in the Executive Papers, Folder 1787, Convention for Ratifying the United States Constitution—Accounts. Records of the Convention's expenses are also in the Account and Waste Books of the state auditor.

### *Secondary Accounts*

Accounts of the ratification of the Constitution by Delaware are meager. Only passing mention is made in John A. Munroe's *Federalist Delaware 1775–1815* (New Brunswick, N.J., 1954). The book is valuable for its account of Delaware politics and society in the years before ratification. Henry C. Conrad, *History of the State of Delaware* (3 vols., Wilmington, 1908) and J. Thomas Scharf, *History of Delaware, 1609–1888* (2 vols., Philadelphia, 1888) are also valuable. For politics through the eyes of a contemporary Whig partisan, see Peter Jaquett to Caesar A. Rodney, 8 November 1804, in Harold B. Hancock, "Loaves and Fishes: Applications for Office from Delawareans to George Washington," *Delaware History*, XIV (1970–1971), 150–58. Hancock's *The Delaware Loyalists* (Wilmington, 1940) is indispensable for the study of that group.

## Note on Microfiche Supplement

The microfiche supplement contains transcripts or photographic copies of official documents, newspaper items, and private letters. The principal official documents are: the declaration of rights and the constitution of 1776; New Castle County petitions supporting the Constitution and recommending a cession of land for the federal capital; lists of votes cast in the Sussex County election on 15 October 1787; Sussex County petitions protesting the 15 October election; the proceedings of the General Assembly, 24 October–10 November; the act altering the quorum of the House of Assembly; the act altering the place of election in Sussex County; the lists of voters in the Sussex County election on 26 November; Sussex County petitions to the General Assembly and to the Delaware Convention protesting the election on 26 November; the two forms of ratification; the expenses of the Delaware Convention; and the proceedings of the General Assembly, 10 January–2 February 1788.

Other items included are private letters of Thomas Rodney from 1788 to 1791 giving his views on politics and society; newspaper reports of the House of Assembly proceedings, 27 October–10 November 1787; Dr. James Tilton's (i.e., "Timoleon") pamphlet, *The Biographical History of Dionysius, Tyrant of Delaware*; reports concerning the prospect for ratification by Delaware, 26 September–11 December 1787; and public and private commentaries on ratification, 12 December 1787–18 January 1788. The last two groups consist of brief out-of-state newspaper items and excerpts from private letters written in other states.

An appendix to the microfiche supplement lists the items published in the few extant issues of the *Delaware Gazette* and the *Delaware Courant* that are published elsewhere in *The Documentary History of the Ratification of the Constitution*.

# Delaware Chronology, 1786-1788

## 1786

- 21 January-  
23 February Virginia issues call for commercial convention to meet at Annapolis.
- 10 June House of Assembly appoints committee to consider Virginia's call for commercial convention.
- 15-23 June Legislature elects George Read, Jacob Broom, John Dickinson, Richard Bassett, and Gunning Bedford, Jr. delegates to convention at Annapolis.
- 11-14 September Annapolis Convention: Calls for convention to meet in Philadelphia in May 1787.
- 25 October House of Assembly receives report of Annapolis Convention.

## 1787

- 11 January Legislature receives Virginia act authorizing election of delegates to convention in Philadelphia in May 1787.
- 12 January House of Assembly submits report of Annapolis Convention to committee.
- 3 February Legislature elects George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, and Jacob Broom delegates to Constitutional Convention.
- 21 February Confederation Congress calls Constitutional Convention to meet in Philadelphia in May to amend Articles of Confederation.
- 25 May-  
17 September Constitutional Convention, Philadelphia.

- 27–31 August Legislature meets to consider anticipated report of Constitutional Convention.
- 17 September Constitutional Convention adjourns *sine die*.
- 1 October Annual legislative election; riots prevent election in Sussex County.
- 15 October Election for legislature in Sussex County.
- 24 October–  
10 November Legislative session.
- 24 October Constitution read to House of Assembly; committee appointed to report on Constitution.
- 25 October Committee reports resolutions calling state convention.
- 27 October Legislature passes act altering quorum in House of Assembly.
- 29 October–  
7 November House of Assembly and Legislative Council investigate and void Sussex County election.
- 9–10 November Legislature adopts resolutions calling state Convention to meet on 3 December.
- 10 November Legislature adopts act altering place of election in Sussex County for year 1787; issues writs for new legislative election in Sussex County; adjourns.
- 26 November Delegates elected to state Convention; representatives and councillor elected in Sussex County.
- 28 November Sussex County petitions request Delaware Convention to void election of Sussex Convention delegates and to call new election.
- 3 December State Convention meets in Dover.
- 7 December Convention ratifies Constitution 30 to 0; adjourns *sine die*.

### 1788

- 22 January Delaware Form of Ratification read to Confederation Congress.
- 10–24 January Legislature investigates and validates Sussex County election of representatives and councillor on 26 November 1787.

# Delaware Officeholders, 1787-1788

## PRESIDENT

Thomas Collins

## ATTORNEY GENERAL

Gunning Bedford, Jr.

## SECRETARY OF STATE

James Booth

## TREASURER

Joshua Clayton

## PRIVY COUNCIL

(October 1787): John Clayton, Eleazer McComb, Charles Pope, James Sykes

## SUPREME COURT

William Killen (Chief Justice), David Finney, John Jones

## MEMBERS OF CONGRESS

(1786-1787): Gunning Bedford, Sr. (declined), Dyre Kearny (replaced Bedford), Nathaniel Mitchell, Thomas Rodney; (1787-1788): Isaac Grantham, Dyre Kearny, Nathaniel Mitchell

## DELEGATES TO CONSTITUTIONAL CONVENTION

Richard Bassett, Gunning Bedford, Jr., Jacob Broom, John Dickinson, George Read

## LEGISLATIVE COUNCIL

Speaker: Thomas McDonough

Clerk: James Sykes, John Edmunds Clayton

### NEW CASTLE COUNTY

Thomas McDonough  
George Read  
Nicholas Van Dyke

### SUSSEX COUNTY

Daniel Polk  
Alexander Laws  
Simon Kollock  
(election voided,  
3 November)  
Isaac Horsey  
(elected 26 November;  
seated January 1788)

### KENT COUNTY

James Tilton  
John Banning  
John Cook

## HOUSE OF ASSEMBLY

Speaker: Thomas Rodney, Jehu Davis

Clerk: James Booth

### NEW CASTLE COUNTY

Alexander Porter  
Thomas Evans  
Isaac Grantham  
Henry Latimer  
Thomas May  
Thomas Robinson  
Joshua Clayton

### KENT COUNTY

James Raymond  
John Gordon  
Mark M'Call  
Jehu Davis  
John Revell  
Thomas Rodney  
John Vining

### SUSSEX COUNTY

(Election voided, 7 November)  
Rhoads Shankland  
George Mitchell  
Charles Polk  
Nathaniel Hayes  
William Peery  
John Tennant  
Nathaniel Waples

### SUSSEX COUNTY

(Elected 26 November;  
seated January 1788)  
Rhoads Shankland  
George Mitchell  
Charles Polk  
Nathaniel Hayes  
Jeremiah Cannon  
Hap Hazzard  
William Massey

I  
**THE CONSTITUTION IN DELAWARE**  
**To 24 October 1787**

The Delaware House of Assembly was eager to consider the report of the Constitutional Convention. On 8 June 1787 it adjourned to August, when it expected to consider the Convention's recommendations. Since the Convention was still in session, the House adjourned on 29 August to meet on 30 September, but it did not meet until 20 October, the day set by the state constitution for the beginning of annual legislative sessions.

The Constitution apparently received widespread support and almost no opposition. In October, 187 inhabitants of New Castle County sent five petitions to the legislature urging it to call a state convention for the "speedy ratification" of the Constitution. Three other petitions signed by 140 inhabitants of the same county asked the legislature to provide for a cession of land for the federal capital.

Not enough issues of the *Delaware Gazette* are extant to indicate what, if anything, Delaware citizens wrote about the Constitution, but the three extant October 1787 issues contain both Federalist and Antifederalist items reprinted from Philadelphia newspapers. On 10 October the *Gazette* reprinted "American Citizen" I; on the 17th "American Citizen" II, the Address of the Seceding Assemblymen of the Pennsylvania Assembly, and the Reply of Six Assemblymen to the Seceding Assemblymen; and on the 31st "Centinel" I. (For the texts of these items, see CC:100-A, 109, 125-A, 133; and RCS:Pa., 112-20.)

**The Delaware General Assembly**  
**Wednesday**  
**29 August 1787**

**House Proceedings, A.M.<sup>1</sup>**

The House met; absent Messrs. Bedford, Broom, Rodney, Polk, Shankland, Moore, and Mitchell.

Whereas the legislature of this state, impressed with the expectation of having reported to them, at this session, such a system of

government as should be recommended by the Federal Convention for the adoption of the several states, and being desirous of giving the same the earliest attention for the purpose of relieving the Union from the embarrassment of their present inefficient system, adjourned to meet at this time; but the said Convention not having completed the business delegated to them, and the present engagements of divers of the members not admitting their regular attendance at this busy season of the year;

Therefore Resolved, That this House now adjourn to the thirtieth day of September next; and it is hereby adjourned accordingly.

1. *Votes and Proceedings of the House of Assembly of the Delaware State . . .* [27–29 August, 20 October–10 November 1787] (Wilmington, 1787). Hereafter the Assembly Proceedings will be cited by date only.

### Nicholas Ridgely to Stephen Collins

Dover, 18 September (excerpt)<sup>1</sup>

I suppose you Philadelphians are now big with the events of the deliberations of Convention. My curiosity is excited. The expectations of everybody are raised, and permanency in government is once again hoped for.

1. RC, *The Papers of Stephen Collins & Son, DLC*. Ridgely, a Dover lawyer, was elected to the state Convention. Collins was a Philadelphia merchant.

In August 1787, Ridgely had expressed concern for the fate of America and placed his hopes in the Constitutional Convention: "From the Convention at Philadelphia we most expect, either permanence and stability, or ruin and misery. Should a tolerable government be formed, it will be our wisdom to adopt it. Our present establishment is tottering to a dissolution, and nothing could preserve it for a moment but the expectation of a reformation from the Convention" (to Abraham Ridgely, 22 August, Mfm:Del.7).

### President Thomas Collins to George Read

Dover, 25 September (excerpt)<sup>1</sup>

I received by Mr. [Richard] Bassett<sup>2</sup> yours of the 21st instant, enclosed therein a printed copy of a system for the general government of the United States of America.<sup>3</sup> From the great difference of habits, interest, and local circumstances among the several states made it no doubt a most arduous task. Being now completed and come forth with that unanimity that clearly appears from the face of the proceedings, it is to be hoped it will not meet with much opposition from any of the states, nor from the State of Delaware in any particular. I am extremely pleased with the system and shall give every aid in my power to the after proceedings which may be necessary for the furthering into effect fully the Constitution ordained by [---].



I have now to give the deputies from Delaware in [general?] and you sir, in particular, my sincere thanks for your faithful and punctual attendance in Convention, not doubting the result of your wise and deliberate [counsels?] or the blessings of liberty to ourselves and our posterity. Also enclosed your account as one of the deputies from Delaware State to the Convention of the United States of £102 requesting an order on the treasury. I have enclosed your account with an order thereon for the amount thereof on the state treasurer.

1. FC, Autograph Collection of the Historical Society of Pennsylvania, PHi.
2. Bassett, a Dover lawyer, had been a delegate to the Constitutional Convention.
3. Read's letter of 21 September has not been located, but the enclosed Dunlap and Claypoole printing of the Constitution is in Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar.

### **Pennsylvania Packet, 25 September<sup>1</sup>**

Accounts from the State of Delaware say that the new federal government, as proposed by the Honorable Convention, meets with the strong and hearty approbation of the good people of that commonwealth.

1. This item was reprinted twenty-one times from Vermont to Georgia (CC: Vol. I, Appendix). For similar statements, see Mfm:Del. 9.

### **Jacob Broom to Levi Hollingsworth Wilmington, 27 September (excerpt)<sup>1</sup>**

This is the first day of my being able to sit up since my return from Philadelphia. I was so much indisposed when I left the city that I could not call to see you. . . . From what I have been able to learn, the people of this state are very well satisfied with the proceedings of the Convention.

1. RC, Hollingsworth Papers, PHi. Broom, a political leader, merchant, and manufacturer in Wilmington, had been a delegate to the Constitutional Convention. Hollingsworth was a Philadelphia merchant.

### **Extract of a Letter from Sussex 29 September<sup>1</sup>**

I must not forget to mention by way of postscript that one of the newspapers of your city [Philadelphia], sometime in August last, by the accidental transposition of a single letter, occasioned an explanation that has afforded some merriment. The paper, instead of the words *United States*, read *Untied States*. A farmer of my acquaintance in reading over the paper was at a loss what to make of the matter. "*Untied States, Untied States* (said he), what can this mean?

Certainly it cannot mean that our governments are dissolved." The same evening he carried the paper to old Mr. G——, who, you know, keeps a school in the neighborhood and desired an explanation. Mr. G——, after putting on his spectacles to prevent a possibility of deception, examined the paragraph and found what the man said to be true. "It is even as you say, John (replied he), and I think can mean nothing more than that the States are, or shortly will be, no longer bound by their old constitutions; that is, they will be completely *untied* from them as soon as the new Constitution comes abroad!"

1. Philadelphia *Freeman's Journal*, 10 October. This item was reprinted sixteen times from New Hampshire to South Carolina (CC: Vol. I, Appendix).

### New Castle County Petitions to the General Assembly October 1787

Beginning on 24 October, eight New Castle County petitions, five supporting the Constitution and its "speedy ratification" and three advocating a cession of land for a federal capital, were presented to the General Assembly.

Only one of the eight petitions, that of the Grand Jurors of the Court of Oyer and Terminer, is dated. Because of similar texts, only three of the other seven petitions are printed below. For photocopies of all eight petitions, with the names of the signers, see Mfm:Del. 12 A-H.

#### *Petition of the Grand Jurors, 6 October<sup>1</sup>*

Petition of the grand jurors of the Court of Oyer and Terminer, held at New Castle, for the County of New Castle, on Friday, the fifth day of October in the year of our Lord one thousand seven hundred and eighty-seven.

To the General Assembly of the Delaware State.

We the jurors aforesaid, inhabitants of the county of New Castle, deem it our duty, as citizens of this state, to adhere to the charge delivered unto us by the Honorable William Killen, Esquire, Chief Justice of our said state; and beg leave to recommend to the honorable the General Assembly of Delaware their approbation and concurrence, to ratify and confirm the present system of government adopted by the late Honorable Convention, for the purpose of forming a more perfect union, establishing justice, promoting the general welfare, and securing the blessings of liberty to the citizens of the United States and their posterity. In testimony whereof we have hereunto subscribed our hand, the sixth day of October in the year of our Lord one thousand seven hundred and eighty-seven.

*Petition of New Castle County Citizens<sup>2</sup>*

To the honorable the representatives of the freemen of the Delaware State, in General Assembly met,

The persons, whose names are hereunto subscribed, citizens of the County of New Castle, would humbly declare,

That they have seen with pleasure the Constitution of the United States, as framed by the late Federal Convention, and consider its establishment as conducive to the permanent security of peace, liberty, and property. They therefore take this method of expressing their fullest approbation and have most earnestly to pray that the honorable the legislature may take the speediest measures for its adoption in the Delaware State, according to the mode prescribed by the said Convention. And they, as in duty bound, shall etc.

*Petition of New Castle County Inhabitants<sup>3</sup>*

To the honorable the representatives of the freemen of the counties of New Castle, Kent, and Sussex in the Delaware State in General Assembly and Council met.

The petition of the subscribers inhabitants of the County of New Castle respectfully showeth:

Whereas the citizens of this state have for some time experienced great inconveniences and disadvantages, which in the opinion of your petitioners have chiefly proceeded from a want of a more efficient general government of Union. And as the late General Convention appointed to meet at Philadelphia have, with the most auspicious unanimity, agreed upon and recommended a Federal Constitution, for the excellent purposes of forming a more perfect union, establishing justice, providing for the common defense, promoting the general welfare, and securing the blessings of liberty to the citizens of the United States and their posterity. And have resolved, that the same be laid before the United States in Congress assembled, and afterwards submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature for their assent and ratification.

Your petitioners therefore, having had the satisfaction to hear that Congress have approved the Constitution above mentioned,<sup>4</sup> most earnestly request your honorable houses to appoint a time as early as may be convenient for the election of delegates to a state convention, in order that the citizens of DELAWARE may prove their zeal for the general welfare by a speedy ratification and adoption of a plan of government, which your petitioners trust will be attended with the most desirable consequences of peace, stability, efficacy, and prosperity in all the confederate states, respect and confi-

dence to foreign nations, and meet the applause and cordial approbation of all the true votaries of LIBERTY whatever country they inhabit.

And your petitioners as in duty bound will pray.

*Petition of Delaware Freeholders and Electors*<sup>5</sup>

A petition of the freeholders and electors of the Delaware State to the General Assembly of the same.

Whereas in the eighth section of the first Article of the plan of federal government agreed upon by the late General Convention it is resolved: "That Congress shall exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the Seat of the Gover[n]ment of the United States."

Your petitioners taking into consideration the central situation, plentiful supplies of every kind of provisions, and other great conveniences which would be afforded to the seat of Congress by its establishment in Delaware, and being likewise sensible of the many advantages which would be derived to the citizens of the state in general, and moreover actuated by a federal zeal to discover an early disposition to accommodate the United States in an object of such importance.

We therefore request that your honorable houses will immediately adopt the necessary measures by such act or resolution as you in your wisdom may judge expedient, by which an offer may be made, of granting to Congress a district of the Delaware State for the purpose above mentioned, either in some particular described place, or in any part of the state which Congress may think proper to make choice of.

1. DS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This petition, signed by sixteen people, was read in the House on 25 October.

2. DS, Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. This petition, signed by eleven people and endorsed as "read," was probably read in the House on 25 October.

3. *Ibid.* This petition, signed by fifty-one people, was endorsed as read in the House on 24 October. For two more almost identical petitions, signed by twenty-three and eighty-six people, see Mfm:Del. 12 D–E.

4. The congressional resolution of 28 September did not "approve" the Constitution. It only transmitted it to the state legislatures (CDR, 340).

5. DS, Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. This petition, signed by eighty-two people, was endorsed as read in the House on 24 October. Two more almost identical petitions were signed by twenty and thirty-eight people (Mfm:Del. 12 G–H). The petition with twenty signatures was endorsed as read on 24 October, while the other was endorsed only as "read the first time."

II  
**THE GENERAL ASSEMBLY  
 AND THE CONSTITUTION**  
 24–25 October 1787

The Delaware legislature began assembling on 20 October. The House obtained a quorum on 24 October and the Council on the 25th. On the 24th, President Thomas Collins sent the House the Constitution and the congressional resolution of 28 September transmitting the Constitution to the states. The Constitution and five petitions from New Castle County—three urging “speedy ratification” of the Constitution and two advocating a cession of land for the federal capital—were submitted to a committee on the same day.

The next day, the committee reported resolutions calling a state convention, but the House tabled the resolutions and did not take them up again until 7 November. The delay was not caused by opposition to the Constitution, but by the ongoing struggle between the Whigs and Tories for control of the legislature. In October and November 1787 this struggle centered around the election of seven representatives and one councillor from Sussex County. Not until after the legislature voided that election and called a new one did it resume consideration of the resolutions providing for a state convention.

**The Delaware General Assembly**

**Wednesday**

**24 October 1787**

**House Proceedings, A.M.**

Ordered, That Mr. Robinson, Mr. Grantham and Mr. Gordon be a committee to wait on His Excellency the President and inform him that the House, having met and qualified themselves according to law, desire to know whether he has any business to lay before them.

Adjourned to 3 o'clock.

**House Proceedings, P.M.**

The House met according to adjournment.

The committee, being returned, reported that they had waited on His Excellency the President and delivered the message committed to them; and that he was pleased in answer to say that he would communicate to the House, in a message by the secretary, such business as he had to lay before them.

The secretary laid before the House, a message from His Excellency the President together with the several papers therein referred to, which were read; and the said message is as follows:<sup>1</sup>

Gentlemen of the General Assembly,

The secretary will communicate to you, for your consideration, the following public letters, with their enclosures, which I have lately received, to wit, from the Commissioners of the Treasury, of the 28th [25th] of May; from the Secretary for Foreign Affairs, of the 11th of October; and from the Secretary of Congress, of the 25th of July, 10th of August, 3d and 28th of September,<sup>2</sup> and 2d of October 1787.

With the above mentioned letter of the 28th of September, the Federal Constitution as reported by the late Convention of the states is now transmitted to you conformably to the unanimous resolution of Congress thereon;<sup>3</sup> in order to be submitted to a convention of delegates to be chosen by the people of the state for their assent and ratification. And I cannot upon the present occasion avoid recommending it to your attention as a subject of the most important consideration, involving in its adoption, not only our prosperity and felicity, but perhaps our national existence.

Dover, October 24, 1787.

Thomas Collins.

On motion, Resolved, That the aforesaid new Constitution proposed for the United States be referred to a committee of five to report thereon. The members appointed are: Mr. Vining, Mr. Clayton, Mr. Porter, Mr. Raymond, and Mr. Latimer.

On motion, Resolved, That the President's message and its enclosures, except the Federal Constitution aforesaid, be referred to a committee of three to report thereon. The members appointed are: Mr. M'Call, Mr. Robinson, and Mr. Revell.

Three petitions from divers inhabitants of New Castle County were read, declaring their entire approbation of the Federal Constitution and praying that the most speedy measures be adopted for calling a convention for the ratification of the same on the part of this state.<sup>4</sup>

Two petitions from divers inhabitants of New Castle County were read, praying that the legislature of this state will offer for the acceptance of the Congress, under the new Constitution when adopted, a cession of district within this state, not exceeding ten miles square, for the seat of federal government, and over which Congress shall exercise exclusive legislation.<sup>5</sup>

Ordered, That the said five petitions be referred to the committee upon the Federal Constitution.

Adjourned to 10 o'clock tomorrow morning.

1. For the manuscript version of the message, see Legislative Papers, 1787, October–November, De-Ar. The House forwarded the message to the Council the next day (Mfm:Del. 18–B).

2. Secretary Charles Thomson's circular letter of 28 September is in Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. For the letter, see CDR, 340.

3. The printing of the Constitution sent to the states was the John McLean imprint (CDR, 342n), which also included the resolutions and letter of the Constitutional Convention and Congress' resolution of 28 September (CDR, 305–6, 317–18, 340).

4. See I above and Mfm:Del. 12 B–E.

5. See I above and Mfm:Del. 12 F–H.

## The Delaware General Assembly

Thursday

25 October 1787

### House Proceedings, A.M.

The House met; present the same members as on yesterday.

The Honorable George Read, Esquire, one of the deputies from this state to the late Convention of the States, was admitted and presented to the chair the new Constitution or system of federal government as agreed upon by the said Convention.

Ordered, That the said Constitution be filed among the papers of this House.

. . . . .

The committee to whom was referred the Federal Constitution brought in their report, which was read.

[The Report]<sup>1</sup>

“The Committee to whom was referred the new Constitution as formed and agreed on, by a Convention of Deputies, from the several states of the Union, for that Purpose assembled at Philada, and the

resolution of Congress, with the Papers accompanying the same, beg leave to report the following Resolutions

“Whereas the new foederal Constitution as formed and agreed on, by a Convention of Deputies, from the several States of the Union for that purpose assembled at Philada. has been reported to the House of Assembly—And whereas the Congress of the United States assembled have unanimously transmitted the same to the several States,

“Resolved That a convention of Delegates be recommended to be chosen by the People of this State with sufficient powers to assent to & ratify the said Constitution and that the Elections for such Delegates be on the 4th Monday of November, instant, and that the said Convention meet at the Town of Dover on the Monday following

“Resolved—That the Number of Delegates to the said Convention be Seven<sup>2</sup> for each County, and that such Delegates possess all the Qualifications, as are at present required by the Laws of this State to enable the Representatives of the House [of] Assembly of this state to hold a seat in the Legislature thereof.

“Resolved That as well from Motives of Policy and publick Justice as to unite the general Interests of this state no Test or Oath of Allegiance be required,<sup>3</sup> but that all who possess the present Qualification of residence, age, and Property, shall be entitled to a Vote for Delegates to the said Convention

“Resolved That the Elections for the Respective Counties of this state be held at the same places, where the general Elections for Representatives to the general Assembly are, or may by Law be appointed, to be held and that the same Officers who were legally constituted & chosen Judges of the late Elections, for Representatives to the general Assembly shall be the Judges of ye Elections for Delegates to the said Convention.

“Resolved That the Delegates to the said Convention be entitled to the same allowance per Diem, as Representatives to the General Assembly are entitled to receive for their attendance—to be drawn for by the President of the state upon rendering an account of their attendance—which said allowance shall be paid by the State Treasurer, upon receiving an Order for the same signed by the President of this State.

“Resolved That for the Information of the Citizens of this State the Clk of this Hs. cause the foregoing Resolutions be published in The Delaware Gazette; & procure 100 Copies to be printed and transmitted to the sheriffs of the several Counties to be by them fixed up at the most publick Places in their Counties *respectively*.



“That the President or Commander in Chief transmit to the Convention afsd. when met an authentic Copy of the Foederal Constitution afsd.”

Ordered to lie on the table.

. . . . .

A petition from the grand jury at the late Court of Oyer and Terminer for New Castle County and a petition from divers other inhabitants of this state were read,<sup>4</sup> declaring their entire approbation of the Federal Constitution and praying that a convention may be speedily assembled for the ratification of the same, on the part of this state.

Ordered to lie on the table.

Adjourned to three o'clock.

### Council Proceedings, A.M.<sup>5</sup>

Mr. Read, as one of the deputies from this state to the Convention held lately in the city of Philadelphia for the purpose of revising the Articles of Confederation, laid on the table a printed copy of the plan of the Constitution for the United States agreed to by the said Convention.

Ordered to lie on the table.

Adjourned to 3 o'clock.

1. MS (LT), Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. The word “Agreed” is written in the left margin before the preamble and before each resolution.

2. The number of delegates was raised to ten for each county in the final resolution adopted on 9–10 November (IV below).

3. This provision was probably designed to circumvent laws passed in May and June 1778 which required Tories to take an oath of allegiance to Delaware and its constitution. For these laws, see Testimony of Sheriff Peter F. Wright, 31 October, n. 4, III below, and “An Honest Man,” n. 4, III below. This provision was omitted in the final resolutions adopted on 9–10 November (IV below).

4. See I above and Mfm:Del. 12 A–E.

5. *Votes and Proceedings of the Legislative Council of the Delaware State . . .* [27–31 August, 20 October–10 November 1787] (Wilmington, 1787). Hereafter the Council Proceedings will be cited by date only.

### Newspaper Report of House of Assembly Proceedings 24–25 October<sup>1</sup>

On Monday the 22d instant, agreeable to law,<sup>2</sup> the General Assembly of this state met at Dover; but, a sufficient number of the members not attending, the House adjourned from day to day till Wednesday when, a quorum being present, the House of Assembly proceeded to

business and elected Thomas Rodney, Esquire, Speaker, and James Booth, Esquire, clerk. They then ordered a convention to be called for taking into consideration the plan of government recommended by the late Federal Convention, the election to be held at the usual place in each county on the third [fourth] Monday of this month [November] and the convention to meet at Dover on the next Monday thereafter.

Some of the members chosen for Sussex attended; but, the sheriff not having made any return, they did not take their seats.

1. *Delaware Gazette*, 31 October. This item was reprinted or summarized thirty-one times from New Hampshire to Georgia by 6 December.
2. The Assembly met on 20 October.

### III

## THE GENERAL ASSEMBLY AND THE SUSSEX ELECTIONS

### 25 October—10 November 1787

The annual election on Monday, 1 October 1787, took place without incident in New Castle and Kent counties, but threats of violence prevented the election in Sussex County. Before the election, Sussex Whigs made it clear that they intended to use force to prevent former Loyalists from voting. Sheriff Peter F. Wright was aware of the threat, and after opening the polls at Lewes, he adjourned the election until Monday, 8 October. The sheriff and Undersheriff Thomas Laws then went to Dover and asked President Thomas Collins for help. Collins met with the Privy Council and issued a proclamation for the suppression of rioters (Mfm:Del. 11).

On Monday, 8 October, Sheriff Wright adjourned the election to Monday, 15 October, and then was "taken sick." Meanwhile, President Collins went to Lewes and persuaded Whig and Tory leaders to agree upon a "Union Ticket." The leaders also decided that only fifty men from each side should vote. The sheriff remained "sick" on the 15th, and the coroner, who by law was supposed to preside in his place, did not appear. Undersheriff Laws therefore presided. Armed men, mostly Whigs apparently, were nearby to ensure the election of the "Union Ticket," and the election inspectors stopped the election after 100 freemen had voted. The result was the election of three Whigs (William Peery, John Tennant, Nathaniel Waples), three Tories (Rhoads Shankland, George Mitchell, Charles Polk), and one possible Tory (Nathaniel Hayes). Simon Kollock, a Whig leader, was elected to the Council.

The day after the election, Sheriff Wright signed the indentures of election. Undersheriff Laws took the indentures to President Collins who declared the indentures improper: they should have been signed by the presiding officer, Undersheriff Laws. Properly signed indentures were delivered to the House on 29 October and to the Council on the 30th.

Some Sussex representatives were present when the legislature convened on the 20th. On the 25th, the House Committee on Elections

and Privileges reported that there were no election returns for Sussex County and called for an investigation. Meanwhile, there was danger that the House would be unable to act because in 1776 it had adopted a rule that a quorum consisted of two-thirds of the twenty-one members. Thus, if the Sussex delegates were not seated, and if only one delegate from either New Castle or Kent were absent, the House would not have a quorum and could not act legally, much less call a state convention. To obviate the danger, an act reducing the quorum to a simple majority of the twenty-one members was rushed through both houses in a single day, 27 October.

During the investigation, the legislature received petitions from Tories protesting the election in Sussex County, summoned and listened to witnesses, and then voided the 15 October election. On 10 November, the final day of the session, the legislature passed an act changing the polling place in Sussex County from Lewes, a center of Whig strength, to the house of Robert Griffith, a Tory in Nanticoke Hundred, a center of Tory strength. The legislature then called for another election to be held in Sussex County on 26 November, the same day as the election of delegates to the state Convention.

According to Dr. James Tilton, a Whig member of the Council, the actions of the legislature were dictated by Tory leader George Read in an effort to win unchallenged control of the legislature. Tilton's account of events is partisan, but, whenever his statements of fact can be checked, they are correct.

In the Sussex election of representatives, and of delegates to the state Convention on 26 November, the Tories threatened violence as the Whigs had done in October. Consequently, most of the Whigs, on the advice of their leaders, stayed away from the polling place. The three (and possibly four) Tories elected on 15 October were reelected. The three Whig representatives and one Whig councillor elected in October were not reelected. The political affiliations of the men elected in their place are uncertain, but if Whigs, they were presumably of little consequence. The Whigs petitioned against the election, but in January 1788 the legislature seated the men elected after a *pro forma* investigation.

While the controversy over the Sussex elections is not directly related to the Constitution, it does illustrate the political context within which Delawareans called their state Convention, elected their delegates to it, and ratified the Constitution.

Printed below is a representative sample of the documents concerning the two Sussex elections. Other relevant documents, including legislative proceedings, petitions with signatures, and the like, are contained in Mfm:Del. 10-11, 13-24.

**Davidson David to Mathew Carey  
Lewes, 5 October (excerpt)<sup>1</sup>**

Lewes becomes more and more disagreeable. So far is it at present from bearing any resemblance of Elysium, that it is Tartarus itself. Faction is here kindled into a flame, from which very serious consequences are to be apprehended. Instead of a regular peaceable election, we have been entertained with the sight of companies of armed men determined, at the hazard of their lives, to overrule the choice of representatives. Thus to good order and harmony has succeeded all the preposterous parade of military confusion—to the gentle breath of peace, the tempestuous stale dissolving blasts of intestine discord—to apparent friendship, the most implacable and avowed enmities. Such is the present situation of Sussex—“*Omnia in pejus ruunt.*”

I am obliged to conclude on account of Mr. Rodney's departure, or I would give you a minute account of all the uncommon transactions attending this affair. The most serious have, I fear, not yet had an existence. Next week the election, which was adjourned over, is to be held, and then we have every reason to apprehend very riotous proceedings.

1. RC, Lea and Febiger Collection, PHi. David, a lawyer, was an agent for Carey's monthly magazine, the Philadelphia *American Museum*. Discouraged by the political rancor in Lewes, he planned to move to Elkton, Maryland, in the spring of 1788 (Mfm:Del. 43).

**Delaware Gazette, 10 October<sup>1</sup>**

We learn from Sussex that a mob collected at the courthouse on the 1st instant to prevent the election. The returning officer was obliged to adjourn it for several days. The election, however, was at last made, but the particulars are not yet come to hand.<sup>2</sup>

1. This item was reprinted eight times from New Hampshire to Virginia by 27 October.

2. The election was not held until 15 October.

**Sussex County Petitions  
Protesting the 15 October Election**

*Petition, 20 October<sup>1</sup>*

To the Honorable the Representatives of the Freemen of the Delaware State in General Assembly met.

The petition of sundry inhabitants of Sussex County in the state aforesaid humbly sheweth:

That on Monday the eighth of October instant, some of the inhabitants of said county met at Lewes and formed what they call a Union Ticket,<sup>2</sup> for representatives, sheriff, and coroner for said county for the ensuing year, which said ticket, and no other, was by them agreed to be voted at the general election on the fifteenth of said month.

That the said ticket, being formed without the knowledge or consent of the freemen in general, could not therefore be binding upon any but those who formed the same or consented to the forming thereof, being only about in number fifteen or twenty.<sup>3</sup>

That on the said fifteenth day of the month, the freeholders in general attended in order to give in their votes, but were hindered from so doing by some of the leading gentlemen, who had agreed that only about one hundred votes<sup>4</sup> should be taken; whereby at least nine-tenth parts of the freemen of said county were denied their right of suffrage and abridged of one of their greatest privileges, namely that of choosing their representatives.

That notwithstanding the aforesaid gentlemen had pledged their faith, their honor, and all that was dear to them, that no person should be injured or abused, yet numbers of persons were beat, wounded and maimed, and the lives of many others threatened by a mob furnished with clubs, pistols, cutlasses, etc. headed by and urged on by a certain James Trusham, James Pollock, and others.

That your petitioners humbly conceive the returns made by the sheriffs and freeholders have not the least shadow of truth in them,<sup>5</sup> as the members were not chosen in full county, neither according to the constitution or system of government of the state, but that the said election was carried on in an unprecedented, illegal, and unconstitutional manner.

That from the facts above stated your petitioners cannot suppose themselves to be legally represented by the members chosen in the manner aforesaid, nor do they apprehend any acts passed or laws made by them can be binding upon the people of this county, whose liberties have been infringed in the manner before described.

Your petitioners, therefore relying upon and trusting in the readiness of this Honorable House to redress as [f]ar as in them lies the grievances of an injured people, humbly pray your honors to take the premises into consideration and issue a writ for a new election, that so your petitioners may enjoy their just rights and privileges, or grant them such other relief in the premises as to your honors shall seem meet.

And your petitioners as in duty bound will ever pray, etc.

*Petition, 27 October<sup>6</sup>*

To the Honorable the Representatives of the Freemen of the Delaware State in General Assembly met.

The petition of sundry inhabitants of the County of Sussex and state aforesaid humbly showeth.

That on Monday the eighth day of this instant October, six gentlemen of said county met at the town of Lewes and formed what they called an Union Ticket which said ticket, and no other, was to be admitted at the general election for representatives, sheriff, and coroner, on the fifteenth day of October being the day appointed for the said election by Peter Fretwel Wright, Esquire, high sheriff of said county.

That on the said eighth day of October, a number of men, to the amount of about two hundred, known by the names of Associators and said to be two companies or part of two companies of militia commanded by Cord Hazzard and John Sheldon Dorman, entered the town with colors flying and themselves furnished with pistols, clubs, cutlasses, etc. to the great terror of the peaceable inhabitants of said town; and did then and there beat and wound several people. And among others whom they attacked was a certain James English, who had been elected and returned as inspector for Little Creek Hundred, who being at the house of Hercules Kollock in said town, the said house was surrounded by the said armed men, and the said English, finding himself in danger, made his escape by jumping out of a two pair of stairs window, but was pursued and overtaken by a party of said men who compelled him to give bail for his non-appearance on the said fifteenth day of October.

That on the said fifteenth day of October, the freeholders in general met at Lewes aforesaid in order to vote for their representatives but were denied their right of suffrage, it having been agreed among the leading gentlemen of said county that only one hundred votes should be taken whereby near one thousand freemen were abridged of one of their greatest privileges, namely that of choosing their representatives.

That on the said fifteenth day of October, the aforesaid mob assembled in the town aforesaid and notwithstanding the faith, the honor, and all that was dear to the aforesaid leading gentlemen was pledged that no person should be abused or insulted. Yet the said mob, urged on by James Trusham, James Pollock, and others, did beat and wound many inoffensive persons in the presence of several justices of the peace and threatened the lives of many others who providentially made their escape.

That from the facts before stated your petitioners cannot look upon themselves as represented in General Assembly by men chosen and elected in a manner so unconstitutional, illegal, and unprecedented, neither do they think themselves bound by any act done or law made by such members. The aforesaid ticket having been formed without their consent, knowledge, or approbation could therefore only be binding on those who formed the same or consented to the forming thereof.

Your petitioners, therefore relying on your honors, who they know to be not only bound in duty but led by inclination to redress as far as in you lies, the wrongs and grievances of an injured people, humbly pray your honors to grant them such relief in the premises as to you shall seem meet, that as the good people of this county may enjoy their rights and privileges, and our domestic enemies brought to condign punishment.

And your petitioners will ever pray, etc.

*Petition, October<sup>7</sup>*

To the Honorable the General Assembly of the Delaware State.

The petition and remonstrance of divers freemen, electors of the County of Sussex, humbly showeth.

That your petitioners and others on the first day of October instant met at the town of Lewes for the purpose of choosing representatives in the General Assembly, sheriffs, and coroners for the ensuing year, for the said county agreeable to the spirit, true intention, and meaning of the constitution of this state and the several laws thereof made for regulating elections, etc.

But your petitioners are constrained to say that the election, as carried on, was, they conceive, not only unwarrantable, but expressly contrary to the constitution of this state and the laws aforesaid for the following reasons.

1st. For that several men were going about the said town of Lewes armed, and insulting, abusing, and beating divers of your petitioners, and declaring that any person who would vote for particular persons who were set up as candidates, that his arms, head, hands, etc. should be cut off.

2d. For that two men, to wit William Gaskins and James Pollock, stood at the door of the courthouse a considerable part of the day of the said election with arms in their hands and there insisted on searching and inspecting their votes which, when produced, were by them immediately torn and swore they would not suffer any person to vote any such vote, or words to that effect.



Your petitioners further beg leave to represent that they conceive one of the persons (whom your petitioners are informed is) returned as one of the members of Assembly for said county, to wit Nathaniel Waples,<sup>8</sup> to have had a very considerable hand in promoting the disturbance and riots which happened on the said day of election for the following reasons, to wit.

1st. For that your petitioners are informed that some days before the election the said Nathaniel Waples insisted on having an armed guard placed about one mile out of town at different places to search and examine every person who should come to Lewes to vote on said day of election, which information they believe to be true and apprehend they are able to make the same appear by good proof.<sup>9</sup>

2d. For that on the said day of election, during the time of the disturbances in the town above mentioned, the said Nathaniel Waples forbid any magistrate intermeddling therein with any intent to suppress the said riot and tumult.

That reports had been industriously propagated and circulated for some time before the election that armed guards would be placed in the said town to search every person who should come to town on the said day of election who were to be prevented if any vote but such as contained the names of those now returned should be mentioned therein.

That by reason of the said reports and of the said riots and ill behavior in the town of Lewes on the said day of election, many of your petitioners and others were prevented from going to Lewes Town and giving in their votes.

Your petitioners therefore pray the General Assembly to take the premise in their consideration and do therein what to them in their wisdom shall seem necessary.

And your petitioners are in duty bound will pray.

1. DS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This petition, signed by twenty-four people, was endorsed as read in the House on 30 October (Mfm:Del. 17–A).

2. On 31 October the undersheriff of Sussex County testified that President Collins had recommended a “Union Ticket” (III below).

3. The words “fifteen or twenty” are in a different handwriting and appear to have been inserted after the petition was written.

4. For the names of eighty-two voters in eight of the ten hundreds, see Mfm:Del. 13 A–H.

5. For the indentures of election submitted by the sheriff and undersheriff, see Mfm:Del. 14 A–C.

6. DS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This petition, signed by thirty-four people, was endorsed as read in the House on 30 October (Mfm:Del. 17–B). For two other almost identical petitions, signed by twenty-nine and thirty-four people and also endorsed as read on 30 October, see Mfm:Del. 17 C–D.

7. DS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This undated petition, signed by ninety-seven people, is not endorsed as having been read by either house of the General Assembly (Mfm:Del. 17–E).

8. Waples, a Whig and former member of the House of Assembly, was elected a Sussex representative on 15 October, but was not elected on 26 November.

9. Waples kept the armed guard one mile from the polling place because the state constitution declared that no military force could be brought any closer. (See Article 28 of the state constitution, Mfm:Del. 1. See also Timoleon: On the Election and on the Response of the Legislature, V below.)

### Testimony of Sheriff Peter F. Wright

31 October<sup>1</sup>

On Saturday evening [29 September], previous to the day of the election, there came into Lewes Town a number of men armed with muskets, and with colors flying, the number about 25. They marched down the street and fired several guns; they went out that evening about ten o'clock. They offered no violence, as he understood, to any person. The next day, which was Sunday, in the afternoon, Major [William] Peery and Colonel [Henry] Neill, two of the magistrates of that county, sent for him and told him that they thought it their duty to inform him, as being civil officers, of the intention of those persons, and of a number of others, and of their determination. That they had talked with them and reasoned with them and had done all in their power to prevent such hostile measures. That those people determined to pursue the method they had taken, and they thought that if the election was carried on on the next day it would be impossible to preserve it, and advised him to adjourn the election to some future day, as perhaps they might be moderated or something might turn up so as that peace might be made.

On Sunday evening he advised with some other of the magistrates of that county. They likewise advised him to adjourn the election to some future day.

On Monday morning the 1st of October, he went down and opened the election and read the law, and informed the people that were then present that from the information the civil officers gave him, he thought it advisable to adjourn the election, and did adjourn the election from day to day until the 15th day of October.

Very soon after he adjourned the election he came up to the President to inform him of the transactions there. The President immediately issued proclamations and signed one, as it was very late, with which he (the sheriff) returned to Lewes and immediately set up the said proclamation.<sup>2</sup> The undersheriff waited at the President's to bring down the remaining proclamations.

Tuesday evening [2 October] a body of men armed with muskets came into Lewes, and Colonel Neill or Mr. [Josiah?] Miller read the

proclamation to the said people. Some little time after they went out of town.

On Wednesday [3 October], the undersheriff came down with the remaining proclamations and brought orders from the President for him to advertise for the inspectors to come in as soon as they could. He immediately wrote advertisements and sent them to every hundred, for them to come to Lewes on the Monday following. He likewise advertised that if there were not inspectors legally returned for some of the hundreds, the inhabitants must poll for inspectors. Some of the collectors had made their returns to him and some had not. Three hundreds had to poll for their inspectors.

The President at that time was at Lewes Town. About ten o'clock on that day there came in a body of men armed with large clubs, about 150 in number, and came through the main street on their horses, two and two, he thinks, with militia colors flying. They kept down the main street and got near Mr. [John] Wiltbank's, where the President then was, and wheeled round and came up the street in the same order until they came opposite to the courthouse. They were ordered there to face about by one James Trusum, who appeared to have the command of them, and to fetch three chairs, which they did. He then told them they were dismissed till further orders.

He [the sheriff] then went down, after they were disarmed, to [the] President to advise with him what was best to be done. He advised him to adjourn the election as soon as he could, which he did, after the three hundreds had chosen their inspectors.

After the election was adjourned he went over to Mr. [William] Brewinton's [Brereton's] tavern. After he was in there some time, [he heard?] a disturbance in the porch. One Alexr. Mucklewayne [McIlvain], he thinks his name was, fell to beating one Robt. Griffith. Mr. Daniel Polk commanded the peace, and Mucklewayne began to curse and abuse him and said that he was no magistrate of theirs, for their magistrates would not command the peace. And after that he [the sheriff] was taken sick and knows nothing more.

On Tuesday the 16th October, in the morning the subsheriff brought the returns up to his house for him to sign.<sup>3</sup> He was so unwell that he never examined them and, without thought, signed them and told him he must immediately proceed to the President with them and return as speedily as possible. He [the subsheriff] did not return until Sunday following [21 October], and then did not come quite down to Lewes, but sent his commission [to] the coroner sealed up with a few lines expressing that there was some mistake in the return.

Mr. [James] Tilton asked Mr. Wright if he understood the reason or cause which those persons assigned for making the appearance of force. He answered, that he heard John Hazard say that they thought it very hard that they, that party, had to bear the burthen of the War, and that they could have no representation on their part, which they could not bear and were determined not to bear, and they were determined Black Camp Men and Act of Grace Men should not vote.<sup>4</sup>

1. MS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This testimony was given before the Council on 31 October (Mfm:Del. 18–F). The sheriff had testified before the House of Assembly on the previous day (Mfm:Del. 18–E), but there is no record of his testimony.

2. For the Proclamation by President Thomas Collins, 1 October, see Mfm:Del. 11.

3. For the indenture of election signed by Sheriff Wright, see Mfm:Del. 14–A.

4. “Black Camp Men” refers to some four hundred Tories who had gathered at a place called Black Camp in Sussex County in August 1780 for the purpose of defying all law and refusing to pay taxes. The rebellion was put down and eight of its leaders were sentenced to be hanged. However, the legislature apparently pardoned all the rebels.

“Act of Grace Men” were also Tories. They were those people who had levied war against Delaware or the United States or aided the enemy, but who, by an act passed in June 1778, were permitted to take an oath of allegiance to the state and its constitution before 1 August 1778. Even though they took the oath, they were still “incapable of holding any office of profit or trust either civil or military within this state, and of enjoying or exercising the rights of suffrage at any election within the same” (*Delaware Laws*, II, 636–43). On 27 January 1790 the General Assembly repealed that part of the act which prevented these people from holding office or voting (*ibid.*, II, 968–69).

### Testimony of Undersheriff Thomas Laws 31 October<sup>1</sup>

The day preceding the election [30 September] he went down to the high sheriff who informed him that he was apprehensive the election would be disturbed, and desired him to go down with him. The sheriff opened the election, read the law, and informed the people that the election was likely to [be] disturbed, and then adjourned the election. The sheriff desired him to prepare to go with him up to the President and inform him of what was like to be done, and to advise with him on what was best to be done. While the sheriff was preparing to go, he (the undersheriff) saw a number of men, about 50 in number, with clubs in their hands, and the wife was playing.

Very soon after the sheriff and himself set off on their journey to Dover, where the President was, who called together his Privy Council and issued a proclamation, which the sheriff set off with immediately to Lewes. He [the undersheriff] had orders to stay until next day to carry down other proclamations. He set off next day with the

proclamations and with a verbal message to the high sheriff to advertise for the inspectors to come in on the 8[th] of the month, and for him to proceed to the taking of votes and to keep the election open until the 15th at which time he [the President] would be down himself.

On the 3d of the month he [the undersheriff] got down to Lewes and let the sheriff know what the President desired him to do. The sheriff immediately wrote the advertisements and gave him several to set up. He had one proclamation which he left at Mr. [John] Clowes's to be set up there.<sup>2</sup> Mr. Clowes desired him to take an advertisement of his and set it up where he should set up his other papers. The purport of the said advertisement was that all persons who preferred peace and good order to club law and confusion should use their influence with Black Camp Men, Act of Grace Men and Refugees<sup>3</sup> not to appear at Lewes on the 15th of the month, as there was a set of resolute men determined to flog every man of that description, signed, "A Friend to Peace and Good Order."

Mr. Clowes informed him that he had been out the day before to a company of men and had recommended the purport of the said advertisement and found they were the most moderate terms the[y] would comply with—and requested that he [the undersheriff] would copy several of those advertisements and set one of them up wherever he set up one of the sheriff's advertisements. He stopped at John Evans' and took out the proclamation, an advertisement of the sheriff's, and one of Mr. Clowes's, which last some person took out of his hand, and he could not get it again.

On the 8th of the month he went to Lewes; the sheriff adjourned the election. At Mr. Brewinton's [William Brereton's] tavern, a man was standing in the porch whose name was Robt. Griffith, and a man of the name of [James] Trussum asked Griffith if he had brought his pistols with him. Griffin told him he had not. Trussum told him he understood he was to bring them there to blow his brains out. Griffin told him he had not brought his pistols. Muckelwayn [Alexander McIlvain] asked Griffin if he would go out of town. Griffin answered, when he had got his business done. Muckelwayn then struck Griffin two or three times over the head with a stick. Mr. D[aniel] Polk commanded the peace. Muckelwayne damned him and called him a damned Tory son a bitch, and asked him what business he had there to command the peace, and told him he would give any Tory son a bitch as much.

Mr. D. Polk answered he had commanded the peace and thought it his duty to command it again, and Muckelwayn attempted to strike him but was prevented.

Mr. [—] Polk also commanded the peace and Muckelwayn damned him and called him a damned old white headed son a bitch, and told him if he or any other damned Tory son of a bitch commanded the peace he would split his brains open.

He saw Robert Stephenson with a bayonet and heard him swear that he would stick it into the heart of any damned Tory justice that should come there to command the peace. Mr. [President Thomas] Collins commanded the peace and they dispersed.

He [Thomas Laws] was told that the President had recommended a kind of an Union Ticket, and was informed that himself, Rhodes Shankland, and John Laws were appointed on the side of the New Ticket and William Peery, Simon Kollock, and John Clowes on the opposite side.<sup>4</sup>

On the 13th he received a message from the sheriff to come down. On the 15th he [the sheriff] informed him [the undersheriff] that if the coroner was unable to attend the election, the task would be imposed on him.<sup>5</sup> He went down early in the morning, and the coroner did not attend at ten o'clock. Before he could collect the inspectors, he understood that people on both sides of the question were coming with their clubs, the reason of which he understood to be a jealousy that, notwithstanding the Union, one side would not be voted. He understood that two persons on each side agreed upon choosing 50 men on each side who should vote, and they to vote the Union Ticket. In order to prevent advantage being taken, it was agreed that two men should examine the tickets before they were put into the box. The inspectors were then sworn and the clerks also. The inspectors proceeded to take in votes. When the one hundred votes were taken in, some persons appeared to be dissatisfied and offered tickets, but it was agreed upon by the inspectors that no more should be taken; and they were refused accordingly.

He was asked himself if he was satisfied, and he answered if the people were satisfied. They then went to putting the votes into a general box and to reading them out, and when they were read out, he took the polls and proclaimed the names of the persons chosen from the courthouse door.

He took the return to the high sheriff, understanding that he was the returning officer. He brought up the returns to the President and was informed that the sheriff was not the returning officer, in consequence of which he made some alterations in the returns. He brought up the clerk's lists which he left with the House of Assembly.

Before the return was signed, one of the clerks came to him and asked him to walk upstairs with him at Hercules Kollock's. When he got upstairs and went into a room, a person of the name of Isaac

Beauchamp, an inspector, was following him into the room, and was seized upon by some men. There was 4 or 5 in company, whom he did not know. They had clubs in their hands. They said, there was Isaac Beauchamp, GOD damn him. They had got him then; they fell to beating him. He [the undersheriff] ran downstairs and left them beating him [Beauchamp].

He understood that many persons, to the number of one or two hundred, came within a mile of the town of Lewes, and did not come in to vote as they were dissatisfied at their not being allowed to vote.

Mr. [James] Tilton asked Mr. Laws, whether he understood what was the cause or pretext which those armed men had for coming in armed.

Mr. Laws answered that he understood that they were determined no Black Camp Men, Act of Grace Men, or Refugees should vote, and that they were determined to have a part of the men of their own ticket in the representation.

1. MS, Legislative Papers, 1787, October–November, Petitions, De-Ar. This testimony was given before the Council on 31 October (Mfm:Del. 18–F). The undersheriff had testified before the House of Assembly on the previous day (Mfm:Del. 18–E), but there is no record of that testimony. Laws was elected to the state Convention.

2. Clowes's Tavern was in Broad Kiln Hundred, north of Lewes. In February 1788 it was the scene of a riot "between the parties called Whigs and Tories, which continued for some time with great violence, with fists and cudgels" (Mfm:Del. 40).

3. "Refugees" were Tories who, during the Revolution, had sought the protection of the British forces.

4. The three men "on the side of the New Ticket" were Tories, while the three "on the opposite side" were Whigs.

5. A law passed in June 1779 provided that, in the absence of the sheriff, the coroner was to preside over elections, and that if both men were absent, the undersheriff should preside (*Delaware Laws*, II, 666).

### An Honest Man: On the Election in Sussex County<sup>1</sup>

#### COMMOTIONS in SUSSEX.

*Errors, like straws, upon the surface flow,  
He who would find the truth must dive below.*

Common report rarely conveys the truth. Before I came to Lewes Court, in my own state, I had understood that another rebellion, like that of *Shays*, had begun in Sussex on Delaware. But nothing can be farther from the truth. The men, falsely represented as in rebellion, are the only freemen, lovers and defenders of liberty, and all that they insist upon is that the *late Refugees*, *Black Camp Men*, and *Act of Grace Men* shall not vote and carry the elections, as they have done for two years past, so as to fill all offices with Tories and men of small understanding and less virtue.

To make strangers understand this fully would require a long history—too long for a paragraph in a newspaper. It is beyond dispute that the people to whom the *Whigs* refuse to give the right of suffrage have been perpetual enemies to the Revolution. Many of them were frequently on board the English men-of-war (commonly stationed in the bay), supplying the English, carrying on a base trade, inviting our enemies on shore, raising insurrections, and harassing the *Whigs* by every means in their power. At an election in the time of the war, they cut down the liberty pole, erected George's standard, and expected to bring the enemy to take possession. Two regiments were sent down to quell an insurrection at one time.<sup>2</sup> After that, the *Whigs* of *Sussex* defended themselves and were in perpetual alarms, fighting battles and keeping guard through all the war, at their own expense. And when the county was demanded its quota of men to the army, none but *Whigs* would go; then the *Tories* said, "they had hired the *Whigs* to go off and now was their time, when only the old men were at home, to cut them off." They accordingly embodied in arms 500 in one place in the swamps and several hundreds collected in other places, marching to join them, at the lowest of their own calculations at that time. However, even the old remaining *Whigs*, under General [John] *Dagworthy* (though his foster sons, the *Mitchels*, have since basely deserted the cause, sworn as vouchers for *Black Camp Men*, and by their suffrages mounted into offices), the old *Whigs*, I say, with intolerable fatigue, pursued those wretches through their swamps—subdued them—restored peace—pardoned them, and suffered them to live among them.<sup>3</sup> Thus the *Whigs* and *Tories* had through all the war a *line of separation* drawn between them in *Sussex*, which was not perhaps in any other state.

The *Whigs* also assert that through all the war some highest in offices in the county of *New Castle*, and also in *Kent*, always favored the cause of the *Tories*. Hence they left an opening in their *test law* to admit all the *Refugees* and *Tories*, which men like themselves would vouch for them.<sup>4</sup> Hence many hundred *Refugees*, *Black Camp Men*, and *Act of Grace Men* have for two years carried the election and excluded every *Whig* or friend to the liberties of *America* from all offices in government.<sup>5</sup>

The former leaders of the *Whigs* can restrain the people no longer. They are determined, in spite of *Assembly*, *Council*, and *President*, peaceably and quietly to prevent such creatures from voting again in election; and rather fight some more battles than give up the whole government to its greatest enemies, whom they were often obliged to subdue before when supported by our extra marine foes.

Two or three elections have been already attempted, when the *Black Camp Men* have fled, and the elections are set aside by the



*Tory-favoring junto* in both houses. Yet the Whigs are peaceably determined to defend their rights at least to an equal state in legislation.

This is a short account of the present state of Sussex, from which it is presumed every honest freeman will rather pity and approve this *last struggle*, than condemn the honest peaceful Whigs, reduced to this painful necessity.

#### AN HONEST MAN.

Court at Lewes, November 7th, 1787.

P.S. Before I left court, a respectable judge of the Court of Common Pleas returned from Dover, and informs that the General Assembly had sworn, *ex parte*, a false witness against himself, refused to let him know what it was, would neither hear him explain the matter nor suffer him to produce witnesses in his own defense. The Whigs, therefore, wish to surrender their whole *state government* into the *general federal government*, which would be *more impartial and less expensive* if all the states would embrace the like resolution.

1. Philadelphia *Freeman's Journal*, 28 November. The *Journal* was a consistently Antifederalist newspaper. It is possible that James Tilton was "An Honest Man" since the account is similar to that in his *Biographical History of Dionysius* (Mfm:Del. 47).

2. The reference is to the first state election in Sussex County on 1 October 1776 (Harold Bell Hancock, *The Delaware Loyalists* [Wilmington, 1940], 19-20). For "Timoleon's" account of the incident, see Mfm:Del. 47.

3. For the "Black Camp Rebellion" in 1780, see Testimony of Sheriff Peter F. Wright, 31 October, n. 4, III above. For "Timoleon's" account of the rebellion, see Mfm:Del. 47.

4. The test law, passed in May 1778 by a Whig-controlled General Assembly, required every white male over twenty-one to reject his allegiance to Great Britain and to swear his allegiance to Delaware and its constitution before 1 July 1778. Those who had neglected to take the oath could have their rights restored if they later took the oath and "one or more reputable persons, friends to *American freedom*" would vouch for their loyalty to Delaware. (*An Act For the further Security of the Government*, Lancaster, [Pa., 1778].) In June 1788 a Tory-dominated legislature repealed this law (*Delaware Laws*, II, 928-29).

For "Timoleon's" account of the passage and then repeal of the test law, and its impact on Delaware politics, see Mfm:Del. 47.

5. For "Timoleon's" account of Tory domination of Delaware politics and elections between October 1785 and October 1787, see Mfm:Del. 47.

#### Timoleon: On the Assembly Elections<sup>1</sup>

An indolent habit in the inhabitants of the remoter parts of New Castle County in neglecting to attend at the general election, except when a new sheriff is to be introduced, contributed very much to the success of this enterprise of DIONYSIUS [George Read]. This was not one of those years which brought in the remote electors. The

DIONYSIANS, abounding at and about the court or place of election, and excited by extraordinary efforts of their leaders, flocked in from all quarters sufficiently numerous to carry their whole ticket, consisting of men of specious and decent appearance, but of perfectly *adjective* characters unaccustomed to stand alone, and so destitute of talents as to be admirably fitted to act by authority.

It was a great triumph to have carried the election *entirely* at New Castle. But the faction had not succeeded so well in Kent and Sussex. The cry against *Presbyterians*,<sup>2</sup> though kept up with the usual officious impertinence, had by this time so far abated of its force with the sharp-sighted people of Kent that, in this county, the DIONYSIANS carried but about half their ticket.

In Sussex, the Whigs had unanimously and resolutely resolved that this election should not be carried by Refugees and other enemies to the country, who were so far from showing any repentance for their former offenses that they now acted professedly with a vindictive spirit towards the Whigs. The Whigs made public declaration of the principle from which they acted and gave full evidence of their stern purpose. Considering themselves as betrayed by the legislature, in permitting characters of a description so wicked and base to interfere in their elections, they determined the revolutionists should not be thus trampled upon by their enemies, that our constitution and laws should not be thus perverted into an engine of corruption, whereby the most bitter enemies to our liberty were enabled to avenge themselves upon those who had vanquished them in the struggle for independence; and they called upon the common sense and common feelings of mankind to justify them in the use of force, if necessary, in so good a cause. Though inferior in number, they relied on the continued favor of Heaven in finally vanquishing their mean and degenerate opponents. They made a show of arms in their previous meetings, but on the day of election appeared only with sticks in their hands (a few individuals excepted) in a connected form and with a countenance and manner resolute and determined. The sheriff, by the advice of the magistrates, adjourned the election early in the morning and kept it open from the 1st to the 15th of the month. In the meantime, the President visited the county and interposed his influence to prevent further disorder. He advised an Union Ticket consisting of equal numbers from both parties. This compromise was apparently agreed to, and it was expected the election would be held peaceably on the 15th day. The Whigs met at the usual place in Lewes, and the Tories assembled a mile or two out of town. It was soon discovered the parties had no confidence in each other. Ambassadors were mutually exchanged, and as the only means by which

confidence could be ensured, it was agreed that only fifty on each side should vote, and the election be then closed. Such was the common consent to this measure that no man was prohibited from voting, who insisted upon his right. Thus was the election conducted, and the return made accordingly.

It must be noted, however, that after the election was closed, the Whigs were guilty of an indiscretion. Some angry spirits, who had bridled their passions during the election, considering the treaty as subsisting no longer, gave a loose to their resentment and called upon their companions to drive the Tories out of town. The Tories fled at the first onset, and some of the more obnoxious were caught and beaten. The Tories in return waylaid the Whigs on their return home and avenged themselves on individuals whom they caught straggling from the main body.

1. *Biographical History of Dionysius*, 65-68 (Mfm:Del. 47).

2. "Timoleon," a Presbyterian, stated that the Tories were opposed to Presbyterians because "with very few exceptions, they have been uniform and steadfast revolutionists." In particular, Presbyterians were the "butt of opposition" in Kent County, and during one election campaign in that county, "ignorant pimps and bullies would roar out in the streets against *Presbyterians and Calvinists*" (*ibid.*, 58-59, 92-94 [Mfm:Del. 47]).

## The Delaware General Assembly

Saturday

3 November 1787

### Council Proceedings, A.M.

The Council now resumed the consideration of the contents of the paper, purporting to be the return of a councillor for the county of Sussex of the present year, and

On motion of Mr. Tilton, seconded by Mr. Baning, that the following resolution should be adopted by the Council, to wit:

Whereas the disturbances in Sussex County, which have occasioned the disputed election now under the discussion of this house, appear manifestly to flow from causes that have subsisted from the beginning of the war with Great Britain, and through the Revolution until this day, and are now of so serious a nature as to deserve the most attentive and thorough investigation.

And whereas to decide on the election upon the information given on one side only, without hearing those complained of, as well as those complaining, must be an *ex parte* proceeding, contrary to the rules of justice and moderation.

And whereas there is also reason to apprehend that, besides setting aside the election, there may be further proceedings of the legislature for the purpose of disgracing, or punishing those complained of by the petitioners, whereby they will be condemned unheard, and may be rendered more desperate in their conduct, and the disorders of the government become more extended and dreadful in their consequences:

Therefore Resolved, That such of the persons complained of in the petitions, as choose, be permitted to attend and be heard in their own justification, and that such person or persons as can throw light upon this important subject be ordered to attend and give their evidence, that after the fullest information, and the most free and open discussion of the matter, the House may be enabled to proceed in so important a business in such manner as shall most effectually quiet the minds of the people.

The question was put, and the yeas and nays being required by Mr. Tilton are as follow:

Yeas. Mr. Tilton, Mr. Baning

Nays. Mr. Read, Mr. Cook, Mr. Polk

So it passed in the negative.

Whereupon, On motion, it is Resolved,

That the said election of a member of the House, in the present year, for the county of Sussex was not freely, legally, and indifferently made; and it is adjudged by the Council that Simon Kollock,<sup>1</sup> in the indenture of return aforesaid, was not duly elected.

On the question to agree to the said resolution, the yeas and nays were required by Mr. Tilton, and they are as follow:

Yeas. Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning

Nay. Mr. Tilton

So it passed in the affirmative.

Adjourned to 3 o'clock.

1. In the 26 November election Isaac Horsey was elected to the Council.

## The Delaware General Assembly

Wednesday

7 November 1787

### House Proceedings, A.M.

The House met; absent Mr. Rodney, and Mr. Revell, and the representatives returned for Sussex County, except Messrs. Polk and Hayes, who appeared in the House.

Agreeably to the order of the day, the House resumed the consideration of the testimony respecting the late general election for the county of Sussex; and after some time spent therein,

*Resolved unanimously,* That it appears to this House, that several Companies and Associations of the People, previous to the late general Election for the County of Sussex, had frequently convened in different parts of the said County, in an hostile and unusual manner, to the great terror and uneasiness of many of the Inhabitants of the said County.

*Resolved unanimously,* That it also appears, that many threats and menaces had been published and made known to the People, tending to prevent the fairness and freedom of the said Election, and tending also, contrary to the Constitution and Laws of this State, to endanger the Persons of many who should attempt to vote at the same.

*Resolved unanimously,* That it further appears, that several Inhabitants, intitled to vote in the said County, were restrained and prevented from their free suffrage, by means of certain combinations and agreements, equally unprecedented in this Government, dangerous in their tendency, and unknown to the Laws and Constitution of this State.

*Resolved unanimously,* That it appears, that from the apprehension of the Sheriff of the said County, that the Election would be disturbed by violence and force, the same was adjourned from the first Day of October, to continue from Day to Day until the fifteenth; and that during the said time of adjournment, to wit on the eighth and fifteenth, several Companies appeared at the place appointed by Law for holding the said Elections, armed with Clubs, Pistols, and Swords, with Colours flying, Fifes playing, and other hostile exhibitions, calculated to inflame the Inhabitants of the said County, and to prevent the peace and freedom of the election thereof.

*Resolved unanimously,* That it also appears, that from several hundreds of the Inhabitants of the said County, who had convened for the purpose of voting at the said Election, that only 100 did actually vote; and that the Judges and Inspectors, who usually and by Law decide the right of voting, did not determine the same, but that other Persons not legally appointed for that purpose, did decide who, and how many, were intitled to vote at the said Election.

*Resolved unanimously,* That it also appears, that the Indenture made by the returning Officer for the said Election, together with the Inspectors and Freeholders, signifying the Election of Representatives to the House of Assembly, confined the same to a number only of the Inhabitants of the said County, and not in full County; and that therefore such return is unusual, partial, and insufficient.

*Resolved unanimously*, That the Election of William Peery, John Tennant, Nathaniel Waples, George Mitchell, Rhoad Shankland, Charles Polk, and Nathaniel Hayes,<sup>1</sup> returned as Representatives for the said County of Sussex in this House, is illegal and void.<sup>2</sup>

1. Mitchell, Shankland, Polk, and Hayes were elected again on 26 November. The other three men, who were Whigs, were replaced by Jeremiah Cannon, Hap Hazzard, and William Massey.

2. The resolutions have been transcribed literally. For a draft version, see Mfm: Del. 18-L. The resolutions were probably printed in the no longer extant *Delaware Gazette* of 2 January 1788, and were reprinted twice in Pennsylvania and once in Massachusetts by 29 January.

### **Timoleon: On the General Assembly and the Sussex Elections<sup>1</sup>**

At the first meeting of the legislature, the DIONYSIAN partisans considered their majority as secure enough. The Tory members from Sussex, willing to acquiesce in the election, expressed their desire that it should be established; and it was expected for many days that the election would be confirmed. But DIONYSIUS [George Read], upon his arrival, penetrated the members, with an eagle's eye, and found them not to his purpose. Besides the great abhorrence he had to a certain Whig of notable abilities returned from Sussex, he must have been sensible that the Kent members (with an exception or two), however returned, were too independent for him to rely upon.<sup>2</sup> By an influence secret and unaccountable, a tide of opposition to the establishment of the election suddenly arose; and two of the Tory members from Sussex were sent down to hunt up petitioners against the election.

In the meantime, a law passed for lessening the quorum of the House of Assembly.<sup>3</sup> This was esteemed a great piece of policy, necessary to guard against all possible obstruction to the measures intended by a secession of the minority.

The lackey members returned from Sussex with petitions signed by 121 inhabitants complaining of the manner of conducting the late election and praying relief in the premises.<sup>4</sup> The House then proceeded to a formal inquiry and determined the election of members returned for Sussex to be illegal and void. Here it is to be observed that although it was given in evidence in support of the freedom of the election, that no elector was restrained or prevented from voting who insisted upon his privilege; yet the Kent members, unwilling to give any countenance to tumults or riots, with great candor acknowledged that the election was informal, and by an unanimous vote it was set aside and a new one ordered.

In Council, after examining the sheriff and his deputy and one of the inspectors, though none of them upon oath, DIONYSIUS observed that the disorders of Sussex were deeply seated in causes of long standing which ought to be thoroughly investigated. A member [James Tilton] replied that he liked the hint and proposed on this occasion a thorough inquiry, on both sides of the question, into those latent causes which produced so much mischief; that by fairly exposing their vices and prejudices, whence the evils complained of resulted, the most probable remedy might be obtained. But DIONYSIUS did not approve a cure of this sort; he changed his ground suddenly; called for a vote upon the election. It was adjudged that it was not freely, legally, and indifferently made, and that the member returned was not duly elected.

It was alleged on this occasion that, however illegal the election might be, there was no sufficient evidence before the Council to determine them in their resolution; and the member [James Tilton] who was of this opinion offered his reasons of dissent and protest against the proceeding as partial and unprecedented. But DIONYSIUS made a motion for prohibiting all reasons of dissent and protest from being entered on the Minutes on the present or *any other occasion*. The dissenting member ridiculed the idea of restraining future Councils, who would be judges of their own privileges and would have precedents enough for the practice. But nevertheless, on this extraordinary question, whether such reasons of dissent and protest, on this or *any other occasion*, should be entered on the Minutes, *it passed in the negative*.<sup>5</sup>

Having set aside the preceding election, it was consulted between the Sussex *Tories* and New Castle *Patriots* how they might secure that which was ordered. It was alleged that if the place of election could be changed from Lewes, where the Whigs abounded, to some of those swamps, where the Tories had been used to maintain their camps, they might succeed better. A few petitioners were procured for this purpose;<sup>6</sup> and a bill was brought in and passed "for altering the place of election, for the county of Sussex, for the present year 1787."<sup>7</sup> The place appointed by this law was the house of a noted *Refugee* [Robert Griffith]<sup>8</sup> and in one of the most dreary haunts of the Black Campers.

Resolutions were then entered into by both houses recommending to the inhabitants of the state to elect delegates to a state convention, who should be authorized to assent to and ratify the new Federal Constitution; and that the elections should be held on the 26th November 1787.

1. *Biographical History of Dionysius*, 68-70 (Mfm:Del. 47).
2. According to "Timoleon," Kent County was usually a thorn in the sides of "Dionysius" and his fellow Tories (Mfm:Del. 47).
3. See Mfm:Del. 20.
4. See Sussex County Petitions Protesting the 15 October Election, III above.
5. The Council's rejection of Tilton's effort to enter reasons for his dissent on the Minutes was omitted from the Minutes. For another attack by "Timoleon" on the way the Tories "prostituted" the Minutes, see Mfm:Del. 47, p. 96.
6. The petitions have not been located. There had been earlier efforts to move the courts from Lewes. On 31 January 1787 the General Assembly received eight petitions from 352 inhabitants of Sussex County requesting that the courts of justice be moved from Lewes to a more central location. (See Mfm:Del. 2 for one of these petitions.) Such pressure continued, and finally in January 1791 the courts were moved from Lewes to "James Pettijohn's Old Field" in Broad Kiln Hundred, "near the center" of Sussex County (*Delaware Laws*, II, 1002-5).
7. Mfm:Del. 18 L-O, 23.
8. Griffith had been involved in the Sussex election disturbance in October and had been beaten up by Alexander McIlvain, a Whig (Testimony of Undersheriff Thomas Laws, 31 October, III above).



IV  
 THE GENERAL ASSEMBLY CALLS  
 THE STATE CONVENTION  
 7—10 November 1787

In the afternoon of 7 November, the House of Assembly took up the report of the committee on the Constitution, which had been laid on the table on 25 October (II above). The report was recommitted, and the committee brought in a new report consisting of seven resolutions. The House accepted the new report and sent it to the Council. On 9 November the Council deferred consideration of the resolutions to listen to the reading of New Castle County petitions recommending "speedy ratification" of the Constitution and a cession of land for the federal capital (I above).

The Council then proposed several amendments to the report of the House committee. The principal changes were: a longer preamble to express the people's support of the Constitution; an increase in the number of Convention delegates from seven to ten for each county; the deletion of the resolution excusing voters from taking the oath of allegiance; and the addition of a resolution recommending a cession of land for the federal capital.

The House accepted the amendments on the afternoon of 9 November and ordered the amended resolutions transcribed and sent to the Council for its concurrence.

The resolutions provided for the election of delegates on 26 November and the meeting of the Convention on 3 December. They were ordered published in the *Delaware Gazette*, and one hundred copies were sent to the sheriffs of the three counties to be displayed at the "most public Places."

For the House and Council proceedings not printed below, see Mfm:Del. 18 L-0.

**The Delaware General Assembly**  
**Wednesday**  
**7 November 1787**

**House Proceedings, P.M.**

The House met according to adjournment.

The House took into consideration the report of the committee upon the Federal Constitution; and, after some time spent thereon, the same was recommitted.

The said committee now brought in a second report, which, being read and considered, was agreed to as follows:

Whereas the new Federal Constitution as formed and agreed on by a Convention of deputies from the several states of the Union, for that purpose assembled at Philadelphia, has been reported to the House of Assembly. And whereas the Congress of the United States have unanimously transmitted the same to the several states.

Resolved, 1. That a convention of delegates be recommended to be chosen by the people of this state, with sufficient powers to assent to and ratify the said Constitution; and that the election for such delegates be on the fourth Monday of November instant, and that the said convention meet, at the town of Dover, on the Monday following.

2. That the number of delegates to the said convention be seven from each county; and that such delegates possess all the qualifications, as are at present required by the laws of this state, to enable the representatives of the House of Assembly of this state to hold a seat in the legislature thereof.

3. That as well from motives of policy and public justice, as to unite the general interests of this state, no test or oath of allegiance be required, but that all who possess the present qualifications of residence, age, and property shall be entitled to vote for delegates to the said convention.

4. That the elections for the respective counties of this state be held at the same places where the general elections for representatives to the General Assembly are, or may by law be appointed to be held; and that the same officers who were legally constituted and chosen judges of the late elections for representatives to the General Assembly shall be the judges of the elections for delegates to the said convention.

5. That the delegates to the said convention be entitled to the same allowance per diem as representatives to the General Assembly

are entitled to receive for their attendance; which said allowance shall be paid by the state treasurer, upon receiving an order for the same, signed by the President of this state.

6. That the President or Commander in Chief transmit to the convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

7. That for the information of the citizens of this state, the clerk of this House cause the aforesaid resolutions to be published in the *Delaware Gazette*, and procure one hundred copies to be printed and transmitted to the sheriffs of the several counties to be by them fixed up at the most public places in their counties respectively.

Ordered, That the foregoing resolutions be transcribed and sent to the Council for concurrence.

## The Delaware General Assembly

Thursday

8 November 1787

### Council Proceedings, A.M.

The Council met; present the same members.

Mr. Revel, a member of Assembly, was admitted and delivered, for the consideration and concurrence of the House, certain resolutions of the House of Assembly for calling a state convention, to whom the Federal Constitution is to be submitted for their assent and ratification.

Ordered to lie on the table.

. . . . .

The resolutions of the House of Assembly for calling a state convention were read, and

Deferred for further consideration.

Adjourned to 3 o'clock.

## The Delaware General Assembly

Friday

9 November 1787

### Council Proceedings, A.M.

The Council met; present the same members.

The resolutions of the House of Assembly for calling a state convention were read a second time, and

Deferred for further consideration.

The clerk of this house laid on the table four petitions from sundry inhabitants of New Castle County and a petition from the grand jurors of the Court of Oyer and Terminer, held at New Castle on the 5th of October 1787, in favor of the Federal Constitution, also several petitions from many inhabitants of New Castle County for a cession of district to Congress for exclusive legislation, which said petitions were delivered to him by the clerk of the House of Assembly.<sup>1</sup>

The said petitions were read.

Ordered to lie on the table.

Sundry amendments being proposed to the resolutions of the House of Assembly for calling a state convention,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

[The Amendments]<sup>2</sup>

"In Council. Friday A.M. November 9th. 1787.

Amendments proposed by The Council to the Resolutions of the House of Assembly for calling a State Convention—

"1. Dele the whole of the Recital in the first 6 lines of page 1st. and insert instead thereof as follows [Whereas the Convention of Deputies from the United States, lately assembled in the City of Philadelphia have proposed a Constitution for the said States to be submitted to a Convention of Delegates chosen in each State by the people thereof under the recommendation of its' legislature for their assent and ratification, and that each Convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

"And Whereas the United States in Congress Assembled have unanimously resolved that the said Constitution 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 it is the sense and desire of great numbers of the good people of this State signified in Petitions to this General Assembly that speedy measures should be adopted to Assemble a Convention within the state for the purpose of deliberating and determining on the said Constitution].

"2. Dele also the 1st. and second resolutions and insert in their stead as follows [1. That it be and hereby is recommended to the Freemen and Inhabitants of this State who are qualified by law to vote for representatives to the General Assembly that they chuse

suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is for the Three Counties the same number of Delegates that each is entitled to of representatives in the General Assembly, to wit, Ten for the County of New Castle, Ten for the County of Kent and Ten for the County of Sussex]

“3. Dele the 3d. Resolution

“4. In page 2. line 4. next after the word /for/ insert the words [Delegates aforesaid in] and in the next line after the word /held/ insert the words [on Monday the twenty sixth day of this instant November]

“5. In same page dele all that follows the words [same] in line 7 to the end of the line 10. and insert then as follows [be conducted by the officers who conduct the said elections of representatives and agreeably to the Rules and regulations thereof. And that the persons so elected to serve in Convention meet at the Town of Dover on the Monday following]

“6. In same page line 11. dele the word [to] and insert there the words [who attend].

“7. In same page next after the Resolve No. 6 there insert as follows [5. That the Proposition submitted to the General Assembly by Petition from divers of the Freemen resident in the Upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.]”

#### **Council Proceedings, P.M.**

The Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly, with the amendments offered by the Council to the resolutions for calling a state convention.

#### **House Proceedings, P.M.**

The House met according to adjournment.

Mr. Cook, a member of Council, was admitted and returned the resolutions of this House for assembling a state convention for deliberating and deciding upon the proposed system of federal government, with seven amendments proposed; which, being read and considered, were acceded to.

Ordered, That the said resolutions as amended be transcribed and sent to the Council for concurrence.<sup>3</sup>

1. The manuscript version of the Council Minutes differs from the contemporary published version printed here. The manuscript Minutes refer to "two," not "several" petitions concerning the federal capital and to "sundry," not "many" signers.

2. MS (LT), Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. The square brackets and the diagonals are in the manuscript. To the left of each amendment, the clerk of the House wrote the words "Acceded to" or "Acceded to."

For a draft and another version of these amendments, see Mfm:Del. 18-N.

3. For the transcribed document, signed by the speaker of each house, see Resolutions Calling the State Convention, 9-10 November, IV below.

## The Delaware General Assembly

Saturday

10 November 1787

### Council Proceedings, A.M.

The Council met; present the same members.

Mr. Vining, a member of Assembly being admitted, delivered to the chair the resolutions for calling a state convention, with the several amendments proposed thereto by the Council acceded to by the House of Assembly; which said resolutions, as amended and agreed to by both houses, are as follow: [The resolutions are placed in the Journal at this point.]

Ordered, That the resolutions for calling a state convention, with the several petitions in favor of the Federal Constitution and the petitions for a cession of district to Congress for exclusive legislation, be returned to the House of Assembly.

### House Proceedings, A.M.

Mr. Tilton, a member of Council, was admitted and returned the bill entitled "An Act for altering the place of Election for the County of Sussex for the present Year one thousand seven hundred and eighty-seven;" in which the Council concurred.

Ordered, That the said bill be engrossed.

The same member also returned the resolutions for assembling a state convention and the same, as now agreed to by both houses, are as follow: [The resolutions are placed in the Journal at this point.]

Adjourned to three o'clock.

### Resolutions Calling the State Convention, 9-10 November<sup>1</sup>

In the House of Assembly of The Delaware State,  
Friday, P.M. November 9. 1787.

Whereas the Convention of Deputies from The United States, lately assembled in the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification, and that each Convention assenting to, and ratifying the same, should give Notice thereof to The United States in Congress assembled.

And whereas The United States in Congress assembled have unanimously resolved, that the said Constitution, 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 it is the Sense and Desire of great Numbers of the good People of this State, signified in Petitions to this General Assembly, that speedy Measures should be adopted to assemble a Convention within the State for the Purpose of deliberating and determining on the said Constitution.

Resolved,

1. That it be and hereby is recommended to the Freemen and Inhabitants of this State, who are qualified by Law to vote for Representatives to the General Assembly, that they choose suitable Persons to serve as Delegates in a State-Convention for the Purpose herein before mentioned, that is for the three Counties the same Number of Delegates that each is intitled to of Representatives in the General Assembly, to wit, Ten for the County of New Castle, Ten for the County of Kent, and Ten for the County of Sussex.

2. That the Elections for Delegates afsd. in the respective Counties of this State be held on Monday the Twenty sixth Day of this Instant November, at the same Places where the General Elections for Representatives to the General Assembly are, or may by Law be appointed to be held; and that the same be conducted by the Officers who conduct the said Elections of Representatives, and agreeably to the Rules and Regulations thereof; and that the Persons so elected to serve in Convention meet at the Town of Dover on the Monday following

3. That the Delegates who attend the said Convention be intitled to the same Allowance per Diem, as Representatives to the General Assembly are intitled to receive for their Attendance; which said Al-

lowance shall be paid by the State-Treasurer, upon receiving an Order for the same, signed by the President of this State.

4. That the President or Commander in Chief transmit to the Convention afsd. when met, an authentic Copy of the Foederal Constitution afsd.

5. That the Proposition submitted to the General Assembly, by Petition from divers of the Freemen resident in the upper part of this State, of ceding to The United States a District within the State for the Seat of the Government of The United States, and for the exclusive Legislation of Congress, be and hereby is recommended to the particular Consideration of the Convention.

6. That for the Information of the Citizens of this State, the Clerk of this House cause the aforesaid Resolutions to be published in the Delaware Gazette, and procure one hundred Copies to be printed, and transmitted to the Sheriffs of the several Counties, to be by them fixed up at the most public Places in their Counties respectively.<sup>2</sup>

Signed by Order of the House of Assembly,

Jehu Davis Speaker

Sent for Concurrence.

In Council. Saturday. A.M. Novr 10th. 1787.

Read and Concurred in.

Signed by Order of The Council.

Thomas M[c]Donough Speaker.

1. MS (LT), Legislative Papers, 1787, October–November, Resolutions and Reports, De-Ar.

2. The resolutions, without paragraph six, were printed in the *Pennsylvania Packet* on 17 November under the dateline "Wilmington, Nov. 14." Presumably the resolutions were printed in the *Delaware Gazette* on 14 November, but this issue is not extant (see Mfm:Del. 19–G).



V

**THE ELECTION OF  
CONVENTION DELEGATES  
26 November 1787**

Delaware Whigs and Tories both favored ratification, but according to "Timoleon" the Tories spread "false and scandalous" rumors that the Whigs were opposed to the Constitution while the Tories were the "patrons of it." The only record of an attempt to stir up opposition is that of Richard Henry Lee, a Virginia Antifederalist. Enroute from Congress in New York to Virginia, Lee stopped at Wilmington the second week in November and was reported to have "harangued" the populace, cautioned against hasty adoption, and distributed "inflammatory papers" against the Constitution.

The election of Convention delegates turned on local political issues, not on the Constitution. Whigs in New Castle County defeated nine of ten men, including George Read, nominated on a "Read-Tory" ticket. Tories won in Kent County, where, apparently, the Whigs did not vote. But again there was intimidation and threats of violence in the Sussex County election of Convention delegates and of representatives to the legislature.

Prior to the election in Sussex County, efforts were made to create a "Union Ticket" as in the election on 15 October, but the effort failed. Tories encamped hundreds of armed men a mile from the polls, and Whig leaders persuaded their followers not to vote for fear of bloodshed. The threat of violence, the abstention of most Whigs, and the removal of the polling place from Lewes to Nanticoke Hundred in the Tory-dominated western part of the county resulted in a Tory victory.

Fewer than 700 people voted, as contrasted to the 1000 to 1100 who usually voted. The records make no distinction between the votes for delegates to the Convention and for representatives to the legislature, but Whigs protested the results of both. Nine petitions, signed by 369 people, were sent to the state Convention asking it to call a new election (VI below). An additional nine petitions, signed by 405 people, protesting the legislative election were sent to the

legislature which met in January 1788. The Convention refused to consider the petitions sent to it. The legislature investigated the election of representatives, but it evidently had no intention of voiding the results. The Sussex County election of representatives was validated by the House of Assembly on 22 January, and the election of the councillor was validated by the Council on 24 January.

All the documents relating to the Sussex election, aside from those printed below, are in Mfm:Del. 27-30, 32, 37-38.

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### The Election Campaign

*Timoleon: On the Election Campaign*<sup>1</sup>

In the recess of the legislature, the Tories went immediately to canvassing for the election of Convention men. As if by concert, they spread rumors throughout the state that the Whigs would be averse from the new Federal Constitution; and they everywhere set themselves up as the patrons of it. They asserted in the most false and scandalous manner without the least foundation, that certain respectable characters, in each county, were opposed to the Constitution. As nobody in the state opposed its establishment, their lying and slandering and affected eagerness in defense of the new Constitution could only be accounted for from a desire of gaining popularity and seizing upon the powers of the new government. The Whigs rejoiced at the prospect of any government that would probably relieve them from the wanton tyranny of DIONYSIUS [George Read]. Those more adequate to the task soon determined that the new Constitution was formed on republican principles; that its powers were no more than adequate to good government; that the people were free enough, and had full powers to maintain their liberty, so long as they were virtuous. There was this odds indeed between the Whigs and Tories, that the latter approved by authority, the former from reflection and judgment. We were led to this discovery by observing that a number of the more intimate acquaintance [s] of DIONYSIUS lamented that the government had not been more *monarchical*. This led into an inquiry into the TYRANT's own sentiments. We soon found that his wish was to bask in the sunshine of *monarchy*; that the scheme of government which he had advocated in the Convention was a *monarch chosen for life, Senators also chosen for life, and an entire abolition of state governments*.<sup>2</sup> Nevertheless, his followers make a mere hobby-horse of the Federal Constitution; and, let the government be what it may, they hope to ride in chief authority.

*Samuel Powel to George Washington  
Philadelphia, 13 November (excerpt)<sup>3</sup>*

It is said that R[ichard] H[enry] Lee escaped the resentment of the people at Chester [Pennsylvania] by his short stay there, which he employed in fixing up and distributing printed papers against the proposed Constitution. At Wilmington he harangued the populace and cautioned them against hastily adopting it, assuring them that a powerful opposition was forming against it in Philadelphia<sup>4</sup> and, in confirmation of his assertions, distributed many of his inflammatory papers. On such conduct there can be but one comment made.

*Extract of a Letter from  
Wilmington, 17 November<sup>5</sup>*

R——d H——y L—e passed through this town a few days ago on his way to Virginia. He spent a whole evening in reading his Cincinnatuses, and in abusing Mr. [James] Wilson and the new government, to a group of school boys and hostlers, who have since made themselves very merry at his expense.<sup>6</sup> Various reasons are given for the weak part he is acting in this business, but the most probable one is that it arises from envy of the fame of General Washington and the dread he entertains of seeing that good man placed in the President's chair of the United States.<sup>7</sup>

1. *Biographical History of Dionysius*, 72–73 (Mfm:Del. 47).

2. In the Constitutional Convention Read supported an absolute veto for the executive, life terms for Senators, and the annihilation of state governments (Farland, I, 136–37, 143, 202, 206, 409, 421, 463, 471; II, 200, 217).

3. RC, Washington Papers, DLC. See CC:255 for a longer excerpt. Powel, one of the wealthiest men in Philadelphia, was the city's last prewar mayor in 1775 and the first mayor after the city received a new charter in 1789. He had recently visited Washington at Mount Vernon (Washington Diaries, DLC).

4. Lee had met with Philadelphia Antifederalists on 6 November (RCS:Pa., 236; CC:122, 232).

5. *Pennsylvania Gazette*, 21 November. This item was reprinted five times from Massachusetts to New Jersey by 13 December (CC:280).

6. The first two numbers of the "Cincinnatus" essays, addressed to James Wilson, were published by the *New York Journal* on 1 and 8 November (CC:222, 241). Their authorship has been attributed to Richard Henry Lee's brother Arthur.

7. Lee visited Washington at Mount Vernon on 11 and 12 November (Washington Diaries, DLC).

## The Elections in New Castle and Kent Counties

### *New Castle County Nomination Ticket<sup>1</sup>*

Whereas the Honorable Assembly and Council of this state have recommended and appointed Monday, the 26th day of November in-

stant, to choose suitable persons to serve as delegates in a state convention, for the purpose of deliberating and determining on the Constitution proposed by the Grand Convention of deputies from the United States. We, a number of your subscribers and inhabitants of this county, have offered the following ticket, being composed of men whose real sentiments we are well assured to be federal.

George Read	Dr. [Thomas] M'Donogh
Gunning Bedford, Jr.	George Bush
Jacob Broom	Philip Reading
Henry Lattimer	John Hyatt
Thomas Robinson	George Parker

*Timoleon: On the Elections in New Castle and Kent Counties<sup>2</sup>*

The people of New Castle, probably from a more early discovery of the TYRANT's [George Read's] sentiments and views, chose most of their delegates, respectable Whigs. In Kent, the Whigs, not caring by whom the government was ratified, made no opposition, and the Tories carried their election in great triumph. Some noted Tories declared they had been hindmost in a former revolution, but they were determined to be foremost in this. The same spirit seemed to pervade the whole.

1. *Philadelphia Independent Gazetteer*, 26 November. This item was probably reprinted from the no longer extant *Delaware Gazette* of 21 November. Gunning Bedford, Jr., a delegate to the Constitutional Convention, was the only nominee elected.

2. *Biographical History of Dionysius*, 73 (Mfm:Del. 47).

**The Election in Sussex County**

*William Peery to Nathaniel Waples*  
*Sussex County, 25 November<sup>1</sup>*

I this morning received a line from Charles Polk and Alexander Laws of which the following is a copy.

"Sir, We received your letter dated 22nd instant November<sup>2</sup> and observe the contents. We shall be glad to confer with you on Monday next at your appointed place for the purpose you mentioned in said letter, etc. We remain your friends and wellwishers, etc.

Alexander Laws  
Charles Polk"<sup>3</sup>

I have sent copies of this letter to Lewes Town and to the Broadkill requesting the people to go to the election in a peaceable manner. I have not a doubt but the leading men on the opposite side of the

question will use their influence to bring about such a union as will secure to us a share in the representation. I have to request of you to bring as many people out as possible and meet us from this quarter at nine o'clock at the place of election, where I hope we shall be able to accomodate matters in such a manner as to be in some measure agreeable to all parties. You will also communicate this to [Simon] Kollock,<sup>4</sup> and request him to dispatch a messenger to Broad Creek immediately.<sup>5</sup>

*Votes Cast, Sussex County Election, 26 November<sup>6</sup>*

<i>Hundred</i>	<i>Number of Voters</i>
Baltimore	7
Broad Creek	51
Broad Kiln	67
Cedar Creek	80
Dagsbury	62
Indian River	50
Lewes and Rehoboth	25
Little Creek	100
Nanticoke	114
Northwest Fork	99
	<u>655</u>

*Sussex County Petition to the General Assembly<sup>7</sup>*

To the honorable the representatives of the Delaware State in General Assembly met

The petition and remonstrance of sundry inhabitants of Sussex County

Respectfully represent

That your petitioners are very unwilling, at this important period when the safety and the very existence of the Union depends on the preservation of good order and tranquillity in the states, to retard or interrupt the progress of government; but they find themselves called upon by their feelings as men and their duty as citizens to represent to your honors a matter which involves in its consequences the present interests and future peace of the community, and that while they represent to your honors in the humble language of entreaty you will pardon them for discharging their duty with freedom and with firmness.

That soon after the rejection of the first return of representatives for this county, your petitioners were notified by advertisements of

a second election to be held at a place commonly called Vaughan's Furnace; and as your petitioners were informed that an appearance of force and a riotous procedure committed on the day at the place of election were the principal grounds on which the former return of representatives was dismissed, they expected to have been permitted to have attended at the time and place advertised without interruption or disturbance.

That your petitioners, contrary to these expectations, were informed that Charles Polk, Esquire, one of the elected members, on the Saturday preceding the election, in a public company was heard to advise his friends to carry their firearms; and that Rhoads Shankland, Esquire, another of the elected members, on the next day being Sunday was seen at the head of a party armed with muskets going towards the place.<sup>8</sup> This information, together with intelligence of several bodies of men armed in the same manner being seen on the last mentioned day proceeding to the place of election, made the greater part of your petitioners apprehensive that they could not attend without danger of personal abuse and public disturbance.

That those apprehensions were justified by the event, for those of your petitioners who attended the election observed a number of men armed with clubs, swords, and pistols at the place, and some hundreds of men armed with muskets paraded near, a party of whom made prisoners of some of your petitioners by presenting a gun and threatening to fire upon them, and detained them in custody until orders for their dismission were procured from Nathaniel Mitchell, who they said was their commanding officer.<sup>9</sup>

That your petitioners have been informed that this force was collected by a call for the militia to attend and protect the election from expected violence; that this call, if it had been necessary, ought to have been public, but being secret was illegal and unjust. But your petitioners apprehend, even if the call had been general, it would have been so unfounded in the constitution and in law as to invalidate and destroy the election, for certainly if one faction is permitted to be the protectors and guardians of an election by an armed force one year, another may claim the same privilege the next; and thus our elections, instead of being conducted with peace and good order, will be scenes of civil discord, riot, and bloodshed.

That in addition to the above facts, your petitioners will only remark that Non-jurors,<sup>10</sup> Act of Grace Men, Refugees, and other disqualified persons were permitted to vote at the election, contrary to express law and to the safety of the state; for it is impolitic and unjust that those should govern a community who would wish to destroy it.

That the wish of your petitioners to promote the tranquillity of the government and avoid the horrors attendant on a civil war influences their present address. That there has been a cloud collected over this county for some time threatening effects terrible even in prospect, and your petitioners know of nothing so likely to accelerate the public disturbances and annihilate the government as the sanctioning an election fraught with violence, partiality and injustice.

That your petitioners, sensible of the premises and knowing the importance, particularly in a young and new-formed community, of preserving the laws of election pure and inviolate, would be equally ready to assist the magistrate in the execution of the laws and the subject in defense of his rights. For in vain have we opposed tyranny, in vain have our plains been stained with the blood of our brethren, in vain have we prepared a happy residence for liberty, and in vain have we established governments; if those governments are to be ruled by persons who opposed their formation in every stage of their progress, who fought against it, who supplied and supported our enemies and by every means in their power retarded the independence of America.

Your petitioners, therefore, relying on the wisdom, justice, and impartiality of your honorable body, humbly pray that you would inquire into the truth of the facts herein before stated, and in order to [further] their candid investigation to hear your petitioners by counsel; and if the above facts are supported, that you would be pleased to grant them that relief in the premises which to your wisdom shall appear equitable and just.

And your petitioners as in duty bound will ever pray, etc.

*Pennsylvania Packet, 8 December<sup>11</sup>*

We are happy to be able to inform the public that the election for members of Assembly and Convention was held for Sussex on Monday sennight without disturbance. The return is not yet come to hand.

*Thomas Rodney to Jacob Broom  
Poplar Grove, 27 January 1788<sup>12</sup>*

As no doubt the inquiry and decision respecting the late Sussex election will be a subject of much political conversation, it is very likely that you, as a politician, will not be displeased to have some account of that business from one who was present. The testimony in substance was that some of the heads of the Tory Party (as they are distinguished there) sent a letter to some of the heads of the Whig Party proposing a compromise or union, upon which the Whigs at several meetings agreed to go to the election peaceably, but on the

day preceding the election they were informed by one of the other party that such a union would not be agreed to by the people on that side;<sup>13</sup> and that evening were informed also that the Tories were going armed to the election. In consequence of this, a company of about 60 went armed as far as one [Abel] Nottingham's where they met with Colonel [David] Hall<sup>14</sup> and Major [William] Peery who persuaded them to return, and by this me[ans?] the Whigs generally declined going to the election. The Tories, having rejected the union, took it for granted it would not do to go to the election without going armed; but however that be, 260 or 300 men on that side, armed with guns, swords, and pistols, assembled in a field about one mile from the place of election and from thence went without their arms in small companies to vote; and as they voted, returned again to the field of arms. So the election went on without interruption, but about ten or 12 o'clock at night it was rumored that [James] Trussum<sup>15</sup> and his party had been seen some distance off, whereupon from 60 to a 100 men armed with muskets came from the field to the place of election and continued there all night and until the election was closed next day to protect the election. Some few Whigs appeared at the place of election, but none voted. There was some swords, pistols, and clubs there but not much disturbance. Thus you have the material parts of this picture as represented by the testimony. Those in favor of confirming the election did not deny but justified the armed force by insisting on the threats, menaces, and abuse which that side had received from the other. That it was only intended to defend them from insult and protect their right of voting and not to interrupt anybody else. That the election was undisturbed and no person hindered from voting, etc. That the armed force was one mile from the place of election and therefore not a breach of the constitution, etc.

But those who were against confirming the election contended that the constitution and laws had no respect to persons or parties. That all persons whatsoever were prohibited from carrying arms to any election or so near as to have an influence thereon, even for the purpose of protection, for this pretext might always be made. However, upon voting, the election was confirmed in our house six to four. To wit:

Yeas. Granturn, May, Robisson, Lattimer, Clayton, Vining.

Nays. Gordon, M'Call, Revel, Rodney.

Thus you see that a bare majority of the quorum, 11, has established the precedent of protecting elections by force of arms, and what politician would be so weak as to carry them there for any other purpose? If you have an opportunity please to inform *Lavinia* that I am pretty well and will write to her very soon.



*Timoleon: On the Election and on  
the Response of the Legislature*<sup>16</sup>

In Sussex, they were to elect representatives as well as delegates to the state Convention. The Tory candidates had gone home from the last meeting of the legislature minutely instructed as to a plan by which they might defend the freedom of election for their Refugees and Black Campers. The constitution of the state requires that no military force shall be within a mile of the place of election.<sup>17</sup> They were therefore instructed to raise what force they pleased, only to keep it a mile off to serve in case of exigency. Secure in the favor and protection of the legislature, the Tories made large provision of arms and ammunition; marked out a camp, at a proper distance, beforehand; and on the day of election, marched in companies, with drums and fifes, to the appointed field of encampment. From this place of arms, where a guard of several hundred men stood constantly paraded, they marched in companies to the place of election and carried their whole ticket of representatives and Convention men without opposition, for certain leading characters among the Whigs employed all their assiduity and address to prevent the Whigs from going to the election.<sup>18</sup> They foresaw that bloodshed would be the inevitable consequence of a meeting of the parties in arms; and they could not imagine any possible event of the election to be equivalent to such a misfortune. With much difficulty the Whigs were restrained and encouraged to hope for a constitutional redress of their grievances.

. . . . .

At a meeting of the legislature, in January, petitions were received from 504 [405]<sup>19</sup> inhabitants of Sussex, praying to be heard by counsel, as to a variety of facts stated in their petitions showing the late election for representatives to be illegal. DIONYSIUS [George Read] being absent, at the first meeting of the House of Assembly, the petitioners were permitted to be heard by counsel. This brought on the open inquiry the Whigs wished for. Many witnesses were summoned on both sides.<sup>20</sup>

It was proved and admitted on all hands that, with the cognizance and concurrence of the members elected, companies of armed men, with drums and fifes, moved on from all quarters of the county and joined in full force at an old field, about a mile from the place of election; that they there formed in military array, under superior and inferior officers; that their commander in chief was a member of *Congress* [Nathaniel Mitchell], and their second in command a *Refugee*;<sup>21</sup> that their ostensible purpose was to protect the privileges of election; and their chief conversation consisted of cursing *Presbyterians* and *Irishmen*; that sundry of the Whigs were taken prisoners

by this armed body, and could no otherwise be released but by order of the *Commander in Chief*; that the body of the Whigs of the county did not attend the election on account of this armed force; that from the field they marched in companies and voted, while a guard of several hundred remained constantly under arms. It was further proved by a respectable witness,<sup>(a)</sup> who had himself served against the Black Campers and other insurgents, that there were not less than *sixty* of these miscreants under arms on this occasion. It was also proved,<sup>(b)</sup> that from two hundreds only, between 40 and 50 persons voted, whose names were not in the recorded list of those who had taken the test. Many witnesses declared that a number of persons were armed at the place of election, as well as in the field; and one witness deposed that he believed half the people at the house of election were armed with clubs and other weapons. It was also given in evidence that sundry persons were insulted and violently assaulted, professedly because they were *Whigs, Presbyterians, or Irishmen*; that one fellow in particular, after assaulting a Whig with several blows, swore his teeth had grown an inch on that day, that he might *eat Presbyterians and Irishmen*; that some huzzaed for the *King*, and others expressed a hope that they might again come under the old government. It was agreed by all, and acknowledged by the sheriff [Peter F. Wright], that, before the election was closed, he had called in 40 or 50 armed men from the field as a guard round the house where the election was held.<sup>22</sup>

The counsel [Joseph Miller] for the petitioners respectfully set forth the dangers of infringing the freedom of election; that from the testimony adduced, the Whigs and best citizens of the county of Sussex were manifestly restrained from attending, and the freedom of the election infringed; lastly, that calling in the aid of an armed force to protect an election in a military manner must vitiate such election. Besides the constitution and laws of the state, many learned authorities<sup>(c)</sup> were quoted to show the great abhorrence the freedom of election had to every kind of military force. He therefore hoped and expected the Honorable House of Assembly would wisely determine the late election of Sussex to be illegal and void.<sup>23</sup>

A member of the House, well acquainted with the rights of a free people, modestly observed that, waiving all personal considerations and those indiscretions which proceed from party or prejudice, he begged leave to call the attention of the House to the single circumstance of carrying the election under the *influence* of a military force. He said, however it might serve one party this year, it might serve another party next year; and he shuddered at the idea of a precedent being set for establishing such a rule of conduct throughout the state.

The returned members employed no counsel. They relied upon a speaker on the floor and were secure in a majority. It was contended on their behalf that the previous riots and disturbances were a just and reasonable apology for the measures taken at the late Sussex election,<sup>(d)</sup> that the people had a right to assemble as they did in defense of their rights and privileges; nor did the election laws forbid whole armies from assembling, in military array, if they only kept a mile off from the place of election; that the indiscreet expressions of individuals, a few clubs, pistols and swords, and even boxing and fighting about indifferent matters, were no impediments to the freedom of voting; that all present might have voted if they pleased, and all who stayed away might have come if they would. Finally with an air of triumph it was declared that the electors, on this occasion, had behaved like *genuine sons of Delaware*.

The question being put, it was *resolved*, that the several persons mentioned in the sheriff's return were duly elected. It deserves to be noted that a member from each of the counties of Kent [James Raymond] and New Castle [Alexander Porter] were absent; that another member from New Castle [Thomas Evans] declined to vote because he had not been present at the examination of the witnesses; that the Speaker's [Jehu Davis'] vote was not required; and that, therefore, this important question was determined by the voices of ten men only, 4 against 6 for establishing the election.<sup>24</sup>

The counsel for the petitioners did not think it necessary to give himself any trouble in advocating their cause before the Legislative Council. It was agreed that the depositions taken before the House of Assembly should serve as evidence before the Council. These were read and the petitions dismissed.<sup>25</sup>

The reader may here indulge his own reflections in comparing the judgment on the present election with that on the last, or any former occasion, when the Tories were petitioners. We shall proceed in our narrative. No sooner was the election established than the most cordial and inviolable connection took place between the DIONYSIANS of New Castle and the Tories of Sussex. The cordiality indeed was established before; the treaty was now only to be definitively ratified. On all important questions, especially those which were intended to influence the policy of the state, they uniformly voted together. The Patriots of Kent were left to wrap themselves in their virtue; and in return for their multiplied mortifications, to derive consolation from the approbation they might receive from distant states, or the honors paid to their recorded names, at remote periods of time. The DIONYSIAN power was now paramount in both branches of the legislature; and the leader of the faction seemed determined to exercise it in a very exemplary manner.

[Timoleon's footnotes]

- (a) James Buchannan<sup>26</sup>
- (b) By Major [William] Peery and Colonel [David] Hall<sup>27</sup>
- (c) Montesquieu, Locke, Hume, Adams, etc.
- (d) There is a curious anecdote of one of our representatives. Being asked if the election had been carried in New Castle as it was in Sussex, whether he thought it would be legal and ought to be established, he answered, that for New Castle it ought to be set aside, but established for Sussex.

1. RC, Legislative Papers, 1787, October–November, Petitions, De-Ar. Peery, a delegate to Congress in 1786, and Waples, a former member of the House of Assembly, both had been nominated and elected as “Whigs” on the “Union Ticket.” Peery, as inspector of elections for Broad Kiln Hundred, had testified before the General Assembly concerning the 15 October election (Mfm:Del. 18 E–F). Neither Peery nor Waples was elected on 26 November. Both men signed petitions protesting that election, and both testified before the General Assembly in January 1788 (Mfm:Del. 30–G and I, 37–D and F–G).

2. The letter referred to would indicate that the Whigs proposed a compromise, but according to Thomas Rodney the proposal was made by the Tories (to Jacob Broom, 28 January 1788 in this group of documents).

3. Laws and Polk were evidently Tories. Laws, a member of the Legislative Council, had voted with Tories to alter the place of election in Sussex County (Mfm:Del. 18–O). Polk, who had been elected to the House on 15 October, was elected again on 26 November.

4. Kollock, a Whig nominee on the “Union Ticket” in October, was elected to the Council, which voided his election (III above). He was not elected on 26 November. He signed a petition protesting that election and testified before the House in January 1788 (Mfm:Del. 30–D, 37–E).

5. The endorsement is in the handwriting of Nathaniel Waples: “Read & Concured in by N. Waples,/Novr 25th 1787—/To Capt. [Elisha] Cottingham Capt. J[oseph] Hall Joseph & Saml Dirckson & all frends—/Sunday night 7 OClock—/NW—” These men, all Whigs, signed petitions protesting the 26 November election (Mfm:Del. 30 D–E and G). For Joseph Derrickson’s deposition concerning the election, see Mfm:Del. 32.

6. This list is compiled from the lists of voters submitted to the legislature for each of the ten hundreds in Sussex County. The lists do not distinguish between the votes for representatives to the legislature and delegates to the Convention. For the names of the voters, see Mfm:Del. 27.

7. DS, Legislative Papers, 1788, January–February, Petitions, De-Ar. This petition, signed by eighty people, was one of nine almost identical, undated petitions presented to the House of Assembly on 10 and 16 January 1788 (Mfm:Del. 29–A, 37). For the other eight petitions, signed by a total of 325 people, see Mfm:Del. 29 B–I. The total number of signers, then, was 405. The House Journals for 10 and 16 January 1788 and “Timoleon” (Mfm:Del. 37–A and C, 47) mistakenly give the number of signers as 504.

8. In answer to this charge, Shankland stated that on his way to the election, “he was overtaken by three men with muskets, with whom he rode some distance, after which they separated” (Mfm:Del. 37–J).

9. For other accounts of the display of military force, see Mfm:Del. 32, 37 O–P. Nathaniel Mitchell, the alleged Tory leader of the armed men, had been elected

a delegate to the Confederation Congress on 10 November.

10. "Non-jurors" were those people who had not taken an oath of allegiance to the State of Delaware and its constitution.

11. This item was probably reprinted from the no longer extant *Delaware Gazette* of 5 December.

12. RC, Rodney Collection, Historical Society of Delaware. Rodney had been Speaker of the House of Assembly in October and November 1787 and was a representative from Kent County in the January 1788 session. Rodney opposed the Constitution at this time because he believed that it endangered rather than promoted a union of the states. He believed that the attachments of the people to the state governments prevented union and that the states still had too much power under the Constitution. Moreover, he did not think that the Constitution provided for an adequate balance among the various classes in society. (See Rodney to Caesar A. Rodney, 14 June 1788, and Rodney to Alexander Hamilton, 10 February 1791, Mfm:Del. 46, 50.)

For Rodney's analysis of the classes supporting the Constitution, see his draft of a letter dated 15 April 1788, Mfm:Del. 42.

13. See n. 2 above.

14. Nottingham, a Whig, signed a petition protesting the 26 November election, while Hall, also a petitioner, testified before the legislature on 18 January 1788 concerning that election (Mfm:Del. 30-I, 37 E-F).

15. In the October 1787 election disturbances (III above), Trusham, a Whig, had commanded a group of armed men.

16. *Biographical History of Dionysius*, 74, 75-79 (Mfm:Del. 47).

17. Delaware constitution of 1776, Article 28 (Mfm:Del. 1).

18. William Peery and David Hall were two of the Whig leaders. See Thomas Rodney to Jacob Broom, 27 January, in this group of documents.

19. See Sussex County Petition to the General Assembly, n. 7, above.

20. On 11 January 1788, the House summoned thirty witnesses (Mfm:Del. 37-B).

21. It is possible that George Mitchell, elected to the House of Assembly at this election, was the "Refugee" who was "second in command." According to Simon Kollock, Mitchell was at the "old field" with about thirty other men (Mfm:Del. 37-P). Another possibility for "second in command" was Rhoads Shankland, also elected to the House on 26 November.

22. For the testimony of some of the witnesses, see Mfm:Del. 37 O-P.

23. For Miller's appearances before the House on 19 January and the Council on 21 January 1788, see Mfm:Del. 37 F-G.

24. The vote was taken on 22 January 1788 (Mfm:Del. 37-H). The House resolution confirmed the election without comment. However, some draft resolutions, dated the next day, indicate that some member or members of the House wanted to insist that there was no "unusual violence," that no one was prevented from voting, that ineligible people had not voted, that the state constitution had not been violated, and that the election had been conducted peaceably according to the laws of the state (Mfm:Del. 37-I).

25. See Council Proceedings, 21, 23, and 24 January (Mfm:Del. 37-G, I, J).

26. For Buchannan's recollections of the election, see Mfm:Del. 37-P.

27. Peery testified before the House on 17 January, while Hall testified before the House on the 18th (Mfm:Del. 37 D-E).

## VI

### THE DELAWARE CONVENTION

#### 3-7 December 1787

Since the "proceedings" of the Convention have been lost, what little is known about the Convention is based on a few meager sources.

Just before or during the meeting of the Convention, it was alleged that Pennsylvania Antifederalists sent pamphlets and copies of the "Centinel" essays to President Thomas Collins and the members of the Convention in an effort to foment opposition to the Constitution (*Pennsylvania Gazette*, 19 December, Mfm:Del. 36).

The delegates met at Dover on 3 December, and they elected James Latimer of New Castle County, President and John White, clerk. The delegates probably listened to the reading of at least some of the nine petitions, signed by 369 inhabitants of Sussex County, requesting the Convention to invalidate the election and to call a new election. The Convention refused the request and seated the Sussex delegates.

The second day of the Convention, President Thomas Collins submitted a copy of the Constitution and the legislature's resolutions of 9-10 November calling the state Convention (IV above). Collins called particular attention to the resolution recommending a cession of land for the federal capital.

The Convention ratified the Constitution unanimously, and all thirty delegates signed the Form of Ratification. By "a majority of five to one," the delegates adopted a resolution recommending a cession of land for the federal capital. The Convention also resolved that its "proceedings" be turned over to President Collins. He laid them before the House of Assembly on 11 January 1788.

President Collins sent the Form of Ratification to James Booth, the secretary of state, on 22 December. Collins instructed Booth to give the Form to Nathaniel Mitchell to deliver to Congress. Mitchell, a delegate to Congress, had been involved in the Sussex election disturbances. On 24 April 1788, President Collins sent Congress the Convention resolution concerning a cession of land for the federal capital.

There is some question concerning the date the Convention voted to ratify. The *Philadelphia Independent Gazetteer* of 10 December reported that the Convention voted on 6 December, while the *Delaware*

*Gazette* of 12 December reported that the Convention voted on the 7th (both in VI below). However, all the extant sources agree that the Form of Ratification was signed on 7 December.

### Delegates to the Delaware Convention<sup>1</sup>

#### NEW CASTLE COUNTY

Gunning Bedford, Jr.  
Gunning Bedford, Sr.  
James Black  
Thomas Duff  
John James  
Kensey Johns  
James Latimer  
Solomon Maxwell  
Thomas Wattson  
Nicholas Way

#### KENT COUNTY

Joseph Barker  
Richard Bassett  
Daniel Cummins, Sr.  
Allen McLane  
George Manlove  
Nicholas Ridgely  
Richard Smith  
James Sykes  
George Truitt  
Edward White

#### SUSSEX COUNTY

Isaac Cooper  
Thomas Evans  
William Hall  
Israel Holland  
John Ingram  
John Jones  
John Laws  
Thomas Laws  
William Moore  
Woodman Stockley

1. The spelling of the names of the delegates is that of their signatures on the Form of Ratification.

### Jacob Broom to Tench Coxe

Wilmington, 3 December (excerpt)<sup>1</sup>

The State of Delaware will be the first in the Union in the adoption of the new Constitution. They meet this day and I expect will finish this week.

1. RC, Coxe Papers, Tench Coxe Section, PHi. This excerpt was printed in the *Pennsylvania Gazette*, 5 December, and reprinted fifteen times from Massachusetts to Maryland by 19 December. Coxe was a Philadelphia merchant and Federalist essayist. See RCS:Pa., *passim*.

### President Thomas Collins to the Convention

4 December<sup>1</sup>

Gentlemen: In conformity to a resolution of the General Assembly of the 9th of November 1787, I do herewith transmit to your honorable body an authentic copy of the Federal Constitution for your assent and ratification. As it is a subject of the first magnitude, you will pay that attention thereto as it justly merits.

Also I transmit a resolution of the General Assembly of the 9th November 1787. Permit me gentlemen to call your attention to the 5th section thereof.<sup>2</sup> And do as in your wisdom you may think meet in the premises.

1. RC, Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar.

2. The "fifth section" or resolution recommended a cession of land for the federal capital to the "particular Consideration of the Convention" (IV above).

**Sussex County Petition to the Delaware Convention<sup>1</sup>**

To the honorable the Convention for the Delaware State, to be held at the town of Dover the twenty-third [i.e., third] day of December next.

The petition and remonstrance of divers inhabitants of Sussex County most humbly showeth:

That your petitioners were notified by resolves of the two houses of the General Assembly, and published by their order, that the election for choosing persons to represent this county in said Convention was to be held on the 26th day of this instant at the old furnace usually called Vaughan Furnace. That in pursuance of the said resolves of the General Assembly, your petitioners intended to repair to the place of election for the purpose of electing persons to represent this county in said Convention; but they were alarmed on being informed that Rhoads Shankland, one of the persons chosen at said election to represent this county in the House of Assembly the ensuing year, had declared "there were cannon at the place" and that John Woolfe the coroner of the county had said "they were determined to carry the election or lose their lives," and these two gentlemen being seen on the Sunday evening [25 November] preceding the election day, going towards the place at the head of a party of men armed with muskets, and further information of other bodies of armed men going to the place appointed for holding the election, your petitioners were apprehensive they could have no share in holding the said election without risking the effusion of human blood, rather than do which, most of them declined going. These apprehensions it appears were well founded, for some hundreds of them armed with muskets were paraded near the place of election on the day and made prisoners of some of your petitioners, by cocking a musket and threatening to shoot them,<sup>2</sup> and then detaining them in custody till orders were procured from Nathaniel Mitchell, Esquire, who they said was their commanding officer, for their dismissal. Thus by an armed and unlawful force have some hundreds of the freemen of the county been deprived of the right of free suffrage which by a law of this state, and by the fundamental principles of all republican governments, is declared to be the basis of the liberty of the people, and that the one cannot exist when the other is destroyed.

Your petitioners, impressed with a proper sense of the critical and important situation of public affairs at this time when the sense of all classes of citizens ought to be had on the Federal Constitution proposed by the Convention of the United States lately held at Philadelphia, and knowing that it cannot be considered as binding on them without their assent expressed either by themselves or their



representatives freely chosen, do hereby solemnly remonstrate against the legality of the election of those persons returned by the sheriff of this county to represent the same in said state Convention.

Your petitioners therefore, firmly relying on the wisdom and impartiality of your honorable body, humbly pray that you would be pleased to inquire into the truth of the facts stated in this petition and if they appear to be true that you would also be pleased to reject the sheriff's return, and order a new election to be holden for the purpose of choosing persons to represent this county in your honorable body, that your petitioners may have an opportunity of exercising their right of free suffrage on so important an occasion as the present freely and without interruption.

And your petitioners as in duty bound will ever pray, etc.

1. DS, Folder 181, Convention to Ratify the Constitution of the United States—1787, General Reference Collection, De-Ar. This petition, dated 28 November, was signed by forty-three people (Mfm:Del. 30-A). For seven other almost identical petitions, signed by a total of 293 people, and for the names of thirty-three signers of a ninth petition, the text of which is no longer extant, see Mfm:Del. 30 B-I.

2. The petition signed by forty-four people (Mfm:Del. 30-F) omitted the phrase "by cocking a musket and threatening to shoot them."

### **Timoleon: On the Convention's Response to the Petitions<sup>1</sup>**

At a meeting of the state Convention, the Whigs of Sussex signified by a memorial what had happened without expressing any desire to incommode that body in ratifying the Federal Constitution, but merely as preparatory to their intended remonstrance against the election of representatives at the next meeting of the legislature. The Convention agreed that they had no powers to send for witnesses for a formal inquiry into the legality of the Sussex election; and that, if they had, it would only be wasting time as all were agreed in ratifying the Federal Constitution; and it could be an object with nobody to set the election aside. The members returned from Sussex were therefore permitted to answer for their county, and the new Constitution was ratified by an unanimous vote.

1. *Biographical History of Dionysius, 74-75* (Mfm:Del. 47).

### **Convention Resolution Recommending Cession of Land for Federal Capital, 7 December<sup>1</sup>**

Delaware State Sst.

I Thomas Collins Esquire, President and Commander in Chief of The Delaware State, do certify, that among the Journals and Proceedings of the late Convention of the said State, assembled to deliberate

& decide upon the New Constitution proposed for the Government of The United States, it is thus contained:

"In Convention of the Delaware State, Decemr. 7th. 1787

The Convention having taken into Consideration the Subject of Cession of Territory within this State for the Seat of the Federal Government, and the exclusive Legislation of Congress, as recommended by the Legislature of this State:

Resolved, That it is the Opinion of this Convention, that a Cession of Territory, not exceeding Ten Miles square, be made to Congress for the Seat of the Federal Government and their exclusive Legislation, in such Part of this State as Congress may think proper to make Choice of; and in Case the Congress shall fix the Seat of the Federal Government within this State, this Convention do hereby on Behalf of the People of this State, as far as in them lies, cede, and make over, to the Congress of The United States, the exclusive Legislation over such District of Territory, not exceeding Ten Miles square, for the Seat of the Government of The United States, wherever they may make Choice of the same within this State.

Resolved, That this Convention recommend to the Legislature of this State, that in Case of the Acceptance by Congress, of the Cession of Territory made by this Convention, any other or further Assurance should be necessary, in Order to carry the Intention of this Convention into Execution, as to the Cession aforesaid, that the Legislature should take such Steps as their Wisdom may direct, for the Assuring and Confirming to Congress the Cession so made by this Convention."—all which by the Tenor of these Presents, I have caused to be exemplified.—

In Testimony whereof I have hereunto set my Hand and affixed my Seal, at Arms, at Kent County, this twenty fourth Day of April—in the Year of

[SEAL]

Our Lord One thousand seven hundred and eighty eight.

Thos. Collins

1. DS (LT), PCC, Item 46, Proposals on Locating the Seat of Government and Printing the Journals, 1777–89, pp. 145–48, DNA. Secretary Charles Thomson endorsed the document, "Read 13 May 1788."

### Convention Resolution to Deliver Proceedings to President Thomas Collins, 7 December<sup>1</sup>

On Motion of, Mr. Johns seconded by Mr. Jones<sup>2</sup>

Resolved, That Messrs. Sykes and Ridgely deliver to the President of the State, the proceedings of this Convention—

1. MS (LT), Executive Papers, 1787, Convention for Ratifying the United States Constitution—Accounts, De-Ar. This resolution is from a manuscript fragment which

also includes a list of some Convention expenses. President Collins presented the Convention proceedings to the House of Assembly on 11 January 1788 (Mfm:Del. 37-B).

2. Johns, a New Castle County lawyer, served as associate, later chief, justice of the Delaware Supreme Court from 1796 to 1830. Jones was associate justice of the Delaware Supreme Court from 1778 to 1793.

### The Delaware Form of Ratification, 7 December<sup>1</sup>

We the Deputies of the People of the Delaware State, in Convention met, having taken into our serious consideration the Foederal Constitution proposed and agreed upon by the Deputies of the United States in a General Convention held at the City of Philadelphia on the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven, Have approved, assented to, ratified, and confirmed, and by these Presents, Do, in virtue of the Power and Authority to us given for that purpose, for and in behalf of ourselves and our Constituents, fully, freely, and entirely approve of, assent to, ratify and confirm the said Constitution.

Done in Convention at Dover this seventh day of December in the year aforesaid, and in the year of the Independence of the United States of America the twelfth In Testimony whereof we have hereunto subscribed our Names—

#### SUSSEX COUNTY

John Ingram  
John Jones  
William Moore  
William Hall  
Thomas Laws  
Isaac Cooper  
Woodman Stockley  
John Laws  
Thomas Evans  
Israel Holland

#### KENT COUNTY

Nicholas Ridgely  
Richard Smith  
George Truitt  
Richard Bassett  
James Sykes  
Allen McLane  
Daniel Cummins senr.  
Joseph Barker  
Edward White  
George Manlove

#### NEW CASTLE COUNTY

Jas. Latimer, President  
James Black  
Jno. James  
Gunning Bedford senr.  
Kensey Johns  
Thomas Wattson  
Solomon Maxwell  
Nicholas Way  
Thomas Duff  
Gunnig Bedford junr.

[SEAL] To all whom these Presents shall come Greeting, I Thomas Collins President of the Delaware State do hereby certify, that the above instrument of writing is a true copy of the original ratification of the Foederal Constitution by the Convention of the Delaware State, which original ratification is now in my possession. In Testimony whereof I have caused the seal of the Delaware State to be hereunto annexed.

Thos. Collins

1. Engrossed MS (LT), RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787-92, DNA. The signatures of the Convention delegates on this document were copied by the person who engrossed it. The original Form retained by Delaware has the signatures of the delegates and does not have the attestation signed by President Collins. The right hand edge of the Form sent to Congress is frayed so that some of the words are illegible. These

words have been supplied from the retained Form. For photographic copies of both forms, see Mfm:Del. 33 A-B. Nathaniel Mitchell, a delegate to Congress, delivered the Form to Congress on 22 January 1788 (PCC, Item 185, Despatch Books, 1779-89, Vol. 4, p. 21, DNA).

**President Thomas Collins to Secretary Charles Thomson**  
**Kent County, 22 December<sup>1</sup>**

I received yours of the 28th of November last, enclosed therewith the Journals of Congress from the 6th of November 1786 to the 30th of October 1787.

I have attended to the reasons assigned by you with regard to a speedy and constant representation in Congress, and am perfectly of your opinion that the honor and interest of the Confederacy require it. Therefore I have taken the necessary steps to furnish a speedy representation in Congress from this state, which I trust will be accomplished in a short time.<sup>2</sup> I have herewith enclosed a certified copy of the ratification of the Federal Constitution as formed by the Convention of the United States, at Philadelphia in September last, by a Convention of this state, which you are requested to lay before Congress.

1. RC, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787-92, DNA. This letter was endorsed as read in Congress on 22 January 1788.

2. See Collins to James Booth, 22 December, immediately below.

**President Thomas Collins to James Booth**  
**Kent County, 22 December<sup>1</sup>**

Yours of the 17th instant I received with its enclosures, with respect to the resolution, a similar one I received of the clerk of the Council some time past.

I have enclosed the proceedings of the Privy Council at Dover on the 6th day of this instant and request you to enter the same amongst the other proceedings of Council, and make out commissions in conformity thereto, and bring them with you when you attend the Assembly next month.

I have also enclosed a certified copy of the ratification of the Federal Constitution, by our state Convention who have by their resolution requested the President to certify the same under the Seal of the State and transmit it to Congress. You are therefore requested to affix the Seal aforesaid and enclose the ratification, also the enclosed letter to Charles Thomson, Esquire under a cover, sealed and addressed by you, to the Secretary of Congress, and hand the same to Mr. [Nathaniel] Mitchell<sup>2</sup> who will attend the delivery thereof, as he is on his way to Congress.

N.B. Mr. Mitchell waits on you for the commissions to the delegates of this state, to the Congress of the United States.

1. RC, Colonial and Revolutionary Documents of the State of Delaware, Vol. 1, DLC. This letter was endorsed as received on 30 December. Booth was secretary of state.
2. Mitchell and Dyre Kearny represented Delaware when Congress convened on 21 January 1788.

### Reports of Ratification by Delaware 8–14 December

Since Delaware was the first state to ratify the Constitution, news of its decision spread rapidly from one end of the United States to the other. Within a month, about sixty newspapers reported that the Delaware Convention had ratified the Constitution unanimously, while twenty-four newspapers reported that the Convention had recommended a cession of land for the federal capital.

*Jacob Broom to Tench Coxe  
Wilmington, 8 December (excerpt)*<sup>1</sup>

I have the pleasure to inform you that the Delaware State Convention has accepted the Constitution, the members agreeing to it unanimously. Of course *we* are the first in the Union for the adoption.

*Maxwell, Adams, and Company to Levi Hollingsworth  
Christiana, 10 December (excerpt)*<sup>2</sup>

The Convention of Delaware State have unanimously ratified the Federal Constitution. Also cedes to Congress a district not exceeding ten miles square for federal town in such part of the state as they may choose. The latter a majority of five to one.

*Philadelphia Independent Gazetteer, 10 December*<sup>3</sup>

By a gentleman who arrived last evening from Delaware, we have received the following important intelligence:

Delaware State Convention.

The deputies of the state Convention of Delaware met at Dover, on Monday the third instant (December) and a house being formed, they elected James Latimer, Esquire, President. On Thursday they ratified the new Federal Constitution by an *unanimous* vote, and on Friday *every member* signed the ratification as follows:<sup>4</sup>

“We the Deputies of the people of the Delaware State in Convention met, having taken into our serious consideration, the federal constitution, proposed and agreed upon by the Deputies of the United

States, in a General Convention, held at the city of Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, have approved of, assented to, ratified and confirmed, and by these presents, DO, in virtue of the power and authority to us given for that purpose, for, and in behalf of ourselves and our constituents, FULLY, FREELY, and ENTIRELY APPROVE OF, ASSENT TO, RATIFY and CONFIRM the said CONSTITUTION."

*Maryland Journal, 14 December*<sup>5</sup>

We hear from Dover that the deputies to the state Convention (agreeable to the appointment of the General Assembly) met and formed a house on Monday the 3d instant; James Latimer, Esquire, was chosen President on Wednesday; the new Federal Constitution was ratified by unanimous vote on Friday; and the ratification signed by every member as follows: [The Delaware Form of Ratification is printed at this point.]

The Convention likewise agreed to the cession of a district in this state to Congress, not exceeding ten miles square, with the right of exclusive legislation, for the seat of federal government to be chosen by them (if accepted) in such part of the state as they may think proper.

While the Convention of this state has finished the important business for which they were elected, that of Pennsylvania is debating the ground by inches; after sitting almost a month, we hear they have not yet finished the first Article.

1. RC, Coxe Papers, Tench Coxe Section, PHI. For reports of Delaware's ratification by individuals in other states, see Mfm:Del. 35.

2. RC, Hollingsworth Papers, PHI.

3. This item was also printed in the *Pennsylvania Packet* on the same day. Within a month, it was reprinted, in whole or in part, fifty-three times from Maine to Georgia. The *Massachusetts Centinel's* reprinting on 26 December was prefaced: "FEDERAL CONSTITUTION. The FIRST PILLAR of a great FEDERAL SUPERSTRUCTURE raised." For other newspaper reports of Delaware's ratification, see Mfm:Del. 35.

4. The Form of Ratification, as printed in the *Gazetteer*, is transcribed literally.

5. This item was probably reprinted from the no longer extant *Delaware Gazette* of 12 December. The *Richmond Virginia Gazette and Weekly Advertiser*, 20 December, reprinted the entire article, while the paragraph on the federal capital was reprinted twenty-two times from Vermont to Pennsylvania by early January 1788. The last paragraph was reprinted in five newspapers by 31 December.

## Biographical Gazetteer

The following sketches outline the political careers of the principal Delaware leaders. Their affiliations in state politics are indicated by the terms "Whig" and "Tory" and in national politics after 1789 by the terms "Federalist" and "Democratic-Republican."

**BASSETT, RICHARD** (1745-1815)

Tory/Federalist

Born Cecil County, Md. Studied law with Judge Robert Goldsborough of Dorchester County, Md. Practiced law in Dover, Del. Member council of safety, 1776. Delegate to state constitutional convention, 1776. Kent member of Council, 1776-78, 1782-83. Militia officer, 1779-81. Kent delegate to House, 1786-87. Delegate to Annapolis Convention, 1786. Delegate to Constitutional Convention, signed Constitution, 1787. Delegate to state Convention, voted to ratify, 1787. U.S. Senator, 1789-93. Delegate to state constitutional convention, 1792. Chief justice Court of Common Pleas, 1793-99. Presidential Elector, 1797. Governor, 1799-1801.

**BEDFORD, GUNNING, JR.** (1747-1812)

Whig/Democratic-Republican

Born Philadelphia. Cousin of Gunning Bedford, Sr. College of New Jersey (Princeton) B.A. 1771. Studied law with Joseph Reed of Philadelphia. Admitted to Sussex County, Del. bar, 1779. Practiced law in Dover and then in Wilmington. Delegate to Congress, 1783-85. Attorney general, 1784-89. Elected to Annapolis Convention, 1786, did not attend. New Castle delegate to House, 1786-87. Delegate to Constitutional Convention, signed Constitution, 1787. Delegate to state Convention, voted to ratify, 1787. New Castle member of Council, 1788-89. Presidential Elector, 1789, 1793. U.S. district judge for Delaware, 1789-1812.

**BROOM, JACOB** (1752-1810)

Tory/Federalist

Born Wilmington; surveyor, businessman. Assistant burgess of Wilmington, 1776; chief burgess, 1783, 1785, 1794. New Castle delegate to House, 1784-87, 1788-89. Delegate to Constitutional Convention, signed Constitution, 1787. Postmaster of Wilmington, 1790-92. Director Bank of Delaware, 1806-10.

**COLLINS, THOMAS** (1732-1789)

Tory/

Born Kent County. Sheriff Kent County, 1764-67. Militia officer, 1776-83. Member council of safety, 1776. Delegate to state constitutional convention, 1776. Kent member of Council, 1776-77, 1778-80, 1781-82 (speaker, 1778-79, 1780-81). Chief justice Kent County Court of Common Pleas, 1782-86. President of Delaware, 1786-89.

**DICKINSON, JOHN** (1732-1808)

Tory/Federalist; Democratic-Republican

Born Talbot County, Md. Family moved to Kent County, Del., 1740. Studied law in Philadelphia and in Middle Temple, London. Admitted to Philadelphia bar, 1757. Kent delegate to House and speaker, 1760-61. Philadelphia County delegate to Assembly, 1762-65, 1774-77. Author of *The Late Regulations Respecting the British Colonies . . .* (1765). Pennsylvania delegate to Stamp Act Congress, 1765 (drafted declaration of rights). Author of "Letters from a Farmer in Pennsylvania," 1767-68. Philadelphia City delegate to Assembly, 1770-71 (author of petition to the king, 1771). Pennsylvania delegate to Congress, 1774-76 (author of first and second petitions to the King, 1774, 1775; revised Thomas Jefferson's draft of Declaration on Taking up Arms, 1775; chairman of committee to draft Articles

of Confederation, 1776; voted against resolution declaring independence and absent when Declaration of Independence adopted, 1776). Chairman Philadelphia committee of correspondence, 1774. Chairman Pennsylvania committee of safety, 1775-76. Pennsylvania militia colonel, 1775-76. Philadelphia County delegate to Assembly, 1776-77 (resigned in dispute over new state constitution). Delaware delegate to Congress, 1779 (signed Articles of Confederation). New Castle member of Council, 1781. President of Delaware, 1782-83. President Supreme Executive Council of Pennsylvania, 1783-85. Delaware delegate to and chairman of Annapolis Convention, 1786. Delaware delegate to Constitutional Convention, 1787 (George Read signed Constitution for him). Author of "Fabius" letters supporting Constitution, 1788. President Delaware constitutional convention, 1792. Author of "Fabius" letters supporting continued alliance with France, 1797.

READ, GEORGE (1733-1798)

Tory/Federalist

Born Cecil County, Md. Raised in New Castle County, Del. Studied law in Philadelphia. Admitted to Philadelphia bar, 1753. Attorney general for "Lower Counties," 1763-64. Opposed Stamp Act, 1765. Kent delegate to House, 1765-66. Delegate to Congress, 1774-77 (voted against independence, but signed Declaration of Independence, 1776). President of state constitutional convention, 1776. New Castle member of Council, 1776-79, 1782-88 (speaker, 1776-78; author of resolutions ratifying Articles of Confederation, 1779; author of act appointing delegates to Constitutional Convention, 1787). Acting President of Delaware, 1777-78. Appointed by Congress judge of court of appeals in cases of capture, 1782. Delegate to Constitutional Convention, signed Constitution, 1787. U.S. Senator, 1789-93. Chief Justice state Supreme Court, 1793-98.

RODNEY, THOMAS (1744-1811)

Whig/Democratic-Republican

Born Kent County. Brother of Caesar Rodney. Businessman in Philadelphia, 1772-74, and in Wilmington, 1781-83. Kent County justice of peace, 1770, 1774. Member Kent County committee of correspondence, 1774-75. Member Kent County committee of inspection, 1775-76. Organized volunteer militia force, 1775. Kent delegate to House, 1775-76. Member committee of safety, 1776. Appointed militia colonel, 1778. Judge state admiralty court, 1778-85. Register of wills for Kent County, 1778-88. Declined chief justiceship of Kent County Court of Common Pleas, 1778. Delegate to Congress, 1781-82, 1786. Kent delegate to House, 1786-88 (speaker, 1787). In debtors' prison, 1791-92. Elected president of Delaware Agricultural Society, 1798. Justice state Supreme Court, 1802-3. Appointed land commissioner of Mississippi Territory, 1803. U.S. judge of Mississippi Territory, 1803-11.

TILTON, JAMES (1745-1822)

Whig/Democratic-Republican

Born Kent County. College of Philadelphia B.M., 1768, M.D. 1771. Practiced medicine in Dover. Medical officer state militia and Continental Army, 1775-77. In charge of U.S. Army hospitals, 1777-80. Senior military hospital physician and surgeon, 1780, and operated military hospital in Williamsburg, Va., 1781. Delegate to Congress, 1783-84. Member Delaware Cincinnati (president, 1783-84). Kent member of Council, 1785-88. State commissioner of loans, 1785-1801. Author of *Biographical History of Dionysius . . .* (1788). First president of Delaware Medical Society, 1789. Physician and surgeon general of U.S. Army, 1813-15. Author of *Economical Observations on Military Hospitals . . .* (1813) and of *Regulations for the Medical Department* (1814). Member Delaware Society for Promoting the Abolition of Slavery, Patriotic Society, and Lyceum of Delaware.

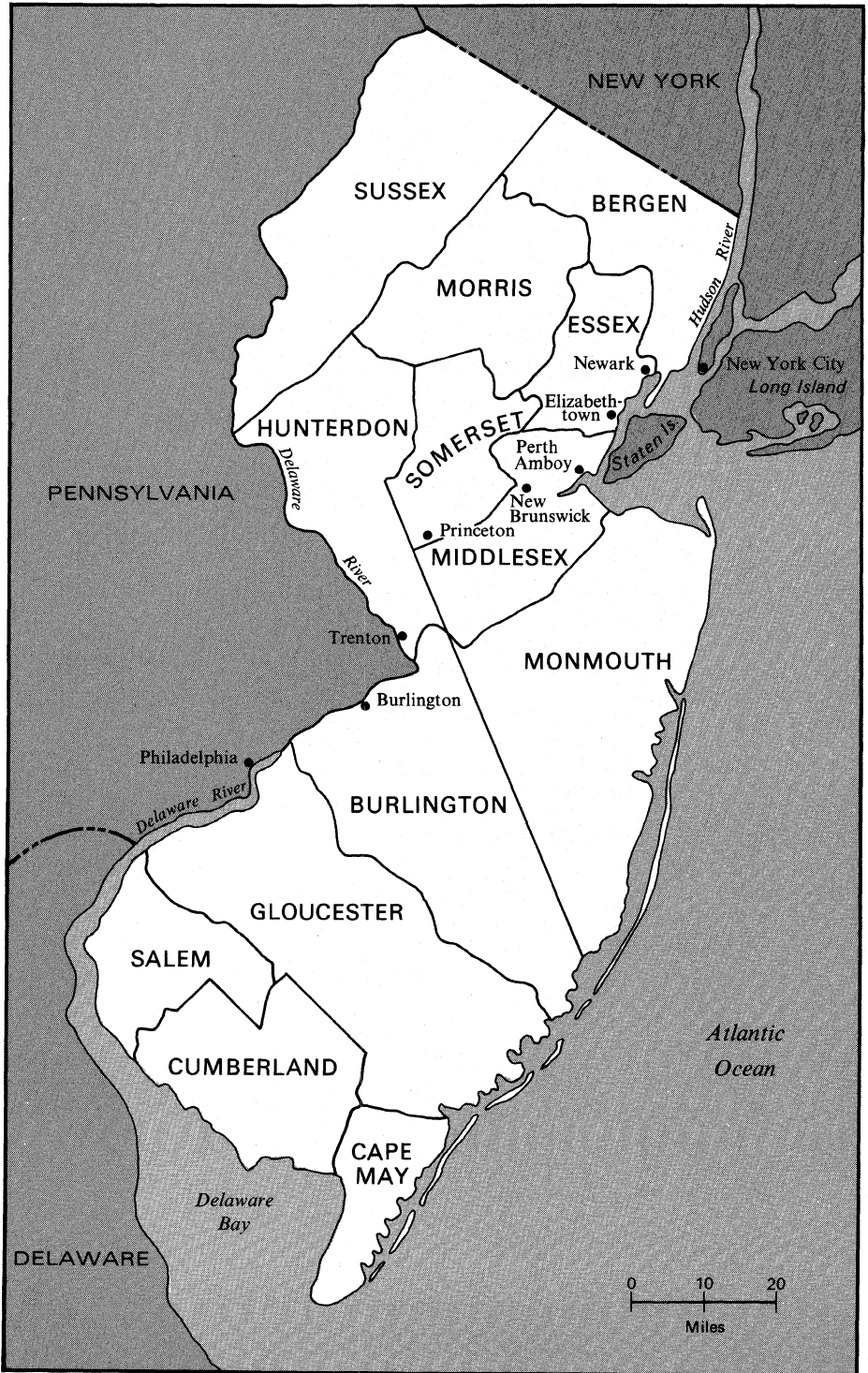




# The Ratification of the Constitution by New Jersey

- I. Commentaries on the Constitution  
28 September–26 December 1787
  - II. The New Jersey Legislature Calls the State Convention  
24 October–1 November 1787
  - III. The Election of Convention Delegates  
27 November–1 December 1787
  - IV. The New Jersey Convention  
11–20 December 1787
  - V. Reports of and Comments on New Jersey Ratification  
18 December 1787–22 January 1788
- Biographical Gazetteer

# NEW JERSEY, 1787



Map prepared by Cartographic Laboratory, University of Wisconsin — Madison

## Introduction

The Swedes and the Dutch were the first Europeans to occupy the land between the Delaware and Hudson rivers that became the state of New Jersey. In 1664 the area was seized by the English and granted by King Charles II to his brother, James, Duke of York. The Duke in turn granted the land to his friends Lord John Berkeley and Sir George Carteret, and named it New Jersey in honor of the latter's birthplace, the Isle of Jersey. By the end of the seventeenth century, after a series of further grants and sales of rights, the colony was controlled by two rival groups: the Proprietors of East Jersey and the Proprietors of West Jersey. The rivalry continued during the eighteenth century, with East Jersey dependent upon New York, and West Jersey, dominated by Quakers, upon Pennsylvania.

The impact of New Jersey's colonial past is summarized in the history of the state during the Confederation:

It should be recognized at the outset that New Jersey cannot be regarded as a "typical" state and that the unusual course which it pursued cannot readily be understood by mere reference to conventional interpretations.

A small state, situated between the principal commercial cities of the Confederation, split into two rival geographical divisions by historical, religious, economic, and cultural factors, without a frontier or a metropolis, a tidewater or a back country, New Jersey had no counterpart among the original states. The peculiar sectional cleavage between East and West Jersey, inherited from colonial times and aggravated by the war, constituted the main basis of political alignments (McCormick, viii).

New Jersey remained relatively quiet, when compared to some other colonies, during the events which led to independence. The first direct action was taken by county committees which met in the summer of 1774 to protest the act closing the Port of Boston. And when Governor Sir William Franklin refused to call a legislative session, representatives of county committees met in July and elected delegates to the First Continental Congress. Quakers in West Jersey deplored the actions of the Congress; but, when the legislature met in January 1775, East Jersey leaders persuaded it to approve the proceedings and to elect delegates to the Second Continental Congress.

New Jersey people responded to the news of Lexington and Concord by beginning to arm and drill, and in early May 1775, the New Jersey committee of correspondence called the first provincial congress. It met at Trenton in May 1775, created a militia system, and levied a tax of £10,000. In August it elected a treasurer, provided for the annual election of a provincial congress, directed voters to elect county committees of correspondence, and created a committee of safety to act when the congress was not in session. The last colonial legislature under royal government met in the fall of 1775 and, after instructing the colony's delegates in the Continental Congress to vote against independence if it were proposed, it adjourned and never met again.

Between October 1775 and March 1776, the second provincial congress issued paper money, raised troops for the Continental Army, and extended the right to vote from landowners to people worth £50 in personal property. However, the congress did not repeal the Assembly's instructions to the delegates in the Continental Congress to vote against independence. Instead, it called for the election of another provincial congress to be held on 28 May.

The third congress met on 10 June, and on the 21st it voted to create a new government. The next day, it elected five delegates to the Continental Congress and empowered them to vote for independence and to enter into a "confederacy," but reserved to its legislature the right of "regulating the internal police" of New Jersey. On 24 June the congress appointed a ten-man committee to draft a constitution. The draft was reported two days later, and, after a short debate, the congress declared it in effect on 2 July.

The constitution (Mfm:N.J. 1) provided that the government "shall be vested in a Governor, Legislative Council, and General Assembly." The members of the two houses were elected annually on the second Tuesday in October by the voters in the thirteen counties, with each county electing one councillor and three assemblymen. The governor was elected annually in a joint session of the two houses.

Legislators had to be residents of a county for a year before election. Councillors had to own real and personal property worth £1,000, and assemblymen had to own real and personal property worth £500 "Proclamation Money" in the counties from which they were elected. Voters had to be residents of a county for a year and have a "clear Estate" worth £50 proclamation money.

The constitution gave the legislature virtually all the powers once possessed by the royal governor and council. In addition to electing the governor by joint ballot, the legislature elected the judges of the supreme court for seven-year terms; judges of the county courts, justices of the peace, clerks of the courts, the attorney general, and the

secretary for five-year terms; and the treasurer for a one-year term. The legislature also elected the field and general officers of New Jersey troops.

In addition to assemblymen and councillors, voters were given the right to elect only two other officials: sheriffs and coroners—men who, after serving three one-year terms, could not hold the offices for three years thereafter. Following the colonial practice, the legislature, in response to petitions from local freemen, specified how each county should vote. By 1787 five counties voted by secret ballot, while eight counties voted *viva voce*. Sheriffs, who conducted the elections, were permitted to keep the polls open “a reasonable Time” (which was interpreted as several days) and to move the polls from place to place as designated by law (Mfm:N.J. 2).

The Assembly was the dominant branch of the government. It could outvote the Council in the election of officials, and the Council was forbidden to initiate or amend money bills. However, the Council, with the governor as its president, was the final court of appeals and could issue pardons.

The constitution declared that the governor “shall have the Supreme executive Power” in the state. He was president of the Council, chancellor, surrogate general, and commander in chief of all military forces. But he had little real power except to vote in Council meetings and to preside over the Council when it sat as the final court of appeals. Any power and influence a governor acquired was therefore the result of prestige and political skill. Such was the case with William Livingston who served as governor continuously from 1776 until his death in 1790.

From 1776 to 1789 the counties were the basic political units, and controversies and divisions were common within them. Towns vied with the countryside, Whigs opposed Tories, and various religious and ethnic groups battled among one another. Often an important family exerted great influence in county affairs. Victorious candidates in county elections represented the prevailing opinions of their counties in the legislature, which was often divided into two or more factions led by prominent men such as Abraham Clark, William Livingston, and Elias Boudinot of Essex; James Schureman of Middlesex; and Benjamin Van Cleve of Hunterdon.

The major exception to the prevalence of county-based politics was the split between East and West Jersey, a split that intensified during the war. East Jersey, situated between New York City and Philadelphia, bore the brunt of the destruction inflicted by the British and American armies and Loyalist regiments, while West Jersey suffered less because of its remoteness from the scenes of battle and its influential, pacifist, Quaker population.

After the war the dispute over state paper money was the principal issue dividing the two sections. Generally, East Jersey favored a currency issue, while West Jersey opposed it. East Jersey had been inundated with state and continental certificates after 1776. By 1783 such paper had lost much of its value, although it could still be used to pay taxes. Furthermore, the specie brought in by the French and British armies soon disappeared to pay for foreign importations.

The resulting scarcity of money and the postwar depression led to the demand in East Jersey for the creation of a state loan office to issue paper money secured by mortgages on land, houses, and plate. Abraham Clark, leader of the paper money forces, and Governor William Livingston, leader of the opposition, filled newspapers with articles defending and denouncing the proposed loan office.

Paper money was the principal issue in the state elections in October 1785 which were won by the paper money forces. In May 1786 the legislature established a loan office empowered to issue £100,000. In the Assembly vote, only one delegate from East Jersey voted against, and only one delegate from West Jersey voted for, the act. The "swing" counties of Hunterdon and Sussex both voted in favor of the new currency. In the Council, the six East Jersey counties voted for paper money; the six West Jersey councillors voted against it, while the Hunterdon councillor favored the measure.

New Jersey's relations with the Congress of the United States caused little or no dissension, although Abraham Clark was one leader who opposed any interference by the central government within the state. Most Jerseymen, however, were seriously concerned about the commercial domination of their state by New York and Pennsylvania. Situated as it was, none of New Jersey's ports could compete with New York City or Philadelphia. Despite repeated attempts to establish its commercial independence, most foreign goods imported into New Jersey continued to come by way of those ports. During the Confederation years, this fact reportedly cost Jerseymen £40,000 annually in the form of import duties paid into the treasuries of their neighboring states.

Therefore, New Jersey consistently supported the regulation of trade by Congress. In the ratification of the Articles of Confederation, New Jersey was the only state to propose an amendment giving Congress that power, with the revenue derived to be spent in creating a navy and for "other publick and general Purposes." This and other New Jersey amendments to the Articles were rejected by Congress on 25 June 1778 (CDR, 113-18). However, five months later, on 20 November, the state legislature ratified the Articles of Confederation, even though they were "unequal and disadvantageous" to New Jersey

"in divers Respects." The exigencies of war and the "general Good of the Union," declared the legislature, forced New Jersey to capitulate on its demands for changes in the constitution (CDR, 128-29).

After the adoption of the Articles, New Jersey continued to support proposals to give more power to Congress. The legislature ratified the Impost Amendment of 1781 in June 1781, the Impost of 1783 in June 1783, and in November 1785 the congressional request of 1784 for temporary power to regulate trade. It also adopted, in June 1783, the proposed amendment to the Articles changing the basis for sharing expenses among the states from land values to population. (For the amendments and the request for temporary power, see CDR, 140-41, 146-48, 148-50, 153-54.)

Another important concern of Jerseymen was the plight of the public creditors of the United States. Although only five percent of the country's population lived in the state, almost ten percent of the national debt was owned by its residents. New Jersey leaders agreed that these people should receive the interest and principal payments due them. Therefore, on 20 December 1783, after Congress had stopped interest payments on its debt, the New Jersey legislature passed an act committing the state (for twenty-five years) to pay the interest on the national debt held in New Jersey. Then, in February 1786, the Assembly resolved not to pay New Jersey's quota of the congressional requisition of 1785. The Assembly, led by Abraham Clark, maintained that New Jersey holders of national securities would be better off receiving state interest payments than by relying upon Congress to pay the interest from money secured by requisitions levied on the states.

Congress responded by sending a three-man delegation—Nathaniel Gorham, William Grayson, Charles Pinckney—to Trenton to convince the legislature of "the fatal consequences that must inevitably result to the said state, as well as to the rest of the Union, from their refusal to comply with the requisition . . ." (JCC, XXX, 97).

On 13 March 1786 the congressmen addressed the Assembly. Four days later, the Assembly rescinded its resolution, but it never attempted to collect money to meet the state's quota of the requisition. (For the Assembly proceedings and the speeches by the congressional delegation, see Mfm:N.J. 3.)

On 20 March, three days after the Assembly rescinded its anti-requisition resolution, it responded to Virginia's request for a meeting of commissioners from the states "to take into consideration the trade of the United States." The Assembly resolved that the legislature should elect delegates to the meeting to consider the trade of the United States, and to consider how far a uniform system of commer-



cial regulations "and other important matters may be necessary to their common interest and permanent harmony . . ." (Mfm:N.J. 4). The following day the two houses in joint session elected Abraham Clark, William Churchill Houston, and James Schureman to attend the Annapolis Convention.

The three New Jersey delegates met with delegates from four other states. The Convention decided that because of the poor representation, it was not "advisable to proceed on the business of their mission. . . ." Furthermore, the delegates reported that the New Jersey instructions to consider "*other important matters*" was "an improvement on the original plan . . ." (CDR, 181-85). Many years later, James Madison recalled that it was probably Abraham Clark who moved that the delegates at Annapolis recommend that another convention be called to meet at Philadelphia in the spring of 1787 (Madison to Noah Webster, 12 October 1804, in Webster's *A Collection of Papers on Political, Literary and Moral Subjects* [New York, 1843], 170).

New Jersey was the first state to elect delegates to the proposed convention. On 23 November 1786 the two houses elected David Brearley, William Churchill Houston, William Paterson, and John Neilson. The next day, the legislature drafted instructions and provided that at least three men had to represent the state in the convention (CDR, 195-96).

All four delegates were prominent during the Revolution. Brearley was chief justice of the state Supreme Court; Houston was the clerk of that court and had been a delegate to the Annapolis Convention; Paterson had served as the state's wartime attorney general; and Neilson was a brigadier general in the state militia.

Several months after the election, Neilson declined to serve and Houston's health waned. Therefore, on 18 May 1787 the legislature elected Governor William Livingston and Abraham Clark. Clark, who had served alternately in Congress and in the state legislature since 1776, had been reelected to Congress in November 1786. Shortly after he was elected to the Convention, Clark resigned "*very informally*" because he believed that his appointment was incompatible with his appointment to Congress (Jonathan Dayton to David Brearley, [7] June 1787, Mfm:N.J. 5). Therefore, on 5 June Jonathan Dayton, one of Clark's lieutenants, was elected in his stead.

During the Constitutional Convention, New Jersey's delegates supported the federalist small-state position as proposed in the "New Jersey Amendments" to the Articles of Confederation (CDR, 250-53). On 16 June Charles Pinckney predicted: "Give New Jersey an equal

vote and she will dismiss her scruples and concur in the national system" (Farrand, I, 255). After the Convention agreed a month later on 16 July to equal representation of the states in the Senate, the New Jersey delegates acquiesced in the writing of a new constitution to replace the Articles of Confederation.

When the Convention adjourned on 17 September 1787, New Jersey's delegates left Philadelphia knowing that the proposed Constitution embodied much of what their state had been advocating throughout the preceding decade. Few Jerseymen would openly oppose the ratification of a constitution which gave Congress the power to regulate trade, collect taxes, and pay the debts of the United States.

## Note on Sources

### *Legislative Records*

The official sources for New Jersey's legislative history consist of the Assembly and the Legislative Council journals. The manuscript Journal of the Assembly is in the Bureau of Archives and History, New Jersey State Library. The manuscript Journal of the Council is not extant. Both houses published their journals at the end of each session. The legislature's proceedings concerning the calling of the state Convention are in *Votes and Proceedings of the Twelfth General Assembly of the State of New-Jersey . . .* [23 October–7 November 1787] (Trenton, 1787) and *Journal of the Proceedings of the Legislative-Council of the State of New-Jersey . . .* [23 October–7 November 1787] (Trenton, 1787).

Six petitions from four counties to the legislature asking that a state convention be called are in the State Library.

### *Personal Papers*

There are very few personal letters concerning New Jersey's ratification of the Constitution. The single most important collection is the Stevens Family Papers in the New Jersey Historical Society. Other collections with useful material include the William Livingston Papers in the Massachusetts Historical Society; the Robert Morris Papers in the Rutgers University Library; the Gratz Collection, Wallace Papers, and the Tench Coxe Section of the Coxe Papers in the Historical Society of Pennsylvania; and the Emmet Collection in the New York Public Library.

### *Newspapers*

During 1787, New Jersey had three weekly newspapers. They were *The New-Jersey Journal, and Political Intelligencer* published by Shepard Kollock in Elizabethtown; *The Brunswick Gazette, and Weekly Monitor* published by Shelly Arnett in New Brunswick; and *The Trenton Mercury, and the Weekly Advertiser* published by Frederick C. Quequelle and George M. Wilson. The three newspapers supported ratification of the Constitution.

In addition to their own newspapers, Jersey men relied heavily upon and reprinted many articles from out-of-state newspapers, especially those in Philadelphia and New York City.

*Convention Records*

There are very few sources for the state Convention. Letters, notes of debates, or diaries written by members of the Convention or by observers are not extant. The Convention's Journal is a brief record of its proceedings. The manuscript Journal is located in the State Library. Isaac Collins, the state printer, published 750 copies of the Journal as *Minutes of the Convention of the State of New-Jersey, Holden at Trenton the 11th Day of December 1787* (Trenton, 1788). The proceedings for 11-14 and 18-20 December were summarized in the *Trenton Mercury* on 18 and 25 December, respectively. More recently, the Journal has been published in Richard P. McCormick, "The Unanimous State," *The Journal of the Rutgers University Library*, XXIII (1959-1960), 4-32.

*Secondary Sources*

The best account of New Jersey's ratification is in Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period, 1781-1789* (New Brunswick, 1950). For an analysis of the election machinery in New Jersey, see McCormick's *The History of Voting in New Jersey: A Study of the Development of Election Machinery, 1664-1911* (New Brunswick, 1953).

## Note on Microfiche Supplement

The microfiche supplement contains transcripts or photographic copies of official documents, newspaper items, and private letters. The principal official documents are: the state constitution of 1776; the election law of 16 December 1783; the Assembly proceedings in 1786 on the congressional requisition of 1785 and on the appointment of delegates to the Annapolis Convention; county petitions to the legislature with signatures; legislative action on the payment of Convention delegates; the two forms of ratification; the act ceding Congress land for a federal capital; and the act defraying some of the expenses of the Convention.

Other items included are John Stevens, Jr.'s ("A Farmer of New Jersey") pamphlet, *Observations on Government*; newspaper reports of the calling of the state Convention, of the election of Convention delegates, and of the Convention proceedings; letters from the governors of Connecticut and Maryland to Governor William Livingston; documents concerning Abraham Clark's attitude toward the Constitution; reports concerning the prospects of ratification by New Jersey, 26 September–20 December 1787; and reports of New Jersey's ratification, 21 December 1787–11 January 1788. The last two groups consist mostly of brief out-of-state newspaper items and excerpts from private letters written in other states.

An appendix to the microfiche supplement lists major items published in New Jersey's three newspapers that are published elsewhere in *The Documentary History of the Ratification of the Constitution*.

# New Jersey Chronology, 1786–1788

## 1786

- 21 January–  
23 February Virginia issues call for commercial convention to meet at Annapolis.
- 14 March Legislature receives Virginia's call for commercial convention.
- 21 March Legislature elects Abraham Clark, William Churchill Houston, and James Schureman delegates to convention at Annapolis.
- 11–14 September Annapolis Convention: Calls for convention to meet in Philadelphia in May 1787.
- 2 October *New Jersey Gazette* prints report of Annapolis Convention.
- 10 October Annual legislative election.
- 23 November Legislature elects David Brearley, William Paterson, William Churchill Houston, and John Neilson to Constitutional Convention.

## 1787

- 21 February Confederation Congress calls Constitutional Convention to meet in Philadelphia in May to amend Articles of Confederation.
- 18 May Legislature elects William Livingston and Abraham Clark to Constitutional Convention.
- 25 May–  
17 September Constitutional Convention, Philadelphia.
- 5 June Legislature elects Jonathan Dayton to Constitutional Convention.

- 17 September Constitutional Convention adjourns *sine die*.
- 25 September Constitution printed in New Brunswick broadside and in *Trenton Mercury*.
- 9 October Annual legislative election.
- 23 October–  
7 November Legislative session.
- 25 October Constitution read to Assembly.
- 26 October Assembly adopts resolutions calling state Convention.
- 29 October Council concurs with Assembly resolutions.
- 30 October Assembly authorizes state Convention.
- 1 November Council concurs with authorization of state Convention.
- 7 November Legislature adjourns.
- 27 November–  
1 December Election of delegates to state Convention.
- 11–20 December State Convention meets in Trenton.
- 18 December Convention ratifies Constitution 38 to 0.
- 19 December Form of Ratification signed.
- 20 December Convention adjourns *sine die*.

### 1788

- 9 January Governor William Livingston sends circular letter to chief executives of other states announcing ratification by New Jersey
- 1 February New Jersey Form of Ratification delivered to Confederation Congress.

# New Jersey Officeholders, 1787-1788

## GOVERNOR

William Livingston

## TREASURER

James Mott

## ATTORNEY GENERAL

Joseph Bloomfield

## SECRETARY OF THE STATE

Bowes Reed

## SUPREME COURT

David Brearley (Chief Justice), Isaac Smith (Second Justice), John Cleves Symmes (Third Justice), William Churchill Houston (Clerk of the Court)

## MEMBERS OF CONGRESS

(November 1786-October 1787): Lambert Cadwalader, Abraham Clark, James Schureman; (November 1787-October 1788): Abraham Clark, Jonathan Dayton, Jonathan Elmer

## DELEGATES TO CONSTITUTIONAL CONVENTION

David Brearley, William Paterson, William Churchill Houston, John Neilson (resigned), Abraham Clark (resigned), William Livingston, Jonathan Dayton

## LEGISLATIVE COUNCIL

### BERGEN COUNTY

Peter Haring

### ESSEX COUNTY

John Peck

### MIDDLESEX COUNTY

Samuel Randolph

### MONMOUTH COUNTY

Asher Holmes

### SOMERSET COUNTY

Ephraim Martin

### BURLINGTON COUNTY

Joseph Smith

### GLOUCESTER COUNTY

Joseph Ellis

### SALEM COUNTY

John Mayhew

### CAPE MAY COUNTY

Jeremiah Eldredge

### HUNTERDON COUNTY

Robert-Lettis Hooper

Vice President

### MORRIS COUNTY

Abraham Kitchel

### CUMBERLAND COUNTY

Samuel Ogden

### SUSSEX COUNTY

Mark Thomson

Clerk: Bowes Reed



## ASSEMBLY

## BERGEN COUNTY

Peter Wilson  
 Adam Boyd  
 John Outwater

## ESSEX COUNTY

Henry Garritse  
 Jonathan Dayton  
 Jonas Wade

## MIDDLESEX COUNTY

John Combs  
 James Bonney  
 James Douglass

## MONMOUTH COUNTY

Joseph Stillwell  
 Thomas Little  
 James Rogers

## SOMERSET COUNTY

Edward Bunn  
 Robert Blair  
 David Kelley

## BURLINGTON COUNTY

Joseph Biddle  
 Richard S. Smith  
 Robert-Strettle Jones

## GLOUCESTER COUNTY

Thomas Clark  
 Franklin Davenport  
 Joseph Cooper

## SALEM COUNTY

Thomas Sinnickson  
 Edward Hall  
 Benjamin Holme

## CAPE MAY COUNTY

Matthew Whilldin  
 Elijah Townsend  
 Richard Townsend

## HUNTERDON COUNTY

Benjamin Van-Cleve  
 Joab Houghton  
 John Anderson

## MORRIS COUNTY

Ellis Cook  
 Aaron Kitchel  
 John Starke

## CUMBERLAND COUNTY

John Sheppard  
 Ephraim Harris, Speaker  
 John Burgin

## SUSSEX COUNTY

Aaron Hankinson  
 Charles Beardslee  
 Christopher Longstreet

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## I

COMMENTARIES ON THE CONSTITUTION  
28 September–26 December 1787

Between September and December 1787, the three New Jersey newspapers, compared with those of Pennsylvania and New York, printed relatively little of the debate over the Constitution. Furthermore, most of the material they published consisted of Federalist items reprinted from out-of-state newspapers, particularly those of Philadelphia.

The principal Federalist items reprinted in New Jersey were: "An American Citizen" I, III, IV (CC:100-A, 112, 183-A); "Federal Constitution" (CC:150-B); James Wilson's speech in the State House Yard (CC:134); "Foreign Spectator" (CC:124); "Plain Truth" (CC:231-B); Roger Sherman and Oliver Ellsworth's letter to the Governor of Connecticut (CC:192); "A Countryman" II (CC:284); and Benjamin Franklin's final speech in the Constitutional Convention (CC:77 F-G).

New Jersey newspapers also reprinted news items and squibs from out-of-state newspapers which created the impression that the Constitution would be ratified in other states with little difficulty. Among other things, news reports gave accounts of public meetings supporting the Constitution, of the passage of acts and resolutions calling state conventions to consider the Constitution, and of the debates in the Pennsylvania Convention. Newspapers also reported that Delaware and Pennsylvania had ratified the Constitution.

Some squibs contained rumors that such prominent men as George Washington, Benjamin Franklin, and Henry Laurens supported the Constitution, while others praised these men, especially Washington (CC:87, 96, 101, 150-F, 150-J, 151-B, 233-B, 251 and CC:Vol. I, Appendix, *passim*). A few squibs attacked George Mason and Elbridge Gerry, delegates to the Constitutional Convention who had refused to sign the Constitution, and likened the opponents of the Constitution to Shaysites (CC:94, 150-J, 171).

The state's newspapers printed only three substantial items written by New Jersey Federalists: "Cassius," 31 October; "A Jerseyman," 6 November; and an anonymous reply to George Mason's objections to the Constitution, 19, 26 December (all I below). Each maintained that the Constitution would promote stability at home and respectability abroad.

Only three Antifederalist items, all originating in other states, were reprinted in New Jersey. They were "M.C." (CC:203), Elbridge Gerry's letter to the Massachusetts General Court (CC:227), and George Mason's objections to the Constitution (CC:276-A). The first two items were accompanied by Federalist items in the same issue, while Mason's objections were answered in following issues. The question of amendments apparently aroused little interest in New Jersey, although John Stevens, Jr. published a pamphlet in which he suggested several substantive amendments ("A Farmer of New Jersey," 3 November, I below).

Despite the scarcity of newspaper reports of events in New Jersey and of information from other sources, there was considerable activity. Inhabitants of Burlington, Essex, and Somerset counties held public meetings and instructed their representatives in the legislature to support the call for a state convention. In Burlington, Gloucester, Middlesex, and Salem counties, 289 people signed petitions to the legislature supporting the Constitution.

There were only a few hints of opposition. A New York Antifederalist was said to have visited New Jersey to persuade people to oppose the Constitution, and an East Jersey leader and member of Congress, Abraham Clark, was rumored to oppose it. However, it was generally agreed, both inside and outside the state, that there would be little opposition and that New Jersey would probably, as it did, ratify unanimously.

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**Elias Boudinot to William Bradford, Jr.**  
**Elizabethtown, 28 September (excerpt)<sup>1</sup>**

I found your letter of the 23d on my return and am rejoiced to find that the new Constitution is like to go down with you [Pennsylvania] on any terms. I am clear in it that some government is better than none and believe with you that there is now no alternative; but indeed when I consider the difficulty of reconciling thirteen jarring interests, and that in points of such essential consequence, I confess it is better than I expected. It will not meet with any opposition in this state, but it gives universal satisfaction as far as I can judge.<sup>2</sup> The field for abilities and usefulness opens wide, and even ambition has its temptation. A knowledge of the important ten miles square would be a matter of high consequence. It will certainly be the theater for action.<sup>3</sup>

P.S. I forgot to mention that from the best accounts I can get from New York, the Governor [George Clinton] seems rather to be laying

by and not decisive, waiting to see how the wind will blow. The people of character and property are universally for the Constitution of the Convention.

1. RC, Wallace Papers, PHI. Boudinot, an Essex County lawyer, had been President of the Confederation Congress in 1782–83. Bradford, attorney general of Pennsylvania, was Boudinot's son-in-law.

2. For other letters about the reception of the Constitution in New Jersey and the prospects of ratification, see Mfm:N.J. 12.

3. The provision in the Constitution that "the Seat of the Government of the United States" would be a "District (not exceeding ten Miles square)" to be ceded by "particular States" led to intense rivalry among "particular States" and to political battles among all the states both before and after the Constitution went into effect. For the struggle in the Confederation Congress during the summer of 1788 over the temporary seat of the new government, which delayed the calling of the first federal elections for over two months, see Merrill Jensen and Robert A. Becker, eds., *The Documentary History of the First Federal Elections, 1788–1790*, I (Madison, Wis., 1976), chapter II.

### **Proceedings of the Newark Society for Promoting Useful Knowledge, 28 September (excerpt)<sup>1</sup>**

An occasional meeting was called in order to hear the Constitution for the United States read and to fall upon some method which might be useful to recommend it to the people in and about this town. The Society having accordingly convened, the Constitution was read. After which on motion it was ordered that the president, in the evening of the following Monday [1 October], should read the Constitution publicly in the Presbyterian Church in this town and should make such explanatory and recommendatory remarks thereon as to him should seem proper, which on the day appointed was accordingly done.

1. MS, Commonplace Book, John Croes Papers, NjR.

### **County Petitions to the Legislature, 1–25 October**

Six manuscript petitions were sent to the legislature praying that a state convention be called to ratify the Constitution. Four of the petitions are printed below: Gloucester, 1 October; Burlington, 3 October; and undated petitions from Salem and Middlesex counties. Two other undated and similar petitions not printed below are also from Salem and Middlesex. (The six petitions are in the Bureau of Archives and History, New Jersey State Library. For photographic reproductions of the petitions with the names of the signers, see Mfm:N.J. 14 A–F.)

At least one of the Salem County petitions was read in the Council on 24 October. On 25 October the Assembly received and read several other petitions, which were read a second time the following day.

*Gloucester County Petition, 1 October<sup>1</sup>*

To the Honorable the General Assembly of the State of New Jersey.  
The petition of the inhabitants of the County of Gloucester, respectfully showeth:

That your petitioners have seen or heard with great pleasure the proposed Constitution of the United States and as they conceive it to be wisely calculated to form a perfect Union of the states, as well as to secure to themselves the blessings of peace, liberty, and safety, they have taken this method of expressing their earnest desires that the said Constitution may be adopted as speedily as possible by the State of New Jersey in the manner recommended by the resolution of the late Honorable Convention.

*Burlington County Petition, 3 October<sup>2</sup>*

To the Honorable the Legislature of the State of New Jersey.

The petition of the justices and freeholders of the County of Burlington, respectfully showeth:

That they have read and considered with attention the Constitution for the United States of America, as proposed by the late Federal Convention, that the same appears to them well calculated to amend the defects of the former Constitution and to promote the lasting welfare and happiness of the Union.

They therefore humbly request that your honorable body, in conformity to the opinion of the said Convention, would recommend to the people of this state immediately to choose delegates for a state convention, in order to take into consideration the said Federal Constitution and, if approved of, to ratify the same in behalf of the State of New Jersey.

By order of the board, Joshua M. Wallace, chairman.

*Salem County Petition<sup>3</sup>*

To the Honorable Legislative Council and General Assembly of the State of New Jersey.

The petition of a number of the freeholders and other inhabitants of the County of Salem

Humbly showeth, that we, your petitioners, have seen and maturely deliberated upon the new Constitution framed and recommended by the Honorable Convention lately held in the city of Philadelphia. We are convinced, after the most serious and unprejudiced examination of the different articles and sections of articles of this Constitution, that nothing but the immediate adoption of it can save the United

States in general, and this state in particular, from absolute ruin.<sup>4</sup> We pray therefore, that, without loss of time, you will resolve unani- mously upon calling a convention, agreeable to the recommendation of the Grand Convention and of Congress, for the speedy and final ratification of the new Constitution. In consequence of your com- pliance we, as in duty bound, etc., etc.

*Middlesex County Petition*<sup>5</sup>

To the Honorable the Legislative Council and General Assembly of the State of New Jersey.

The petition of the subscribers showeth:

That your petitioners have seen with entire satisfaction the form of a federal government agreed to by the Convention of deputies from the several states composing the Union, lately held in the city of Phila- delphia, recommended by the honorable the Congress to the several states by their unanimous resolve bearing date the 28 September 1787.

Your petitioners beg leave to take this earliest opportunity to com- municate to your honorable body their approbation of the aforesaid proceedings and pray that the measure of appointing a convention for the purpose of adopting the said form of government may without delay be provided for.

1. DS. This petition was signed by sixty-five men, among whom were assemblymen Franklin Davenport and Joseph Cooper; and Richard Howell, Andrew Hunter, and Benjamin Whitall who were elected to the state Convention. The petition was docketed "No. 2." Petition "No. 1" has not been located.

2. DS. The Burlington petition was signed only by the meeting's chairman, Joshua M. Wallace, who was a judge of the Court of Common Pleas and a delegate to the state Convention from Burlington County. This petition, with an account of the Burlington County meeting on 9 October, was published in the Philadelphia *Independent Gazetteer*, 16 October. It was reprinted twice in New Jersey and thirteen other times from New Hampshire to Pennsylvania by 7 November (Mfm: N.J. 17).

3. DS. This petition was signed by thirty-three men. A similar Salem County petition was signed by seventy-five men.

4. This sentence was later quoted in an Extract of a Letter from Salem County, West Jersey, 22 October, I below.

5. DS. This petition was signed by eighty-three men. Another almost identical Middlesex County petition was signed by thirty-three men.

**Lambert Cadwalader to George Mitchell**

New York, 8 October (excerpt)<sup>1</sup>

You have no doubt seen the proposed new Federal Constitution. It is, in my opinion and that of almost all those with whom I have conversed, a very excellent one and will make us if adopted happy at home and respectable abroad; and when I reflect that the smaller

states are admitted to an equal representation in the Senate with the larger, it appears to me a circumstance much more favorable than I could have expected and ought to satisfy your state in particular. New England from the accounts received from thence will readily adopt it. Even the insurgents in Massachusetts are for it and all parties there are pleased with it. New York will be divided but it is thought will come into it. New Jersey I expect will be unanimous. Pennsylvania, notwithstanding the late fracas, will adopt it. There may be some difficulty in Maryland and Virginia, but the three Southern States, I am assured from very good authority, will come into the measure.

I cannot help flattering myself with the prospect of better times which will certainly happen if we are wise enough to take the boon that is offered us. The immense sums that may be raised by duties upon our imports will ease the farmer and landholder and make the burthen light—particularly when we consider that immense sums will be sunk of our domestic debts by the sales of the Western Territory. A company from New England has purchased a tract on the Ohio p[aya]ble in public securities. It is supposed that 3 or 4 mill[ion]s of dollars will be sunk in this way. Another is forming for the purchase of a second tract. These in addition to the lands already surveyed and now selling at vendue must lessen our domestic debt considerably. It is said a third company will come forward ere long.

Added to these expectations we shall derive prodigious advantages from the regulation of our trade with foreign powers who have taken the opportunity of our feeble state to turn everything to their own benefit. By playing off one nation against another we may bring them one after the other to some consideration for us, which they have not had for some years past. They have sacrificed our interest in every instance to their own in full expectation of our inability to counteract them.

You have heard that there were three members of the Convention who did not sign the Constitution: Randolph, Mason, and Geary. It is said and believed here that the county of Fairfax in Virginia, which Mason represents in the legislature of that state, will instruct him to vote for the calling of a convention in Virginia to take into their consideration the new Constitution; and I make no doubt, as General Washington lives in the same county, that Mason will either not be chosen a member of the state convention or, if he is, that he will be instructed to agree to the adoption of it.

1. RC, Emmet Collection, New York Public Library. For a longer excerpt, see CC:140. Cadwalader, a cousin of John Dickinson, was a New Jersey delegate to the Confederation Congress. He later served in the United States House of Representatives, 1789–91 and 1793–95. Mitchell was a delegate in the Delaware House of Assembly from Sussex County. On 23 October Cadwalader wrote that “In Jersey I believe there is scarcely a dissenting voice” (to Edward Lloyd, CC:184).

### County Meetings, 9–15 October

At least three of the state's thirteen counties held meetings to consider the Constitution: Burlington, Somerset, and Essex. They instructed their representatives in the legislature to support the calling of a state convention. The Somerset and Essex meetings also adopted resolutions approving the Constitution.

#### *Burlington County Meeting, 9 October<sup>1</sup>*

At a meeting of the inhabitants of the County of Burlington, entitled to vote for representatives in the Council and General Assembly, held at Burlington, on Tuesday the 9th day of October, 1787.

Resolved, That it is the sense of this meeting, that our representatives should be instructed, and they are hereby instructed to move in the legislature, or to support the motion, "That the legislature of this state recommend to the people immediately to choose delegates for a state convention, in order to take into consideration the Constitution proposed by the late Federal Convention, and, if approved of, to ratify the same, in behalf of the State of New Jersey."

By direction of the meeting, Joshua M. Wallace, judge of the election for representatives, held said day.

#### *Somerset County Meeting, 9 October<sup>2</sup>*

At a meeting of the freemen of the County of Somerset, October 9, 1787, being the day of the annual election; Thomas Berry, Esquire, chairman and judge of election.<sup>3</sup>

The Constitution of the United States, as agreed upon by the Federal Convention at Philadelphia, was read; whereupon,

Resolved unanimously, That this county do highly approve of the same, and that, if the same be adopted by the confederated states, they will support it with their lives and fortunes.

Resolved unanimously, That the representatives of this county in the General Assembly be and they are hereby instructed to use their utmost endeavors to have a convention appointed for this state, without delay, agreeably to the recommendations of Congress, for the purpose of considering and ratifying said Constitution.

By order of the freemen and voters present, Thomas Berry, judge and chairman.

#### *Essex County Meeting, 15 October<sup>4</sup>*

At the close of the election in this county, for representatives to the Council and General Assembly of this state, a respectable number of the freemen of said county being convened, the new Constitution as formed by the late Convention at Philadelphia was taken into consideration, whereupon,



Resolved unanimously, That this county do highly approve of the said Constitution, and when adopted by this and the other states, will support it with their lives and fortunes.

Resolved, That the representatives of this county be and hereby are directed to exert themselves immediately to obtain the appointment of a convention in this state, for the important purpose of considering and ratifying said Constitution.

Signed by request of the freemen and voters present. David Banks, judge of election.<sup>5</sup>

1. This account of the meeting, with the Burlington County petition of 3 October (I above), was printed in the Philadelphia *Independent Gazetteer* on 16 October. It was reprinted twice in New Jersey and thirteen other times from New Hampshire to Pennsylvania by 7 November (Mfm:N.J. 17).

2. *Brunswick Gazette*, 16 October. This account was reprinted twice in New Jersey and fifteen other times from New Hampshire to Pennsylvania by 8 November.

3. Berry was a justice of the peace and a judge of the Court of Common Pleas.

4. *New Jersey Journal*, 24 October. Within two weeks, this account was reprinted five times: twice in Philadelphia and once each in Trenton, Providence, and New York.

5. Banks was a justice of the peace for Essex County.

### Pennsylvania Gazette, 10 October<sup>1</sup>

A gentleman who lately travelled through New Jersey assured us that among many hundred persons with whom he conversed about the federal government, he met but *one* man who was opposed to it, and he was a citizen of Pennsylvania and an intimate friend of the head of the Antifederal Junto.<sup>2</sup>

1. This item (CC:150-G) was reprinted seventeen times from New Hampshire to Georgia by 20 November. For similar items about the reception of the Constitution in New Jersey and the prospects for ratification, see Mfm:N.J. 12.

2. George Bryan was the acknowledged head of the "Antifederal Junto" of Pennsylvania (RCS:Pa., 232, 727).

### Extract of a Letter from Salem County

West Jersey, 22 October<sup>1</sup>

Nothing is talked of here, either in public or private, but the new Constitution. All read, and almost all approve of it. Indeed it requires only to be read, with attention and without prejudice, to be approved of. It is true, there are a few here, who do not like the new form of general government; but they are only those who have not yet paid their debts; and therefore the only objection these people pretended to make against this Constitution is levelled at the 10th section of the first Article, which puts it out of the power of any individual state to make paper money: and here I cannot forbear to observe, that nothing, in the whole Federal Constitution, is more

necessary than this very section; for we find, by woeful experience, that nothing, neither the religion of nature, nor even the pure religion of Jesus Christ, which enjoins honesty in almost every page of it, can make men honest. It was therefore absolutely necessary to guard against that great instrument of fraud, viz., the emission of paper money.<sup>2</sup> It is much to the credit of the people, that neither this great objection of the advocates for a paper currency, nor indeed any other that can possibly be raised, gains any ground in this part of the country. There are several petitions in this, and the neighboring counties, ready to be transmitted to our Assembly.<sup>3</sup> In these, the numerous subscribers pray the Assembly, earnestly as ever they did to God Almighty for the forgiveness of their sins, immediately to call a convention for the ratification of the proposed Constitution. One of these petitions has the following strong and expressive sentence in it: "We are convinced, after the most serious and unprejudiced examination of the different articles and sections of articles of this Constitution, that nothing but the immediate adoption of it can save the United States in general, and this state in particular, from absolute ruin."<sup>4</sup>

1. *Pennsylvania Herald*, 27 October. This item was reprinted fourteen times from New Hampshire to Virginia by 4 December.

2. On 26 May 1786 the New Jersey legislature authorized the emission of £100,000 in legal tender paper money. West Jersey opposed the issue, while East Jersey favored it.

3. See County Petitions to the Legislature, 1–25 October, I above.

4. Quoted from the undated Salem County petition, I above.

## Cassius

*New Jersey Journal*, 31 October

I live in a country whose lands our predecessors (by maintaining families of Negro slaves, who destroyed more than they earned) have reduced to such a degree, that there is no prospect of raising winter grain on our old fields without plentifully manuring the land for the purpose. This, and the damages we have sustained by the depredations of the late war, you will not wonder, renders our harvest and other means scarce sufficient to pay our taxes and expenses, and maintain our families. These circumstances may in some measure apologize for my boldness in the present understanding; and I flatter myself with a hope that a good construction will at least be put upon my meaning by the public if my proposition should fail of its good intentions. In this consideration I feel myself very happy, while I am conscious to myself that I give the public no reason to blend the affections I harbor for my country, and countrymen, with an uncharitable appellation. That I shall please every reader I am not the

least suspicious of, as I am well assured that this will be as equally exposed to the perusal of the injudicious and interested, as to the judicious and disinterested, if it is printed in your paper.

To come to the point then without further ceremony, I shall briefly show what I think were the chief motives which occasioned the appointment and proceedings of the late Grand Convention, and leave it to be judged whether they have fully considered and effected that business to which they were appointed.

The first motive which gave rise to the appointing members to attend the Grand Convention was a desire early to crush that malignant state of anarchy into which our Confederation was like to fall, and to lay and establish a permanent foundation on which we might build our national happiness and prosperity and perfect our constitutional unity. The second motive was in order to secure the property of individuals from the encroachments of puerile legislatures (which they have effectually done). And the third ought to have been to lessen the expenses which are appropriated for the support of the present government; which, instead of being lessened, are enlarged by our having to pay three men more in this state (as members of Congress) than we had before the Convention took place.<sup>1</sup>

Methinks the exigencies which have during the late war, and I may say ever since, and still continue to attend our country ought to inspire every true friend to his country with such frugal sentiments at least as would make him zealous to establish the public credit of his country and the comfort and happiness of his countrymen.

Let us inquire whether our public funds are in a firm and commendable situation, and whether they will stand the test abroad if occasion should require; and, if we find them deficient, let us endeavor to retrieve their credit, and increase their revenues for the purpose of paying our foreign debts, and not pay our money to a superfluous number of men, when one-quarter of the number will answer all the purposes of government as well as the whole.

There are thirteen counties in the State of New Jersey, and four men for Assembly and Council for each county, which makes the number fifty-two; and if we allow no more for each of the other states, at this calculation there will be six hundred and seventy-six men in pay, besides thirteen governors. Now the question is, whether we could not do without any of these men, and whether our rights and privileges would not be as well secured, and we have as good laws if we were to lodge the government in the Senate and House of Representatives which are to constitute our Congress? And as by the Constitution made by the Convention, all legislative powers are to be vested in this body of men, whether it would not be an act of propriety?

It may perhaps be objected that it is too much trouble for these gentlemen to make laws for all the states. I wonder whether it will be too much trouble for these gentlemen to receive their fees, if not, certainly it ought not to be too much trouble for them to earn them. There might be much more said on this subject and more arguments used to support and recommend the form of government and political economy premised in these paragraphs; but I shall leave the more intricate parts of this subject for the speculations of some abler pen and wish my country all the advantages which may flow from the improvement of a noble theme.

Our country now requires men,  
 Whose gen'rous hearts a bribe disdain,  
 Who will be faithful, firm, and true,  
 And serve their country justly too.  
 When we are rul'd by men like these,  
 Who study out their country's ease,  
 This rising empire of the west,  
 May be with peace and honors blest.

1. In addition to two Senators, New Jersey was allotted four Representatives in the first Congress under the Constitution. Between 1785 and 1788 New Jersey annually elected only three men to Congress. The Articles of Confederation provided that the states could elect between two and seven delegates (CDR, 87).

### **A Farmer of New Jersey: Observations on Government** 3 November (excerpt)<sup>1</sup>

But after all, everything that has hitherto been done will signify nothing without an effectual FEDERAL GOVERNMENT. The plan that has been submitted to our consideration by the late Convention surpasses my most sanguine expectation. When we consider the multiplicity of jarring interests, which mutual concession alone could reconcile, it really becomes matter of astonishment that a system of legislation could have been effected in which so few imperfections are to be found. The man who can deliberately go about to oppose the adoption of this plan must evidently be actuated by sinister motives; for admitting it to be much more faulty than it really is, can we form any reasonable hope of obtaining a better?

What a glorious spectacle would the adoption of this Constitution exhibit! An event so totally contradictory to the habits and sentiments which prevail everywhere but in America would scarcely be credited. Elevated infinitely beyond even the conceptions of the wisest men of the East, our situation would excite the envy and admiration of all the world; and we should probably have the honor of teaching mankind this important, this interesting lesson, that MAN IS ACTUALLY

CAPABLE OF GOVERNING HIMSELF and not (thro the imbecility of his nature) "*unavoidably*" necessitated to resign himself to the guidance of one or more masters.

It might be deemed arrogant in me should I presume to suggest amendments to a Constitution in the formation of which the ablest political artists of the nation have been employed. To vindicate myself from this charge, I think it will be sufficient for me to say that the Constitution, tho excellent, is acknowledged on all hands to have its defects. How indeed could it be otherwise? The wonder is that so few are to be found. The following are the amendments I would propose:

That the *executive* be divided into THREE GRAND DEPARTMENTS.

I. The PRESIDENT vested with all the powers given him by the Constitution, except such as are hereafter proposed to be lodged in other hands. To make appointments *without* the advice and consent of the Senate.

II. The CHIEF JUSTICE to have the appointment of the judges and every other officer necessary to the administration of justice; to hold his office during good behavior.

III. The SUPERINTENDENT OF FINANCE to have the management of all matters relative to the collection and expenditure of the federal revenues; to have the appointment of all officers of the revenue, the treasurer or receiver general, treasurers and receivers in each state, customhouse officers, excise officer, etc.; to hold his office during good behavior.

These three great executive officers, to constitute a council to revise all bills which have passed the House of Representatives and the Senate, in the same manner as by the Constitution it is directed to be done by the President. A majority to determine the sense of the council on all questions that may come before them.

An Auditor General to be chosen by a majority of the House of Representatives; to continue in office during *their pleasure*. He must have the appointment of as many deputies as he may deem necessary.

I must beg leave to make a few observations on the above distribution.

I. The powers that must *necessarily* be entrusted in the hands of the President are amply sufficient to preserve his respectability and independence; were they greater, he might become dangerous; for which reason the revision of the laws is not left *solely* to him; and the appointments under the Chief Justice and Superintendent of Finance are given to each respectively. But there is another reason in favor of this last arrangement. As each in his department must know, better

than any other person can, whether those who may offer themselves as candidates for office are properly qualified, we may presume that they will of course be more competent to this business and, at the same time, more responsible.

[II.] By giving the revision *altogether* to a President, the judicial is left *unprotected*; and for want of a technical legal knowledge, the laws may be destitute of uniformity and consistency. Again, as a thorough knowledge of the fittest modes of raising and collecting a revenue is not easily acquired, we may reasonably apprehend that Congress, who cannot be supposed scientifically acquainted with this business, might, without the assistance and in some measure control of a Superintendent of Finance, proceed upon mistaken principles and run themselves into most fatal mistakes.

III. It is manifest there would be danger in entrusting the powers of a President in the same hands for more than three or four years without a new election. This *necessary* dependence of the President on the voice of the people for his continuance in office renders him, so far forth, an unfit person to place in opposition to a bad measure, if it should happen to be popular.

IV. From the nature of the offices of Chief Justice and Superintendent of Finance, a greater degree of permanency may be given to them, without danger to liberty; it is therefore proposed that these offices should be held during good behavior and be in the appointment of the President. These circumstances will render the possessors so totally independent of all popular influence that they may be safely relied on should an opposition to Congress be at any time necessary.

V. The President should have the choosing of his own advisers, as he will of consequence be the more responsible. But at any rate, the *Senate* are very improper for this office, as they are to sit as judges in case of an impeachment of the President.

VI. To guard against any danger there may be of collusion between the Superintendent or any of his officers, and the Auditor or his deputies, it is necessary the Auditor be wholly under the power of Congress and removable at any time.

1. *Observations on Government . . .* (New York, 1787), 53-56. The pamphlet, most of which was a discussion of John Adams's *Defence of the Constitutions* (CC: 16), was first advertised for sale in the *New York Daily Advertiser* on 3 November. Although often attributed to Governor William Livingston of New Jersey, it was written by John Stevens, Jr., who had been state treasurer, 1776-1783, and whose father, John Stevens, Sr., became President of the state Convention. (See CC:229 for the authorship and distribution. For the text of the pamphlet and related documents, see Mfm:N.J. 20 A-G.)

Despite the amendments proposed in the pamphlet, Stevens believed that "The Constitution must either be wholly received or wholly rejected. It is in vain to expect that any kind of federal government can ever take place if the state con-

ventions are to make amendments" (to John Stevens, Sr., Hoboken, 9 December, Mfm:N.J. 20-C). In the spring of 1788 he wrote to Richard Price that "the features of the new Constitution are, I trust, so happily blended as to produce one WHOLE which, for strength and beauty, I may venture to call unrivalled" (Mfm:N.J. 35).

**A Jerseyman: To the Citizens of New Jersey**  
**Trenton Mercury, 6 November<sup>1</sup>**

In the history of the American Revolution we shall find the present period more important to the citizens of this great republic than the awful and critical time of its Declaration of Independence. The latter opened the door by which our entrance into national importance was first made; it set us on an eminence in the view of the world; it put us on the list of competition with one of the most *powerful nations* of Europe, but it gave us only a chance for the establishment of our freedom, as the issue of the contest was very uncertain. This now being gained, the most difficult and important task we have still to go through; it remains for us to convince our enemies that the liberty and independence which we had enterprise and bravery enough to acquire, we have wisdom and perseverance to secure. If this be effectually done, we shall reap the benefit of our labors while we live, and posterity will have cause to *bless the memory of those who raised and completed so noble and magnificent a structure*; but if the reverse of this picture should be forced upon the view of our citizens, how many and heavy would be the curses of all good men upon our heads. Our recollection will immediately furnish us with the history of a few facts. Our present governments were formed in the times of imminent danger and distress. The enemy was hovering round us, ready to attack us on whatever side there should appear an opening. Our legislators were sometimes, during the very act of framing our constitutions, driven from their places of deliberating; but, as we had been forced to that point where we must throw from our shoulders the oppressive government of a *tyrant*, it became absolutely necessary that we should immediately substitute another in its stead. Our pressing necessities, if we expected to make a successful opposition, pointed out to us the aid of *foreign powers*. This could not be obtained while we called ourselves subjects of Great Britain. It was therefore indispensably necessary to declare ourselves an *independent nation*. This was wisely done, although we were not all aware of the great difficulties we had to encounter. Our national ship was launched into a wide ocean in the midst of storms before she was well equipped or had collected sufficient materials for her voyage. She has been tossed and buffeted about for several years, and oftentimes in the extremest danger; but at length, by her own strength and the aid of those who came to her relief, she has been conducted safely into

port. However, on the inspection and examination of our master builders, the timbers are found so disjointed and decayed that it is believed she cannot, without great risk, bear a second voyage unless she undergoes the most *thorough repairs*.

It is not my intention now to consider minutely either the defects of our present Confederation or particularly to observe upon that plan which has been lately offered to us by those distinguished patriots and saviors of our country. My daily avocations allow me not much time for the study of politics; I shall therefore throw together, in haste, only a few general observations. I take it for granted that scarce anything new can be said on this subject by way of investigation; but I cannot keep still the pulsations of my heart, nor restrain the desire I feel of endeavoring to forward our speedy progress to a government which promises fair, from its excellent ingredients, to compose a most valuable and durable cement to the different states of the Union, to establish a steady system of justice and good faith among ourselves, and to give us respectability and credit among the nations of the earth.

The great advantages which would be the result of the adoption of the proposed Constitution would be almost innumerable. I will mention a few among the many. In the first place, the proper regulation of *our commerce* would be insured; the imposts on all foreign merchandise imported into America would still effectually aid our Continental treasury. This power has been heretofore held back by some states on narrow and mistaken principles. The amount of the duties, since the peace, would probably by this time have nearly paid our national debt. By the proper regulation of our commerce, our own manufactures would be also much promoted and encouraged; heavy duties would discourage the consumption of articles of foreign growth. This would induce us more to work up our raw materials and prevent European manufacturers from dragging them from us in order to bestow upon them their own labor and a high price before they are returned into our hands. Agriculture and population will also find improvement and increase. Agriculture is natural to America and will always serve as an increasing source of commerce, while the produce of our farms furnishes so considerable a proportion of it. Induced by the goodly prospects of a happy and durable government, by which life, religion, freedom, and property would be well secured, America will teem with those who will fly from the slavery, persecution, tyranny, and wars of Europe. The civil commotions of Holland will soon open a wide door to let her citizens, and those of Germany, into America. The trumpet of war has already sounded in their ears, and we shall soon behold the *industrious laborers* of those countries pouring into our ports and crowding our cities.



Another good consequence of the new Constitution will be the power given to Congress solely of coining money. By this means there will be one *general currency* throughout the United States. The citizens of each state will be well acquainted with the money of the others, which will give great facility and convenience to trade and all negotiations in business. The creditor and debtor, though in different states, will equally know the value of what each receives or pays; the stranger and the traveler will have no difficulty or embarrassment on account of the difference of coins. However slender this tie may appear to some, I have no doubt but the sameness of money in every state will have a powerful influence on our Union.

Needless alarms and fears have been endeavored to be excited as well, no doubt, by our enemies and those among us disaffected to our cause, as by some who act from better principles. Let us take a very short and summary view of the plan. The power of Congress to lay and collect taxes, duties, imposts, and excises has been objected to. By whom are those taxes to be laid? By the representatives of the several states in Congress. This is then in perfect conformity to that just maxim in free governments, "that taxation and representation should go hand in hand." To what purpose are these taxes to be applied? It is expressly prescribed by the Constitution, "To pay the debts and provide for the common defence and general welfare of the United States." What, would you saddle Congress with the burden and expense of providing for the common safety and not give them the power of raising any money? This would be requiring impossibilities indeed. Congress will also have the power to raise and support armies. What evil can result from this? Even supposing, altho it is scarcely supposable, that the representatives of the people should form designs of enslaving their constituents, how is it possible they could effect their scheme? It is provided by the Constitution, "That no appropriation of money to that use shall be for a longer term than *two* years." An army sufficient for such a purpose could not be *raised* in two years, much less could they complete the business in that time. Every two years the people may change their Representatives if they please; and they certainly would please to change those who would act with so much baseness and treachery. If the *President* should have such designs without the *concurrence of Congress*, he might have the *honor of commanding* an army as long as they would stay with him, but it is not common for an army to remain long in the field without the prospect of *any pay*. The power of the President of the United States will not be so great as many have represented. His consent is not *necessary* in passing any law. If he disapproves, he has only a right to state his objections, but if two-thirds of both houses do not join with him, it will be a law notwithstanding. He is to be Commander in

Chief, and shall take care that the laws be faithfully executed. It will be readily agreed that it would be highly ridiculous to send representatives, and be at the expense of maintaining them, to make laws for us, if we did not give power to some person or persons to see them duly executed. The wisdom and prudence is to be shown in the *framing laws*; the complete *execution* of them ought to follow of course.

The President, together with the Senate, may appoint the officers of the United States. We find in practice that, generally speaking, persons best qualified are appointed to offices where the number who appoint are few. They feel their responsibility to the public to be more immediate and certain; for, if the appointment be wrong and the object of it unworthy, the censure can be easily fixed. The consequence will be a greater care and circumspection in the choice. This we clearly saw, at a time during the late war, when the new modeling of our army became absolutely necessary. The appointment of our officers was given solely to our WORTHY GENERAL. He alone became responsible; the consequences were important and happy for America.

The power of the President is still guarded further by the oath which he is bound to take before he enters on the execution of his office, where he swears *that he will to the best of his ability preserve protect and defend the constitution of the United States*. It is also said by some of the opposers of the new plan of government that, in the person of the President, it verges to a monarchy. By others it is said that it approaches to an aristocracy through the Senate. The Senators are to be also bound by an oath or affirmation to support the Constitution; and, tho their appointments will be for six years, yet, the rotation of the new choice of one-third of them every second year not only provides for *experience* in business by those who remain, but also against any evil schemes which require *time* and *extensive connections*. As to the danger of our state governments being annihilated, the fourth section of the fourth Article declares that "the United States shall guarantee to every state in the Union a republican form of government."

Thus every guard which can be reasonably required seems to be made against improper encroachments. Now let me ask what will be the probable consequences of not adopting the proposed Constitution? With respect to ourselves in the first place, scenes of injustice between man and man may disclose themselves, contracts may be broken, and the means of redress possibly not in the power of our legislatures, notwithstanding their best intentions. Besides there are greater difficulties than many people imagine in procuring *national movements*; and the probability is that all the states would not be forward again

in coming into such a measure speedily as forming another *federal convention*. The fatigue and disgust of our celebrated statesmen, who have lately gone through a four-months' labor of investigation, would also tend to prevent the attempt. These were men of acknowledged abilities and disinterested patriotism. If the result of their deliberations is not attended to, who will undertake again the arduous task? The same *difference of interests*, in different states, will remain, but the same friendliness and *wish for compromise and accommodation* will not exist after repeated vexatious trials and disappointments.

Let us also recollect our situation with respect to foreign powers. Some of them have lent Congress money during the late war. Can Congress insure the payment of either principal or interest? They may *require* but not enforce. They may *ask* but, if denied or neglected, there is no effectual remedy. Can this be called an efficient government? No, this part of it is laughed at by all Europe. But will these powers *only laugh* at our folly. They will in a short time do something more disagreeable to us. They will do justice to themselves by *seizing our merchants' ships and making reprisals on our property*. Well but, say they who are more successful in alarming and raising objections than in proposing better constitutions, would you have us adopt this without making alterations, when there are several things in it which had better be mended? Yes, I would—and for the following reasons.

Which *state convention* will undertake to mend it? Is it probable that any *one* state would sooner hit upon what should be for the *general good of the Union*, than the late *Federal Convention*, which was composed of representatives from *every state*? And if it was not for the benefit of the United States in general, but *only* of the individual state who proposed it, would it not in the first place immediately open a wide door for each state to propose many amendments which might be calculated only for the advancement of *local interest*? And in the next place, is it probable that a future convention (which at this rate would be necessary) would agree on better ground for the whole, than the late one? No, it would be idle to suppose it. It would serve but to procrastinate a delivery from our present distresses and tend very much, by exciting dissensions and quarrels, to our total dissolution as a nation. Although I drew my first breath in New Jersey, and have continued in it during my life, firmly attached to its *local interest*, yet when I consider the impossibility of its existence at present as a sovereign state without a *union* with others, I wish to feel myself more a citizen of the United States than of New Jersey alone. Our advancement and prosperity, nay, our very existence as a nation depends on our Union. That Union must have for its

foundation the good of the whole *collectively* considered. This, I think, is effectually done in the new Constitution. In portraying this plan, the collective interest is so mixed and blended in the general picture of the Union that happily the individual states are only distinguished as branches of that general family, without the whole of which the painting would be incomplete.

In many publications against the proposed system, the writers argue on a presumption that Congress will set themselves up against the liberties of their country. Their proceedings will not be *secret*. Their Journals are ordered in this very Constitution to be *published*, from time to time, for the inspection of all. Of whom will that body be composed? Of a Senate, who are to be appointed by the legislatures, who will be chosen by the *people*, and of a House of Representatives also chosen by the *people*. If either act wrong, they would doubtless be left out in their next choice.

While virtue and patriotism remain in the *people*, it will always, with due care, be found in the *representatives*. When the fountain is pure, the streams that issue from it must be clear.

It is high time to shake off unmanly fears and sneaking jealousies. You have, my countrymen, long been sensible of the *insufficiency of our present government*. You have sent your best and ablest friends to *form another*. After *four months' close application*, they have completed that which they now offer. Make a fair experiment. Further alterations are provided for when necessary. Think seriously and act like men.

1. This article, dated "November 5, 1787," was reprinted in the *Pennsylvania Packet*, 15 November, and in the November issue of the *Philadelphia American Museum*.

#### New Jersey Journal, 7 November<sup>1</sup>

When the illustrious Washington was called on by the Convention to ratify the Constitution as its President, holding the pen, after a short pause, he pronounced these words too remarkable to be forgotten or unknown: "*Should the states reject this excellent Constitution, the probability is an opportunity will never again offer to cancel another in peace—the next will be drawn in blood!*" Great Heaven, avert the direful catastrophe! But may the rising glories of his country gild his declining horizon and her smiling prosperity cheer his heart at sinking into the embrace of death!

1. This item was reprinted thirty-nine times throughout the country by 29 December. For this and other accounts of speeches attributed to Washington in the Constitutional Convention, see CC:75, 233 A-C.

### New Jersey Journal, 14 November<sup>1</sup>

It is illiberal, says a correspondent, to give the opposers of the present plan of government the appellation of Shaysites, Antifederalists, etc. Are there not some of this class who have acted very conspicuous parts in the late drama? Are not many of them of true Republican principles? Why then these harsh epithets? If they err, it is from a tenaciousness of that liberty their blood has been freely offered to attain. Give it a fair discussion, and if it is a baseless fabric, in God's name let it vanish *in fumo*.

1. By 6 December, this item was reprinted twice in Portsmouth and once each in Portland, Boston, and New York City.

### Marcus

#### New Jersey Journal, 14 November<sup>1</sup>

It is the interest of the merchants to encourage the new Constitution, because commerce may then be a national object, and nations will form treaties with us.

It is the interest of the mechanics to join the mercantile interest, because it is not their interest to quarrel with their *bread and butter*.

It is the interest of the farmer, because the prosperity of commerce gives vent to his produce, raises the value of his lands, and commercial duties will alleviate the burthen of his taxes.

It is the interest of the landholder, because thousands in Europe, with moderate fortunes, will migrate to this country, if an efficient government gives them a prospect of tranquillity.

It is the interest of all gentlemen and men of property, because they will see many low demagogues reduced to their *tools*, whose upstart dominions insults their feelings, and whose passions for popularity will dictate laws which ruin the minority of the creditors, and please the majority of debtors.

It is the interest of all public creditors, because they will see the creditors of the states<sup>2</sup> rise, and their securities appreciate.

It is the interest of the American soldier, as the military profession will then be respectable, and the Floridas may be conquered in a campaign. The spoils of the West Indies and South America may enrich the next generation of Cincinnati.

It is the interest of the lawyers who have ability and genius, because the dignity in the Supreme Court will interest professional ambition, and create emulation which is not felt now. The dignities of the state court, a notary or the prosecutor of a bond will not aspire to, which has cheapened their value. Men also have enjoyed them without professional knowledge, and who are only versed in the abstract and learned science of the *plow*.

It is the interest of the clergy, as civil tumults excite every passion—the soul is neglected, and the clergy starve.

It is the interest of men, whose education has been liberal and extensive, because there will be a theater for the display of talents, which have no influence in the state assemblies, where eloquence is treated with contempt, and reason overpowered by a *silent vote*.

It is *not* the interest of those who enjoy state consequence, which would be lost in the assemblies of the state. These insects and worms are seen on their own dunghill. There are minds whose narrow vision can look over the concerns of a state or town, but cannot extend their short vision to Continental concerns. Manners are essential in such a government, and where the Union is represented, care should be taken to impress the other states with respectable opinions, and if this becomes a principle they must remain at home, and not presume to these national dignities.

1. "Marcus" was first printed in the New York *Daily Advertiser*, 15 October, under the heading "The INTERESTS of this STATE" (CC:162). It was the only newspaper essay reprinted in all three New Jersey newspapers: *New Jersey Journal*, 14 November, and *Brunswick Gazette* and *Trenton Mercury*, 20 November.

2. The New Jersey reprintings substituted the phrase "creditors of the states" for "credit of the states" in the *Daily Advertiser*.

### **Brunswick Gazette, 27 November**

This day is appointed by the legislature of this state for the election of members to meet in convention, to take into consideration the new Federal Constitution.

Six states have agreed to the appointment of conventions for the above purpose, viz., Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, and Virginia.<sup>1</sup>

We learn that the legislature of Rhode Island adjourned about twelve days since, without officially noticing the new Constitution.<sup>2</sup>

1. This paragraph was based on reports in the *Pennsylvania Packet*, 3 November.

2. This paragraph was first printed in the *New York Journal*, 15 November.

### **Pennsylvania Journal, 19 December**

By a gentleman from New York and New Jersey, we are informed that it is reported, in those states, that a Governor [George Clinton of New York] not one hundred miles from the seat of Congress still sets his face against the new Constitution of the United States, and has gone so far, it is said, as to proffer, thro a person of considerable weight in Jersey,<sup>1</sup> one-half of the impost of his state to Jersey if they would reject the new Constitution.<sup>2</sup>

1. Probably a reference to Abraham Clark. If so, this item was the first public attack on Clark, who was suspected of opposition to the Constitution. The attacks continued and became an issue in the first federal elections in 1789. For the attacks on Clark and for his criticism of the Constitution, see Mfm:N.J. 37 A-D.

2. For a similar newspaper report, see Mfm:N.J. 34.

### Reply to George Mason's Objections to the Constitution New Jersey Journal, 19, 26 December<sup>1</sup>

[19 December] A correspondent has sent us the following answer to Mr. Mason's objections to the new Constitution, contained in our *Journal* of the 12th instant. First, *the bill of rights*. Could there have been greater solecism of politics than for a people in the undisturbed and indisputable possession of the absolute sovereignty of a country (and about to delegate a necessary portion of power to a small number of their own body, for the good of the whole) to form a declaration of rights, which they mean to retain when, at first blush, they must necessarily be still vested with all power and sovereignty not expressly given away by their act of delegation. Let us put a case. Suppose such a bill of rights formed, and the Constitution ratified and in exercise. An adventitious circumstance arises, for which no provision has been made in the Constitution, and is wholly left out of the bill of rights; from whence must the power flow to remedy or provide against the evil. By the Constitution there is no power vested in the government; by the bill of rights, the people have lamented the sovereignty retained by them. I believe every man of common sense would say that the people, or the sovereign power, cannot be affected by any such declaration of rights, they being the source of all power in the government; whatever they have not given away still remains inherent in them. Would not a private man be thought an idiot who in making a letter of attorney to another, authorizing him to sell his house in New York, should insist on a covenant that the attorney should not presume to sell his house in Philadelphia; or should insist on an express declaration that he meant to retain the fee of the residue of his estate. In England the king claims the sovereignty and supports an interest in opposition to the people. It becomes, therefore, both their interest and their duty, at every proper opportunity, to obtain a declaration and acknowledgment of those rights they should hold against their sovereign. But in America (thanks to the interposing providence of GOD!) the people hold all power, not by them expressly delegated to individuals, for the good of the whole. The governors, therefore, may call for the Constitution to show their rights and powers, but the people want no written bill of rights to prove their authority, being the only human source of power known in the empire. I therefore

conclude, had a bill of rights been formed by the late Convention, the good sense of the people would universally have revolted at such a display of unjustifiable confidence, founded on a mistaken notion of the nature of our government and the source from whence all authority in the United States must necessarily flow.

*The Common Law.* The common law is adopted by every state in the Union, as part of the law of the land, in all cases when not contravened by the acts of the state. The Constitution, therefore, leaves it in the same situation, except as to such parts as are changed by the express words of it without otherwise abridging its authority, and so it will remain unless contradicted or superseded by the express provisions of the new government or the acts of the general legislature; and I presume the most sanguine opposer of the new Constitution would not suggest the idea that the common laws should remain unalterable by the people, through their representatives, otherwise all government, as to law making, would be nugatory.

The common law is as highly revered in Great Britain as it ought to be in any government whatever, yet no one ever attempted to abridge the power of the legislature, as to the passing all necessary acts of Parliament, controlling and changing its power. The like superintending authority has always been claimed and exercised by all the legislatures throughout America, both before and since the Revolution.

These objections, therefore, appear to be the effect of an overstrained jealousy, and fear of arbitrary power, perhaps arising from rooted prejudices and long habits under a constitution in many instances greatly abused for want of proper checks, and from which we have been gloriously emancipated, and to which our present intended government will bear little or no analogy.

**REPRESENTATION.** The House of Representatives is said to contain but the shadow of representation. I shall speak of New Jersey alone. Her quota is four members in the House of Representatives. If this is but the shadow of representation, in what situation has this state been in Congress during a most important and perilous war, in which the lives and property of every citizen have been so immediately at stake. Although our state was at liberty to send five members, it has ever been thought prudent to limit the attending number to three. Surely our legislature have been mere novices to submit to a shadow of representation for so many years. It is true we have had company, for the largest and most opulent states have been equally duped. We have found it very difficult to support even this shadow with decency and reputation without murmuring and complaints, but what would the good citizens of this state have said if, instead of four, the new Constitution had obliged us to have sent ten or fifteen Representa-



tives. This would have been substance indeed. I believe, Mr. Printer, the people of New Jersey are not so desirous of accumulating offices, as to multiply them for the sake of parade. They will have no objection to the Constitution because they have but six representatives in the whole,<sup>2</sup> especially while two of these give the state an equal voice in the Senate, and they have a negative on all laws, and particularly those relative to the expenditure of the public treasure. The people of New Jersey have learned by experience that their business is better done by a sufficient number of delegates, than by an unnecessary multitude, who, from the natural frailty of human nature, are more apt to form parties, and promote confusion and ill-timed difficulties in the course of business. Besides it is much easier for the people to get six able representatives in a state, than fifteen or twenty. The objections raised against the power of the Senate to originate bills for the appropriation of money are rather calculated to alarm the fears of the inattentive, than to produce conviction on a fair examination. Is there the least impropriety in the majority of that branch of the legislature where the states are all equally represented (and therefore strictly speaking, a majority of the states) originating bills for the disposal of the public money, especially when it is considered that such disposition must be approved of and ratified by the other branch, where the states are represented according to their numbers, before they become laws. It should be also remembered that bills for raising money can only originate in the House of Representatives. The assertion that the Senators are not the representatives of the people, nor amenable to them, is sophistry itself. It is true that the legislature of each state, elected by the people for this express purpose among others, choose the Senators. Are they therefore not the representatives of the people? If not, who do they represent? Surely not the legislature, who are but representatives themselves. Was it ever said that the people do not make their own laws or that the government of a republic is not in the people because they make the one, and execute the other, through persons delegated by them? If this was the case, the people could never govern but by every person individually interfering in government.

If the Senate are to return to the mass of the people every six years, if they are amenable to the laws of the government, if to be impeached by the Representatives and tried before judges appointed by the people, it cannot require any great degree of penetration to see that the objection is not founded in fact or the principles of the Constitution.

*The judicial powers under the new Constitution are held up as dangerous to the rights of the people. A Supreme Court is appointed for the general Confederacy, who is to have original jurisdiction only*

in causes affecting *ambassadors, or public ministers*, and where a *state* shall be a party. Is it not absolutely necessary that there should be one court for these general purposes of government, and if so, can the original jurisdiction be more limited? Would it be prudent to make it necessary that the representative of the allies of our nation, who appear in the place of their sovereign, should be attending courts in distant states, and exposed to local customs and laws of which they cannot be supposed to have any knowledge, while their presence is necessarily required at the seat of the general government? This would be derogatory to the character of an independent people. Besides would not the general government be constantly exposed to be involved in continual quarrels and contests by every separate state in the Union. As to the remaining branch of this jurisdiction, there can be no other equal to the business. An independent state, having a demand against another, has, before the late Revolution, had no alternative but composition or arms.

This Court then is a most important improvement in the science of government, and I think absolutely necessary to be established by compact in a confederated government, as the present is proposed to be. But there are also to be inferior courts, whose original jurisdiction is extended to all general subjects and from whose judgment an appellate jurisdiction, both in law and fact, is given to the Supreme Court. In the first place, the Constitution does not make these courts absolutely necessary, but it has referred the business to the general government to use their discretion in the establishment. But, as I accede to their absolute necessity, so I will take it for granted that one will be appointed in every state. Common candor will lead us to suppose that Congress will act rationally in their constitution or appointment, so as to be least expensive and burthensome to the people, and, at the same time, to answer their desired end. I will suppose, as the most eligible mode and most satisfactory to the people, that the judges of the supreme court of each state will be appointed judges of this inferior court. By this means, when they sit as officers of the general government, they will judge according to the general laws; and when they sit as officers of the state, they will proceed according to the municipal laws of the state. This will promote harmony between the laws of the Congress and those of the state. The expense will be greatly reduced. The judges will be rendered more independent both of Congress and the state, and the people will be better pleased with judges of their own nomination. Now, under this idea, in what instance does the judiciary of the United States absorb and destroy the judiciaries of the individual states? I answer, in none; but they will rather go hand in hand together and each be subservient with the

other for the good of the whole. Another important and weighty objection brought against the Constitution is that there is no security for the right of trial by jury in civil cases. The right of trial by jury most certainly is not taken away, neither is there anything in the Constitution that looks to that point; it is altogether left to the general government to dilate the subject as they please. It is in their power, by a law to be enacted for that purpose, to suit the temper and dispositions of the different states as they please. The Constitution could only establish general principles; the extending and enlarging them to particular cases will be the business of the future Congress. The appellate jurisdiction of the Supreme Court, I acknowledge, is both of the law and fact; but this by no means excludes the idea of trial by jury. The supreme court of New Jersey has original jurisdiction on both of law and fact, but it was never yet known that they presumed to try an issue of fact without the intervention of the jury. There is nothing more common than to set verdicts aside where it appears that justice has not been fairly obtained by the losing party, and new trials are ordered in the same court for the sake of substantial justice; and can there be any solid objection in extraordinary cases to give a man an opportunity of having his cause reheard before abler judges before he is forever excluded from what he thinks his just right, especially when it is to be at his own expense if he fails. I have been well informed that in Connecticut the appellate courts constantly try the facts by juries, and that there have been instances of three jury trials in one cause. The people are terrified with the idea that by means of this constitutional plan, justice will be as unattainable here, as it is in England. If we can hope to have civil justice administered here to as great perfection and with as much integrity as it is in England, I will be content. I well know the weak and vulnerable side of the British character, but depend upon it, Mr. Printer, the honorable author of these objections will not be able to fix it in their courts of civil jurisprudence. There is no part of the world wherein the laws relating to property are more judiciously and ably administered than in the courts of Great Britain. Had their conduct in every other department been equally wise and conducted with equal integrity, the good people of America would not this day been forming a government for themselves.

The next objection is *that the President has no constitutional council*. I have always thought that the representatives of the people, in parliament assembled, were the most constitutional council an executive department could possibly have. This council, the President must necessarily have more than one-half his time, as they are to sit every year, and I presume this intended empire will require their

attendance several months in the year. During their recess, the Senate will always be at hand and must be the next surest assistant. Indeed it is said they may become interested, venal, and oppressive. The President will either be directed by minions and favorites, or become a tool to the Senate. *Suppose anything, and anything will follow.* Will the proposed amendment of a separate council secure the people one *iota* better? Are they not to be men of like passions? If the people cannot trust their representatives, who will be so likely to serve them faithfully? Will not the expense of government be sufficient without this unnecessary addition of a separate council? Where would the fund for support of government come from, if the honorable gentleman had been vested with the sole formation of our Constitution? Instead of sixty-five members in Congress, there would, I suppose, have been at least two hundred and fifty; and instead of twenty-six Senators, there would have been at least sixty-five; besides a dozen or twenty privy councillors. The Dominion of Virginia might, in time, have afforded this expense of government; but New Jersey would have sunk under it. Have not the legislative council of the states been the only privy councillors the governor ever had before the Revolution; and in this state since that happy period, no one ever thought of proposing a separate body as the governor's privy council here, or complained of any inconveniency in the union of the two offices.

[26 December] The granting pardons by the President in cases of treason, the power in the President and Senate of making treaties which are to be regarded as the supreme law of the land, with the possibility of the whole government misconstruing the powers vested in them, granting monopolies, establishing unusual and severe punishments, and finally extending their powers beyond their limits are all raised as substantial objections to the Constitution; although every one of them will lie with equal weight against most of the state governments and indeed any government at all. Must not these, or the like powers, be vested in some man or body of men? May not this power be abused? May not every person you appoint, probably, also become venal, wicked, and oppressive? I answer: Let the people see that *they* are the only source of power, that their officers of every kind return at fixed periods into the mass of the people, that the governors cannot oppress the citizens without subjecting themselves to the like oppression, and that they are amenable to the laws of the community, and I dare answer for the consequence. But should it, contrary to expectation, turn out otherwise, have not the people the staff in their hands? If we must have no government till we can get one that cannot be abused, there is an end of the business at once. If President, Senate, and Congress all conspire to abuse their trust and tyrannize over the

people, and there is no other remedy, the good sense and spirit of Americans will bid them to do as they did under the tyranny of Great Britain, cast off the government and try another form more agreeable to their ideas of safety.

The provisions relative to duties and *ex post facto* laws are so congenial to the wishes of the citizens of New Jersey that they will scarce ever consent to a constitution that shall not form some such checks with regard to them.

The next observation concerning the countenance given to slavery comes with a very ill-grace from the honorable gentleman. Surely this must be at best but an ostensible reason and casts a dangerous complexion over all the other objections. Will any citizen of New Jersey restrain his astonishment when he is told that this honorable objector, at this instant, with this humane exception to the Constitution in his lips, holds at least seven hundred of his fellow creatures, the workmanship of the same Divine Hand that brought him into existence, in the most abject slavery? When this worthy gentleman shall have indulged every benevolent feeling of the soul and raised his character but a little lower than an Angel of Light, by liberating this host of his fellow men and teaching them to enjoy existence as a blessing, then will I join him in every exertion to further the *blessed*, the god-like work, and believe his sincere and honest in an objection founded in principles of mercy and justice; and if, from the love of our fellow creatures, it should be stretched a little too far, it will be glorious to err in favor of humanity.<sup>3</sup>

But I confess the prospect of putting a stop to the abominable and accursed traffic, even at the period of twenty years, fills me with inexpressible joy—especially as it does not include the continuing the diabolical trade during that period, but leaves the direction of it to the discretion and humanity of the state legislatures. This sacrifice was, perhaps, due to the very disagreeable and critical situation of our Southern brethren. I doubt not but they will, from the inextinguishable flame of liberty that glows in their breasts, which all the refined cruelty and wasting desolation of a British army could not quench, use this liberty becoming the character of freemen, who have purchased freedom for themselves at so dear a rate. On the whole, although I highly esteem the patriotism, wisdom, and amiable character of the honorable objector, yet, when I consider the objections themselves, both separately and connected together with the whole system, that this system is the effect of concession among thirteen differing interests and opposite ideas of the means of good government, each showing the spirit of conciliation and mutual forbearance, and at the same time find it combined with an easy mode for redress and amendment in

case the theory should disappoint when reduced to practice, I cannot but view this unexpected union in our late Convention as the effect of a divine interposition once more to save this favored country from anarchy and confusion.

1. George Mason of Virginia was one of three delegates at the Constitutional Convention who refused to sign the Constitution on 17 September. His objections to the Constitution were first published in the *Massachusetts Centinel* on 21 November. They were reprinted throughout the country and appeared in the *New Jersey Journal* on 12 December. (For Mason's objections, see CC:276 A-C.)

2. "Cassius" objected that six representatives were too many (*New Jersey Journal*, 31 October, I above).

3. In 1784 there were about 10,000 slaves in New Jersey, most of them in East Jersey. After the Revolution the Quakers, aided by such men as Governor William Livingston, William Churchill Houston, Isaac Collins, and Shepard Kollock, attacked the slave trade and the importation and ownership of slaves. On 2 March 1786 they obtained the passage of an act that prohibited the importation of slaves, authorized their manumission, and forbade their abuse (see McCormick, 63-66).

## II

### THE NEW JERSEY LEGISLATURE CALLS THE STATE CONVENTION 24 October–1 November 1787

The first session of the 12th legislature met in Trenton on 23 October. The next day the Council received and read a Salem County petition recommending the calling of a state convention. Several similar petitions were read to the House on the 25th (see I above, County Petitions to the Legislature, 1–25 October). On the same day, the Assembly also received Governor William Livingston's message transmitting Congress' four-page official broadside containing the Constitution, the letter and resolutions of the Constitutional Convention, and the congressional resolution of 28 September transmitting the Constitution to the states. On the 26th, three of the state's five delegates to the Constitutional Convention reported in person to both houses of the legislature.

Between 26 and 30 October, the House completed action on calling a state convention. On Friday afternoon, the 26th, the Assembly unanimously adopted resolutions calling a convention, and the Council unanimously concurred on Monday, the 29th. The resolutions provided for the election of delegates on 27 November and the meeting of the Convention on 11 December.

The legislators evidently thought that resolutions were not enough. On Saturday the 27th, the Assembly appointed a committee to draft a bill making it "lawful" for a convention to meet, and the committee immediately drafted a bill which was read the same day. On Monday the 29th, the bill was read a second time, debated, and ordered engrossed without sending it to the Council for approval. The engrossed act was read a third time and approved by the Assembly on Tuesday the 30th. It was then sent to the Council, and, after reading it three times, the Council passed the act unanimously on Thursday, 1 November.

On 6 November the legislature provided for the payment of delegates to the state Convention. It authorized the state treasurer to pay "each of the Delegates who shall attend on the Part of this State in the State Convention, the Sum of Ten Shillings lawful Money of this State per Day, for each Day he shall have attended. . . ." (For documents relating to this act, see Mfm:N.J. 18 A–J.)

**The New Jersey Legislature**  
**Wednesday**  
**24 October 1787**

**Council Proceedings, A.M.<sup>1</sup>**

A petition from a number of the inhabitants of the county of Salem, praying that the legislature will immediately recommend a convention for considering the Federal Constitution, lately recommended by the Federal Convention, was read and ordered a second reading.<sup>2</sup>

1. *Journal of the Proceedings of the Legislative-Council of the State of New Jersey . . .* [23 October–7 November 1787] (Trenton, 1787). Hereafter the proceedings of the Council will be cited by date only.

2. See County Petitions to the Legislature, 1–25 October, I above.

**The New Jersey Legislature**  
**Thursday**  
**25 October 1787**

**Assembly Proceedings, P.M.<sup>1</sup>**

A message from His Excellency the Governor by Mr. Secretary [Bowes] Reed was presented,<sup>2</sup> accompanied with an authenticated copy of the report of the Convention lately assembled at Philadelphia to Congress, together with the resolution of Congress thereupon, which was read; whereupon,

Sundry petitions from a number of inhabitants of different parts of the state were presented and read,<sup>3</sup> praying that a convention may be ordered to consider of the Federal Constitution recommended by the late Convention of the states; which were read and ordered a second reading.

1. *Votes and Proceedings of the Twelfth General Assembly of the State of New Jersey . . .* [23 October–7 November 1787] (Trenton, 1787). Hereafter the proceedings of the Assembly will be cited by date only.

2. Governor William Livingston's message stated: "Gentlemen, I herewith lay before the honorable legislature an authenticated copy of the report of the Convention lately assembled at Philadelphia to Congress, together with [the] resolution of Congress thereupon" (MS, Rare Book Department, Hampton L. Carson Collection, Free Library of Philadelphia). Congress' resolution (CDR, 340) was printed in the *Brunswick Gazette*, 9 October; the *New Jersey Journal*, 10 October; and the *Trenton Mercury*, 23 October.

3. See County Petitions to the Legislature, 1–25 October, I above.



**The New Jersey Legislature**  
**Friday**  
**26 October 1787**

**Council Proceedings, A.M.**

The house met. Present as before.

His Excellency William Livingston, the Honorable David Brearley, and Jonathan Dayton, esquires, commissioners to the late Federal Convention, came into Council, and made the following report:<sup>1</sup>

The commissioners appointed by joint meeting of the legislature to meet commissioners of the other states in the Union, at the city of Philadelphia, in the month of May last, for the purpose of taking into consideration the state of the Union, etc.,<sup>2</sup> beg leave to report to this honorable house that, in pursuance of their appointment, they met the commissioners of eleven of the other states in the Union at Philadelphia and thereupon entered upon the business of their appointment.

That the commissioners so convened did, after long and serious deliberation, and with no small difficulty, finally agree upon a plan for the government of the said United States, which together with the other acts of the Convention were by them transmitted to the honorable the Congress of the United States. Copies of the same are hereunto annexed.

All which are, by your commissioners, most humbly submitted to this honorable house.

Trenton, October 25, 1787.

Wil. Livingston  
David Brearley  
William C. Houston  
Jona. Dayton

The house adjourned to three o'clock in the afternoon.

**Assembly Proceedings, A.M.**

[The three delegates to the Constitutional Convention, who had appeared before the Council, appeared before the Assembly and delivered the same report to it, along with a printed copy of the Constitution and the two accompanying documents of 17 September. All these documents appear in the Assembly Journals at this point.]

The House adjourned to three o'clock, P.M.

**Assembly Proceedings, P.M.**

His Excellency's message of the 25th instant, with the papers accompanying the same, and the several petitions praying that a convention may be ordered to consider of the Federal Constitution recommended by the late Convention, were read a second time; whereupon the House came into the following resolution, to wit:

Whereas the commissioners from this state have reported a Constitution for the future government of the United States, agreed upon by the General Convention lately held for that purpose in the city of Philadelphia, accompanied by a resolution that it be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature for their assent and ratification. And whereas Congress have unanimously resolved that the said Constitution be transmitted to the legislatures of the several states to the intent aforesaid; and it appearing to be the earnest wish of the good people of this state that early and immediate measures be taken to assemble a convention within the same, for the purpose of deliberating and determining on the said Constitution;

Resolved unanimously, That it be recommended to such of the inhabitants of this state as are entitled to vote for representatives in General Assembly to meet in their respective counties on the fourth Tuesday in November next, at the several places fixed by law for holding the annual elections, to choose three suitable persons to serve as delegates from each county in a state convention, for the purposes herein before mentioned, and that the same be conducted agreeably to the mode, and conformably with the rules and regulations prescribed for conducting such elections.

Resolved unanimously, That the persons so elected to serve in state Convention do assemble and meet together on the second Tuesday in December next, at Trenton in the county of Hunterdon, then and there to take into consideration the aforesaid Constitution; and, if approved of by them, finally to ratify the same in behalf and on the part of this state; and make report thereof to the United States in Congress assembled, in conformity with the resolutions thereto annexed.

Resolved, That the sheriffs of the respective counties of this state shall be and they are hereby required to give as timely notice as may be by advertisements to the people of their counties of the time, place, and purpose of holding elections as aforesaid.

Ordered, That Mr. Stillwell do carry the said resolutions to Council for concurrence.

The House adjourned till tomorrow morning 10 of the clock.

1. A manuscript version of the delegates' report to the legislature is in the Bureau of Archives and History, New Jersey State Library. William Paterson did

not sign the report, although he signed the Constitution. William Churchill Houston, who signed the report, did not sign the Constitution because he was absent from the Convention on 17 September.

2. For the election of the state's delegates to the Constitutional Convention, see CDR, 195-96.

## The New Jersey Legislature

Saturday

27 October 1787

### Assembly Proceedings

The report of the commissioners appointed to meet commissioners of the other states of the Union, etc. was read a second time.

Ordered, That Messrs. Davenport, Kitchel, and Smith be a committee to prepare and present a bill to authorize the people of this state to appoint members to meet in general convention with powers to ratify the Federal Constitution, reported by the said commissioners.

Mr. Davenport, from the committee appointed for that purpose, reported the draft of a bill, entitled "An Act to authorize the People of this State to meet in Convention, deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention," which was read and ordered a second reading.

## The New Jersey Legislature

Monday

29 October 1787

### Council Proceedings, A.M.

Mr. Stillwell, from the House of Assembly, presented to this house for concurrence, the following resolutions.

[See Assembly Proceedings, 26 October, for the resolutions calling the state Convention.]

The foregoing resolutions were read and ordered a second reading.

### Council Proceedings, P.M.

The house met.

The resolutions from the House of Assembly, relative to recommending to the inhabitants of this state to choose delegates to meet in convention, for the purpose of taking into consideration the Federal Constitution, etc. was read a second time; whereupon,

The Council having taken into consideration the said resolutions, Resolved, That the house do unanimously concur therein.

Ordered, That Mr. Holmes do wait on the House of Assembly and acquaint them therewith.

Mr. Holmes reported that he had obeyed the several orders of the house of this day.

**Assembly Proceedings, P.M.**

Two messages from the Council by Mr. Holmes:

“Council Chamber, October 29, 1787.

“The Council having taken into consideration the resolutions from the House of Assembly, relative to recommending to the inhabitants of this state to choose delegates to meet in convention, for the purpose of taking into consideration the Federal Constitution, etc.

“Resolved, That the house [the Council] do unanimously concur therein.”

. . . . .

The bill entitled, “An Act to authorize the People of this State to meet in Convention, deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention,” was read a second time, debated, and ordered to be engrossed.

**Resolutions Calling the State Convention, 29 October<sup>1</sup>**

**STATE OF NEW-JERSEY.**

House of Assembly, October 26, 1787.

Whereas the Commissioners from this State have reported a Constitution for the future Government of the United States, agreed upon by the General Convention lately held for that Purpose, in the City of Philadelphia, accompanied by a Resolution, that it be submitted to a Convention of Delegates chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification: And whereas Congress have unanimously resolved, that the said Constitution be transmitted to the Legislatures of the several States to the Intent aforesaid; and it appearing to be the earnest Wish of the good People of this State, that early and immediate Measures be taken to assemble a Convention within the same, for the Purpose of deliberating and determining on the said Constitution;

*Resolved unanimously,* That it be recommended to such of the Inhabitants of this State as are entitled to vote for Representatives in General Assembly, to meet in their respective Counties on the fourth Tuesday in November next, at the several Places fixed by Law for

holding the annual Elections, to choose three suitable Persons to serve as Delegates from each County in a State Convention, for the Purposes herein before-mentioned, and that the same be conducted agreeably to the Mode, and conformably with the Rules and Regulations prescribed for conducting such Elections.

*Resolved unanimously*, That the Persons so elected to serve in State Convention, do assemble and meet together on the second Tuesday in December next, at Trenton, in the County of Hunterdon, then and there to take into Consideration the aforesaid Constitution; and if approved of by them, finally to ratify the same in Behalf and on the Part of this State; and make Report thereof to the United States in Congress assembled, in Conformity with the Resolution thereto annexed.

*Resolved*, That the Sheriffs in the respective Counties of this State shall be, and they are hereby required to give as timely Notice as may be, by Advertisements to the People of their Counties of the Time, Place and Purpose of holding Elections as aforesaid.

Extract from the Minutes,  
MASKELL EWING, Clerk.

Council-Chamber, October 29, 1787.

Unanimously concurred in by Council this Day.

BOWES REED, Clerk.

1. Broadside (LT), (Trenton, [1787]). This broadside, located in the New Jersey State Library, is bound with the *Trenton Mercury* between the issues of 23 and 30 October 1787. The resolutions, with the Council's concurrence of 29 October, were also printed in the *Philadelphia Independent Gazetteer* on 2 November and reprinted in sixteen newspapers from New Hampshire to Maryland, including the *Trenton Mercury*, 6 November; *New Jersey Journal*, 7, 14, 21 November; and the *Brunswick Gazette*, 13 November.

## The New Jersey Legislature

Tuesday

30 October 1787

### Assembly Proceedings, A.M.

On motion, Resolved, That Isaac Collins<sup>1</sup> be directed to print or strike off 500 copies of the resolutions of the legislature of October 29, 1787, recommending to the people of the state to meet by their delegates in convention for the purpose of taking into consideration the Constitution of the federal government proposed by the late General Convention.

Ordered, That Mr. Biddle do carry the said resolution to the Council for concurrence.

### Council Proceedings, A.M.

Mr. Biddle, from the House of Assembly, presented to this house for concurrence the following resolution.

[See the Assembly resolution of 30 October, immediately above.]

The Council having taken into consideration the foregoing resolution,

Resolved, That the house do concur therein.

Ordered, That Mr. Martin do wait on the House of Assembly and acquaint them therewith.

### Assembly Proceedings, A.M.

The engrossed bill, entitled, "An Act to authorize the People of this State to meet in Convention, to deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention," was read and compared.

Resolved unanimously, That the same do pass.

Ordered, That the Speaker do sign the same.

Ordered, That Mr. Clark do carry the said bill to Council for concurrence.

Mr. Biddle reported that he had obeyed the order of the House.

[The Assembly received the Council's concurrence with the Assembly resolution ordering the printing of 500 copies of the resolutions calling the state Convention.]

### Council Proceedings, A.M.

Mr. Martin reported that he had obeyed the several orders of the house of this day.

Mr. Clark, from the House of Assembly, brought to this house for concurrence a bill, entitled, "An Act to authorize the People of this State to meet in Convention, deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention," which was read and ordered a second reading.

The house adjourned to three o'clock in the afternoon.

1. Isaac Collins, printer of the *New Jersey Gazette* from 1778 to 1786, was the state printer. For the broadside version of the resolutions, see II above.

**The New Jersey Legislature**  
**Wednesday**  
**31 October 1787**

**Council Proceedings, A.M.**

The bill, entitled, "An Act to authorize the People of this State to meet in Convention, to deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention," was read a second time and ordered a third reading.

**The New Jersey Legislature**  
**Thursday**  
**1 November 1787**

**Council Proceedings, A.M.**

The bill, entitled, "An Act to authorize the People of this State to meet in Convention, to deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention," was read a third time. On the question, Whether the said bill do pass? It was carried in the affirmative, *nem. con.*

Ordered, That the President do sign the same.

Ordered, That Mr. Ellis do wait on the House of Assembly and acquaint them that the said bill is passed by this house without amendment.

**Assembly Proceedings, P.M.**

Two messages from the Council by Mr. Ellis.

"Council Chamber, November 1, 1787.

"Ordered, That Mr. Ellis do wait on the House of Assembly and acquaint them that a bill entitled 'An Act to authorize the People of this State to meet in Convention, to deliberate upon, agree to, and ratify the Constitution for the United States, proposed by the late General Convention,' is passed by this house [Council] without amendment."

**Act Authorizing the State Convention, 1 November<sup>1</sup>**

State of New-Jersey

An Act to Authorize the People of this State to meet in Convention, deliberate upon, agree to, and ratify the Constitution of the United States proposed by the late General Convention.

Be it enacted by the Council and General Assembly of this State and it is hereby enacted by the Authority of the same, that it shall and may be lawful for the People thereof by their Delegates, to meet in Convention, to deliberate upon and if approved of by them to ratify the Constitution for the United States proposed by the General Convention held at Philadelphia and every Act matter and clause therein contained, conformably to the Resolutions of the Legislature passed the twenty ninth day of October seventeen hundred and eighty seven, any Law usage or Custom to the Contrary in any wise notwithstanding.

Council Chamber November 1st 1787.

This Bill having been three times read in Council

Resolved, That the same do pass  
By order of the House  
Wil: Livingston Predt.

House of Assembly October 30th 1787

This Bill having been three times read in this House

Resolved, That the same do pass  
By order of the House  
Ephraim Harris Speaker

1. Engrossed Act (LT), Stewart Collection, Glassboro State College. Printed: *Acts of the Twelfth General Assembly of the State of New-Jersey* . . . [23 October-7 November 1787] (Trenton, 1787), chapter CCXIII, 441.

**Reports of the Calling of the State Convention**

*From Richard S. Smith  
Trenton, 27 October<sup>1</sup>*

I have the very great pleasure to inform thee that we have yesterday agreed on a resolution recommending it to the several counties in this state to choose three electors on the last 3d day [Tuesday] in November next to form a convention to meet at Trenton on the 2nd Thursday in December for the purpose of considering, and I hope adopting, the new Constitution of federal government.

*Pennsylvania Packet, 30 October<sup>2</sup>*

The House of Assembly of New Jersey have passed a resolution appointing the third [fourth] Tuesday of November ensuing for the election of members of a convention to take into consideration the proposed plan of government for the United States; the said convention to meet two weeks after the election.

The above resolution was sent to the Council for their concurrence, but we have not heard their decision.



*Governor William Livingston to Jedidiah Morse  
Trenton, 1 November (excerpt)*<sup>3</sup>

As to news in this part of the *terraqeous globe*, I can inform you of one fact which gives me great pleasure. It is that both the branches of our legislature were unanimous in laying before the people the Constitution planned by the late Convention; and I hope and doubt not that the citizens of Connecticut will be as ready to adopt it, as I have reason to think we shall; and then I think we shall soon make my native country, New York, a little *sickish* of their opposition to it.

*New York Daily Advertiser, 2 November*<sup>4</sup>

The legislature of the State of New Jersey last week passed a resolution for calling a convention to decide on the propriety of adopting the new Constitution.

1. Printed: *Henkels Catalog*, No. 1452 (9 April 1931), p. 28, item 109. Smith, a Quaker merchant, represented Burlington County in the Assembly in 1784-86 and 1787-88.

2. This item was reprinted in seventeen newspapers from Massachusetts to Maryland by 21 November.

3. RC, Gratz Collection, PHi. Morse, a Congregational minister and tutor at Yale in 1786, is best known for his geographical publications, particularly *The American Geography* which appeared in 1789.

4. By 29 November, this item had been reprinted in Poughkeepsie and Albany, N.Y.; Portsmouth, N.H.; and Savannah, Ga.

### III

## THE ELECTION OF CONVENTION DELEGATES 27 November–1 December 1787

The resolutions calling for the election on 27 November of three Convention delegates from each county, provided that the voters should have the same qualifications as voters for members of the General Assembly: be adults worth £50 proclamation money and be residents of a county for a year.

The elections were conducted according to “the Rules and Regulations prescribed” for the election of assemblymen as set forth in the election law of 16 December 1783 (Mfm:N.J. 2). Eight counties voted *viva voce*, while the other five used the secret ballot. Five counties had only one polling place, while eight had multiple sites to which sheriffs could move the polls if they thought it necessary. The polls were to stay open “a reasonable Time,” a phrase which enabled sheriffs to keep the polls open for several days if they decided to do so.

Only one assemblyman, Matthew Whilldin, and one councillor, Jeremiah Eldredge, both from Cape May County, were elected to the Convention. State Supreme Court Chief Justice David Brearley was the only delegate to the Constitutional Convention elected to the Convention.



#### Essex County Election Notice, 5 November<sup>1</sup>

In compliance with the above resolutions of the legislature, I do hereby give notice to the people of the county of Essex, that an election will be held at the courthouse in Newark, for the choice of delegates to represent this county in the state Convention as above mentioned.

Caleb Camp, sheriff

1. Printed in the *New Jersey Journal* on 7, 14, 21 November, immediately after the resolutions calling the state Convention.

Robert Morris to Peter Wilson  
New York, 22 November<sup>1</sup>

Returning from Trenton I was informed that an Antifederal character from this city had been up into your county [Bergen] to disseminate his principles; and that to give them efficacy, a candidate ~~suggested to be~~ in some measure under his influence (but having interest in the county) was nominated for the ensuing Convention. That you had declined being held up as a candidate, and had given your sentiments that the representation in the legislature and in the Convention were incompatible. Now sir, tho I think there will be no danger but the Jersey Convention will adopt the proposed Constitution, yet I consider ~~its ratification~~ it as a matter of so much consequence to New Jersey ~~and the other Smaller State[s]~~ that no avoidable hazard ought to be risked. I have therefore taken up my pen, not to mix in politics (I have done with them), but to prevail on a man of judgment, interest, and integrity not to withdraw himself when his country needs his service. The Convention will be generally composed of respectable characters, the duty will be short, and the service honorable and instructing. Under such circumstances both duty and inclination should prompt you to stand forth. If they will not, I have little hope that my persuasions will work any effect, but remember that if you decline and a rejection in whole, or by the Bergen members only, is the consequence that I will both privately and publicly give you the blame. Besides standing a candidate yourself, I think you ought to hold up [John] Outwater<sup>2</sup> and [Adam] Boyd<sup>3</sup> or some other Federal characters as Isaac Blanch,<sup>4</sup> if he is not poisoned, who have sufficient interest to carry an election against an opposition, which I conceive is to be apprehended if the aforesaid Antifederal gentleman has had any success in his machinations. I understand Mr. Wade is proposed.<sup>5</sup> I am persuaded he may be relied on, but I fear he has not sufficient interest in case of opposition and that he will be postponed to your neighbor and many other characters of old and respectable standing in the county who may be set up in the opposite interest. Nicholls<sup>6</sup> ought not be trusted on this question nor any man whose connections in this state are in the opposition as is supposed to be the case with his. ~~How is Wm. Kingsland's interest and inclination?~~<sup>7</sup> Men of Federal sentiments and clear interest ought only to be attempted where so much is at stake. I am so fully convinced of your attachment to the general interest of New Jersey that I rely you will not take amiss this expression of my solicitude and in this assurance remain with sincere respect your very humble servant.

1. FC, Robert Morris Papers, NjR. The draft, signed "R M.," is in the handwriting of Robert Morris, a New Brunswick attorney and former Chief Justice of the New Jersey Supreme Court. The endorsement reads: "Dft to Mr. Wilson. on the members for the Convention." Peter Wilson, the principal of Washington Academy in Hackensack, represented Bergen County in the Assembly in 1778-82 and 1787-88.

2. Outwater represented Bergen County in the Assembly in 1777-78, 1782-83, and 1787-90, and in the Council in 1791-92 and 1796-1807.

3. Boyd represented Bergen County in the Assembly in 1782-84, 1787-88, and 1794-96.

4. Blanch had represented Bergen County in the Assembly from 1779 to 1784.

5. Possibly Nehemiah Wade, who was Bergen County clerk of the pleas and quarter sessions from 1789 to 1804.

6. Perhaps Isaac Nicoll of Bergen County, who was elected to the Assembly in 1785, 1786, 1788, 1789, 1790, and 1793.

7. Possibly Edmund W. Kingsland, justice of the peace in Bergen County, who was elected to the Assembly from that county in 1790 and 1791.

### Joseph Lewis: On the Morris County Election

27 November-1 December<sup>1</sup>

Tuesday 27th. Clear morning again but some clouds afternoon. This day I served as clerk at our election of candidates for the state Convention to ratify the Federal Constitution.

Wednesday 28th. Clear. This day I again attended the election at the courthouse. . . .<sup>2</sup>

Thursday 29th. Cloudy and cool. This day I attended the election at Troy.<sup>3</sup>

Friday 30th. Clear and cool. Afternoon cloudy and little rain. I went to attend the election at Rockaway (Howell's Tavern). Captain Daniel Derrington rode with me. I lodged at Colonel Lindsley's.

Saturday 1st December. Election held and closed this evening at the courthouse. Will Woodhull, John Jacob Faesch, and Will Winds, esquires were elected.

1. "Diary or Memorandum Book kept by Joseph Lewis of Morristown. From the First of November 1783 to November 26, 1795." New Jersey Historical Society *Proceedings*, LXI (1943), 199. The printed version of the diary is based on a type-written copy in the New Jersey Historical Society. Lewis had been clerk of the pleas and quarter sessions between 1782 and October 1787.

2. The courthouse was located in Morristown.

3. The New Jersey law for regulating the election of members of the state legislature, passed on 16 December 1783, provided that the poll in Morris County "may be adjourned to the House of Joshua Douglass in the Township of Roxbury, and to Henry Howell's in Troy, at any Time during such Election . . ." (Mfm:N.J. 2).

### New Jersey Journal, 5 December<sup>1</sup>

The returns from the different counties for members to serve in Convention, which have come to our knowledge, are highly pleasing.

They are men of superior political knowledge and tantamount to the task of confirming or rejecting the new federal system. For

Middlesex. Dr. Beatty, Colonel John Neilson, and Mr. Manning.

Somerset. Dr. Witherspoon, the Reverend Mr. Hardenburgh, and Colonel Frelinghuysen.

Essex. John Chetwood, Esquire, Colonel Samuel Hay, and Mr. David Crane.

1. This item was reprinted, in whole or in part, twelve times from Vermont to South Carolina by 4 February 1788. For other incomplete election returns, see Mfm:N.J. 22 A-G.

**Robert R. Livingston to John Stevens, Sr.**

**New York, 8 December (excerpt)<sup>1</sup>**

I am very glad to hear the choice your county [Hunterdon] has made of members for the Convention,<sup>2</sup> and hope from the general complexion of your state that you will have the honor of being the first in acceding to the new Constitution.<sup>3</sup>

1. RC, Stevens Family Papers, NjHi. Livingston, Stevens' son-in-law, was chancellor of the State of New York. In the remainder of the letter, Livingston gives his opinion of the new Constitution (see RCS:N.Y.).

2. Hunterdon County chose Stevens, David Brearley, and Joshua Corshon as delegates.

3. Delaware had ratified the Constitution on 7 December.

#### IV

### THE NEW JERSEY CONVENTION

#### 11-20 December 1787

Thirty-one of the thirty-nine delegates elected to the New Jersey Convention assembled at Francis Witt's tavern, the "Blazing Star," in Trenton on 11 December. The following day all the delegates, except Samuel Dick of Salem, met and elected John Stevens, Sr., President, Samuel W. Stockton, secretary, and William Rogers, door-keeper. A committee was also appointed to draft rules. On Thursday, 13 December, the Convention requested the Reverend Mr. James Francis Armstrong to open each day's proceedings with prayer; the rules were adopted; the act authorizing the Convention and the proposed Constitution were read; and the times were set for meeting and adjourning. The Convention also resolved that the general question of ratification would not be taken until the Constitution had been read and discussed section by section. On Friday, 14 December, the doors of the Convention were ordered open, and the Convention began its three-day consideration of the Constitution.

The Constitution was read again on Tuesday morning, 18 December, and the delegates voted unanimously to ratify it. On the same day, the Form of Ratification was drafted, reported, amended, and accepted. The following day, the delegates signed the Form of Ratification and at 1:00 P.M. went in procession to the courthouse, where the Ratification was read to the public by Secretary Stockton. The Convention then reassembled and resolved that President Stevens should deliver the Form of Ratification to the Confederation Congress. The Convention also ordered the printing of 750 copies of its proceedings.

On the last day of the Convention, 20 December, the delegates resolved unanimously that in their opinion the state should cede land to Congress for the location of the federal capital. After adopting resolutions thanking President Stevens and the Reverend Armstrong for their services, the Convention dissolved *sine die*.

## Members of the New Jersey Convention<sup>1</sup>

### BERGEN

John Fell  
Peter Zabriskie  
Cornelius Hennion

### ESSEX

John Chetwood  
Samuel Hay  
David Crane

### MIDDLESEX

John Neilson  
John Beatty  
Benjamin Manning

### MONMOUTH

Elisha Lawrence  
Samuel Breese  
William Crawford

### SOMERSET

John Witherspoon  
Jacob R. Hardenbergh  
Frederick Frelinghuysen

### BURLINGTON

Thomas Reynolds  
George Anderson  
Joshua M. Wallace

### GLOUCESTER

Richard Howell  
Andrew Hunter  
Benjamin Whitall

### SALEM

Whitten Cripps  
Edmund Wetherby  
Samuel Dick<sup>2</sup>

### CAPE MAY

Jesse Hand  
Jeremiah Eldredge  
Matthew Whillden

### HUNTERDON

John Stevens, Sr.  
Hon. David Brearley  
Joshua Corshon

### MORRIS

William Windes  
William Woodhull  
John J. Faesch

### CUMBERLAND

David Potter  
Jonathan Bowen  
Eli Elmer

### SUSSEX

Robert Ogden  
Thomas Anderson  
Robert Hoops

1. *Minutes of the Convention of the State of New-Jersey, Holden at Trenton the 11th Day of December 1787* (Trenton, 1788), 3. Hereafter, the Convention Proceedings will be cited by date only. A complete list of the members of the Convention was printed in the *Trenton Mercury*, 18 December. It was reprinted in the *Pennsylvania Journal*, 22 December; *New Jersey Journal*, 26 December; and *Pennsylvania Packet*, 29 December.

2. Dr. Samuel Dick, a surgeon in the army during the Revolution, was surrogate of Salem County from 1780 to 1804. He did not attend the Convention because of sickness in his family.

## The New Jersey Convention

11-20 December 1787

### Convention Proceedings, Tuesday, 11 December

John Fell, Peter Zabriskie, Cornelius Hennion, John Neilson, John Beatty, Benjamin Manning, Samuel Breese, William Crawford, John Witherspoon, Jacob R. Hardenbergh, Frederick Frelinghuysen, Thomas Reynolds, George Anderson, Joshua M. Wallace, Richard Howell, Andrew Hunter, Benjamin Whitall, Jesse Hand, Jeremiah Eldredge, Matthew Whillden, John Stevens, David Brearley, Joshua Corshon, William Windes, William Woodhull, John J. Faesch, David Potter, Jonathan Bowen, Eli Elmer, Robert Ogden, and Thomas Anderson, being assembled in pursuance of the resolution of the legislature of this state, unanimously passed at Trenton, October 29, 1787, they proceeded to appoint Mr. Beatty, Mr. Frelinghuysen, and Mr. Hand, a committee to receive and examine the certificates of the election of the members of this Convention and to report on the same.

Adjourned till tomorrow morning ten o'clock.

### Convention Proceedings, Wednesday, 12 December<sup>1</sup>

The Convention met pursuant to adjournment. Present as before, together with John Chetwood, Samuel Hay, and David Crane, delegates from the county of Essex; Whitten Cripps and Edmund Wetherby, two of the delegates from the county of Salem; and Robert Hoops, one of the delegates from the county of Sussex.

Mr. Beatty, from the committee, reported, that the following persons, viz., John Fell, Peter Zabriskie, Cornelius Hennion, John Chetwood, Samuel Hay, David Crane, John Neilson, John Beatty, Benjamin Manning, Samuel Breese, William Crawford, John Witherspoon, Jacob R. Hardenbergh, Frederick Frelinghuysen, Thomas Reynolds, George Anderson, Joshua M. Wallace, Richard Howell, Andrew Hunter, Benjamin Whitall, Whitten Cripps, Edmund Wetherby, Jesse Hand, Jeremiah Eldredge, Matthew Whillden, John Stevens, David Brearley, Joshua Corshon, William Windes, William Woodhull, John J. Faesch, David Potter, Jonathan Bowen, Eli Elmer, Robert Ogden, Thomas Anderson, and Robert Hoops have been duly elected, agreeably to the resolution of the legislature passed on the 29th of October last.

To which report the Convention agreed.

Elisha Lawrence, one of the delegates from the county of Monmouth, produced a certificate of his being duly elected; which being read and approved, he took his seat in Convention.



The Convention proceeded to the choice of a president, by ballot, when the Honorable John Stevens, Esquire, was elected.

The Convention then proceeded to the choice of a secretary, also by ballot, when Samuel-Witham Stockton, Esquire, was elected.<sup>2</sup>

William Rogers was appointed doorkeeper.

Mr. Brearley, Mr. Hardenbergh, and Mr. Neilson were appointed a committee to draw up and report rules for the government of this Convention during their sitting.

The Convention adjourned till tomorrow morning ten o'clock.

1. A summary of the proceedings was printed in the *Trenton Mercury* on 18 December and reprinted twice in Philadelphia and once each in Elizabethtown, New York, and Hartford by 31 December (Mfm:N.J. 23).

2. Stockton, Hunterdon County clerk of the pleas and quarter sessions, was John Stevens, Sr.'s son-in-law.

### Convention Proceedings, Thursday, 13 December<sup>1</sup>

The Convention met agreeably to adjournment. Present as before.

On motion, Resolved, That the Reverend Mr. [James Francis] Armstrong<sup>2</sup> be requested to open the business of the Convention every morning during their sitting with prayers.<sup>3</sup>

The committee appointed yesterday, to form rules for the government of this Convention, made their report; which, being considered and amended, was agreed to as follows:

Rules for conducting business in the Convention of New Jersey.<sup>4</sup>

I. The Convention shall be opened every morning with prayers.

II. When the President assumes the chair, the members shall take their seats.

III. The Minutes of the preceding day shall be read, and, if necessary, may be corrected.

IV. Every petition, memorial, letter, or other thing of the like kind, read in the Convention, shall be deemed as lying on the table for further consideration, unless any special order be moved thereon.

V. A motion made and seconded shall be repeated by the President; a motion shall be reduced to writing if the President or any two members require it; a motion may be withdrawn by the member making it before any decision is had thereon.

VI. A motion of postponement or amendment shall always be in order and considered as the previous question.

VII. If a question under debate contains several points, any member may have it divided.

VIII. No member speaking shall be interrupted but by a call to order by the President, or by a member through the President.

IX. No member shall be referred to in debate by name.

X. Every member, when he chooses to speak, shall rise and address

the President; when two members chance to rise at the same time, the President shall name the person who is to speak first.

XI. Every member shall conduct himself with decency and decorum. The President himself, or by request, may call to order any member who shall transgress the rules; if the disorder be continued or repeated, the President may refer to him by name; the Convention may then examine and censure the member's conduct, he being allowed to extenuate or justify himself.

XII. Every member shall be in his place at the time the Convention stands adjourned to or within half an hour thereafter.

XIII. No member shall speak more than once in a debate until every member who chooses shall have spoken on the same.

XIV. The yeas and nays may be called and entered on the Minutes when any two members require it.

XV. A motion to adjourn may be made at any time and shall always be in order, and the question thereon shall be put without any debate.

On motion, Resolved, That the act of the legislature of this state, passed at Trenton, November 1, 1787, giving authority for the people thereof, by their delegates, to meet in Convention, to deliberate upon, and, if approved of by them, to ratify the Constitution for the United States, proposed by the General Convention held at Philadelphia, be read; whereupon the same was read by the secretary.

On motion, Resolved, That the Constitution for the United States of America, agreed to in Convention at Philadelphia, September 17, 1787, be also read; whereupon the same was read accordingly.

On motion, Resolved, That the usual time of the meeting of the Convention be at ten o'clock in the morning, and of adjournment at three o'clock in the afternoon.

On motion, Resolved, That the Federal Constitution be now read by sections, and, upon each section's being read, every member do make his observations on the same, if any he hath to make; that, after debating on such section, the question be taken whether any further debate be thereon had; and, if the said question be determined in the negative, that the Convention do then proceed in like manner to the next section until the whole be gone through; upon which the general question shall be taken, "Whether this Convention, in the name and in behalf of the people of this state, do ratify and confirm the said Constitution?"

The Convention adjourned till tomorrow morning ten o'clock.

1. The proceedings were summarized in the *Trenton Mercury* on 18 December, and reprinted in the *New Jersey Journal* on 26 December and in six other newspapers from Connecticut to South Carolina by 17 January 1788 (Mfm:N.J. 23).

2. Armstrong was pastor of the Presbyterian Church in Trenton from 1786 to 1816.

3. An "Extract of a letter from Trenton, December 13" stated that "you see we hold public prayers in greater estimation in New Jersey than they were held in Pennsylvania, notwithstanding the members of our Convention consist, like yours, of gentlemen of *different* religious sects" (*Pennsylvania Packet*, 15 December, Mfm: N.J. 24). For Benjamin Rush's unsuccessful attempt to have prayers said during the Pennsylvania Convention, see RCS:Pa., 328.

4. An almost identical manuscript version of the rules is in the Stevens Family Papers, NjHi.

### Convention Proceedings, Friday, 14 December<sup>1</sup>

The Convention met. Present as before.

On motion, Ordered, That the doors of this Convention be open during the sitting.

The Convention, in pursuance of their resolution of yesterday, proceeded to consider and deliberate upon the proposed Federal Constitution by sections.

The Convention adjourned till tomorrow morning ten o'clock.

1. An account of the proceedings was printed in the *Trenton Mercury* on 18 December (Mfm:N.J. 23), and reprinted in the *New Jersey Journal* on 26 December and in six other newspapers from Connecticut to South Carolina by 17 January 1788. The account ended with the paragraph: "They have since continued their deliberations and debates thereon, from day to day, and it is conjectured that they will finish their proceedings by the middle of this week."

### Convention Proceedings, Saturday, 15 December

The Convention met. Present as before.

The Convention proceeded further to consider and deliberate upon the before mentioned Constitution by sections.

The Convention adjourned to meet again on Monday morning next at ten o'clock.

### Convention Proceedings, Monday, 17 December

The Convention met. Present as before.

A petition from Messrs. [Frederick C.] Quequelle and [George M.] Wilson, printers in Trenton, praying to be appointed by the Convention to print their proceedings, was presented and read.<sup>1</sup>

The Convention proceeded further to consider and deliberate upon the said Constitution by sections; and having gone through the same,

On motion, Resolved, That the said Constitution be again read tomorrow morning.

The Convention adjourned till tomorrow morning ten o'clock.

1. Quequelle and Wilson printed summaries of the Convention proceedings for 11-14, 18-20 December in their newspaper, the *Trenton Mercury*, on 18 and 25 December, respectively (Mfm:N.J. 23, 25). Isaac Collins, the state printer, published the official version of the proceedings as a separate publication (see Convention Proceedings, 19 December, P.M., IV below).

### Convention Proceedings, Tuesday, A.M., 18 December<sup>1</sup>

The Convention met. Present as before.

Agreeably to the resolution of yesterday, the Federal Constitution was again read; and, after debating thereon,<sup>2</sup> the general question, viz., "Whether this Convention, in the name and in behalf of the people of this state, do ratify and confirm the said Constitution?" was put; which was determined in the affirmative unanimously.

On motion, Resolved, That Mr. Brearley, Mr. Witherspoon, Mr. Neilson, Mr. Beatty, and Mr. Hunter be a committee for drawing up the Form of the Ratification of the proposed Constitution, on the part of this state.

On motion, Resolved, That Mr. Bowen and Mr. Whillden be a committee for the purpose of reporting a state of the expenses attending the business of this Convention.

The Convention adjourned to six o'clock this evening.

1. The Convention proceedings were summarized in the *Brunswick Gazette* and the *Trenton Mercury* on 25 December. The *Gazette's* account was reprinted seven times from Boston to Philadelphia by 15 January 1788. The *Mercury's* account was reprinted, in whole or in part, five times from Vermont to Pennsylvania by 14 January 1788 (see Mfm:N.J. 25).

2. The *Trenton Mercury*, 25 December, stated that after the Constitution was read again, "several well-connected, sensible, and learned speeches were made on the subject in which a general review was taken of all the different articles in their relation to one another," after which the general question was taken (Mfm:N.J. 25).

### Convention Proceedings, Tuesday, P.M., 18 December

The Convention met. Present as before.

Mr. Brearley, from the committee appointed for drawing up the Form of the Ratification, reported, that they had, agreeably to the order of the Convention, drawn up a Form, which, being read and amended, was agreed to as follows:

[See The New Jersey Form of Ratification, 18 December, immediately below.]

On motion, Resolved, That the secretary be directed to cause two copies of the Federal Constitution, together with the Form of the Ratification, etc. as agreed to, engrossed on parchment, in a neat and correct manner, to be laid before the Convention tomorrow morning, for the

purpose of signature; one for the Congress of the United States, and the other to be deposited among the archives of this state.

The Convention adjourned till tomorrow morning ten o'clock.

### The New Jersey Form of Ratification, 18 December<sup>1</sup>

In Convention of the State of New-Jersey.—Whereas a convention of Delegates from the following States, Vizt. New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, met at Philadelphia for the purpose of deliberating on, and forming a constitution for the United States of America, finished their Session on the seventeenth day of September last and reported to Congress the form which they had agreed upon, in the words following, Vizt.

[At this point the Form of Ratification contains the Constitution, the congressional resolution of 28 September, the legislature's resolutions of 29 October, and the act of 1 November authorizing the state Convention.<sup>2</sup>]

Now be it known that we the Delegates of the State of New Jersey chosen by the People thereof for the purposes aforesaid having maturely deliberated on, and considered the aforesaid proposed Constitution, do hereby for and on the behalf of the People of the said State of New-Jersey agree to, ratify and confirm the same and every part thereof.

Done in Convention by the unanimous consent of the members present, this eighteenth day of December in the year of our Lord one thousand seven hundred and eighty seven, and of the Independence of the United States of America the twelfth. In Witness whereof we have hereunto subscribed our names.

John Stevens President  
and Delegate from the County of Hunterdon

#### COUNTY OF

##### BERGEN

John Fell  
Peter Zabriskie  
Cornelius Hennion

##### MONMOUTH

Elisha Lawrence  
Samuel Breese  
William Crawford

##### ESSEX

John Chetwood  
Samuel Hay  
David Crane

##### SOMERSETT

Jno. Witherspoon  
Jacob R. Hardenbergh  
Fred. Frelinghuysen

##### MIDDLESEX

John Neilson  
John Beatty  
Benjamin Manning

##### BURLINGTON

Thomas Reynolds  
Geo. Anderson  
Joshua M. Wallace

## COUNTY OF

## GLOUCESTER

RD. Howell  
Andw. Hunter  
Benjamin Whittall

## SALEM

Whitten Cripps  
Edmund Wetherby

## CAPE-MAY

Jesse Hand  
Jeremiah Eldredge  
Matthew Whilldin

## HUNTERDON

David Brearley  
Joshua Corshon

## MORRIS

William Windes  
William Woodhull  
John Jacob Faesch

## CUMBERLAND

David Potter  
Jonathan Bowen  
Eli Elmer

## SUSSEX

Robert Ogden  
Thoms. Anderson  
Robt. Hoops

Attest. Saml. W. Stockton Secy.

1. Engrossed MS (LT), RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787-92, DNA. The Form of Ratification retained by New Jersey is located in the Rutgers University Library. The two New Jersey ratification documents were engrossed by different people but are virtually identical. For photographic copies of both documents, see Mfm:N.J. 26 A-B. See also John Stevens, Sr. to Samuel W. Stockton, 31 December and John Stevens, Sr. to David Brearley, 11 February 1788 (IV below) for an account of the delivery of the Form of Ratification to Congress.

2. In the copy of the Constitution two words were omitted. In the Form, immediately preceding President Stevens' signature, is the following: "Note, before the signing hereof, the following words, viz. 'Cession of' were interlined between the fifteenth and sixteenth lines on the second sheet."

### Convention Proceedings, Wednesday, A.M., 19 December<sup>1</sup>

The Convention met. Present as before.

Mr. Whillden, from the committee appointed for the purpose of reporting a state of the expenses, etc., made their report; which was ordered to lie on the table for consideration.

The secretary, agreeably to the order of yesterday, laid before the Convention two copies of the Federal Constitution, etc., together with the Form of the Ratification as agreed to, engrossed on parchment, for the purpose of signature; whereupon the members of Convention proceeded to subscribe their names thereto, and the secretary to attest the same, in the following order:

[For the signatures of the delegates, see The New Jersey Form of Ratification, 18 December, immediately above.]

Resolved, That the Convention go in procession to the courthouse this day at one o'clock, and that the secretary be directed to read the Ratification of the Constitution in the hearing of the people, which was done accordingly.

Resolved, That the Ratification of the Federal Constitution, as agreed to and signed by this Convention, be delivered by the President of this Convention to the President of Congress in Congress assembled.

The Convention adjourned to six o'clock this evening.

1. The proceedings were summarized in the *Trenton Mercury*, 25 December, and reprinted three times in Philadelphia and once in New Haven by 10 January 1788.

### Newspaper Reports of the Public Reading of the Form of Ratification on 19 December

*Trenton Mercury*, 25 December<sup>1</sup>

Agreeably to the resolve of yesterday [i.e., 18 December], the before mentioned copies were produced for the purpose of signature. Whereupon all the members of the Convention present proceeded to subscribe their names thereto and the secretary to attest the same.

After which it was resolved that the Convention should go in procession to the courthouse the same day at one o'clock, and that the secretary be directed to read the Ratification of the Constitution in the hearing of the people.

The Convention accordingly at one o'clock went in procession from the place of their sitting to the courthouse, preceded by Captain [Bernard] Hanlon's well-disciplined light infantry company, completely uniformed and accoutred, and joined by the judges of the supreme and inferior courts, and other magistrates, the attorney general, and the gentlemen of the town and vicinity; where, after proclamation made, the Ratification of the new Constitution was read by the secretary amidst the acclamations and huzzas of the people. After which, fifteen rounds were fired by Captain Hanlon's company; thirteen of which were for the United States of America, and a volunteer for each of the states of Delaware and Pennsylvania, they being the only states which, with this state, have as yet ratified the new Federal Constitution. The procession returned in the same order.

The Convention resolved that the Ratification, etc., as agreed to by them, should be delivered by the President of the Convention to the President of Congress, in Congress assembled; and that the duplicate thereof should be delivered by the secretary to the Governor of this state for the purpose of being lodged among the archives of the state.

*Pennsylvania Mercury*, 28 December<sup>2</sup>

On Wednesday the 19th instant the delegates of the Convention, attended by the principal inhabitants of Trenton, and a handsome, well-disciplined company of light infantry in uniform under the

command of Captain Hanlon, proceeded from the Convention chamber to the courthouse, where the Ratification of the new Constitution was publicly announced, and received by a great number of citizens collected on the occasion with general approbation which was expressed by repeated huzzas. The company of light infantry fired thirteen rounds, one more for the State of Delaware, and another for Pennsylvania. After which the Convention returned in the same procession to their chamber in order to complete the great and important business of their appointment, and the day following were dissolved.

It was observed by a spectator on Wednesday that the third fire given by the light infantry, which was a broken one, surprised him, being so badly executed by so complete and well-disciplined a body of men. O, sir (replied the officer), the design was to represent the shattered condition of the State of Rhode Island.

1. Reprinted three times in Pennsylvania and once in New Haven by 10 January 1788.

2. This account is from the *Pennsylvania Mercury*, 28 December, because the original printing in the *Brunswick Gazette*, 25 December, is mutilated. The report was reprinted, in whole or in part, five times in Pennsylvania and once each in New Jersey, Massachusetts, and New York by 2 February 1788.

#### **Convention Proceedings, Wednesday, P.M., 19 December**

The Convention met. Present as before.

Resolved, That the secretary be directed to deliver the duplicate of the Ratification of the Federal Constitution to the Governor of this state, for the purpose of being lodged among the archives of the state.

Resolved, That Mr. Brearley and Mr. G. Anderson be a committee to revise and correct the Minutes of the Convention.

Resolved, That the secretary transcribe the Minutes of this Convention, and deliver the same to the Speaker of the Assembly;<sup>1</sup> that he also make a copy to be delivered to the printer of the state [Isaac Collins] for publication; and that seven hundred and fifty copies of the said Minutes be printed, and delivered to the members of the Convention, to be by them distributed among those persons who are entitled to receive the Votes and Acts of the legislature of this state.

The Convention adjourned till tomorrow morning ten o'clock.

1. On 28 August 1788 the Speaker of the House laid before the Assembly a letter from Secretary Samuel W. Stockton along with the Convention Journals (Mfm: N.J. 38).

#### **Convention Proceedings, Thursday, 20 December**

The Convention met. Present as before.

On motion, Resolved unanimously, That it is the opinion of this



Convention that the State of New Jersey should offer a cession to Congress of a district, not exceeding ten miles square, for the seat of the government of the United States over which they may exercise exclusive legislation.<sup>1</sup>

The report of the committee appointed for the purpose of reporting a state of the expenses, etc., being again read and amended, was agreed to as follows:<sup>2</sup>

"That the State of New Jersey is indebted to the several persons herein named as follows, viz.:

"To Samuel-Witham Stockton, Esquire, secretary to the Convention, the sum of fourteen shillings per day for each day he shall have attended during the sitting of the Convention, and the sum of four pence per sheet, reckoning ninety words to the sheet, for entering the Minutes of the proceedings of the Convention fair in the Journals, and at the like rate for a copy thereof for the printer; and that he produce a certificate thereof, signed by the President of the Convention, to the legislature at their next sitting for allowance.

"To ditto, for parchment and other stationery, the sum of three pounds twelve shillings.

"To ditto, for cash paid to clerks for making two fair copies of the Federal Constitution, with the act and resolution of the legislature, etc., and the Ratification of the said Constitution, at six dollars each, the sum of four pounds ten shillings.

"To Francis Witt, for the use of a room and for firewood during the sitting of the Convention, the sum of four pounds two shillings.<sup>3</sup>

"To William Rogers, for his attendance as doorkeeper to the Convention, the sum of two pounds ten shillings.

Matthew Whillden"

On motion, Resolved unanimously, That the thanks of this Convention be presented to the President for his able and faithful discharge of the duties of the chair.<sup>4</sup>

On motion, Resolved unanimously, That the President be requested to present the thanks of this Convention to the Reverend Mr. [James Francis] Armstrong for his attendance and services during their sitting.

On motion, Resolved, That this Convention do now dissolve; whereupon the President dissolved the Convention accordingly.

1. The Convention resolution recommending a cession of land was reported in the *Trenton Mercury*, 25 December, and in the *New Jersey Journal*, 2 January 1788 (Mfm:N.J. 25). On 9 September 1788 the New Jersey legislature passed an act offering to cede Congress a ten mile square tract of land for the location of the capital (Mfm:N.J. 39).

2. For the payment of the Convention expenses, see Mfm:N.J. 40.

3. For a brief account of Francis Witt's tavern, the "Blazing Star," see Edwin Robert Walker, *et al.*, *A History of Trenton, 1679-1929* . . . (2 vols., Princeton, 1929), I, 186-87n, 191-92, 197.

4. For Stevens' reply, see Samuel W. Stockton to Stevens, 26 December, IV below.

### Newspaper Report of Convention Proceedings on 20 December<sup>1</sup>

It was this day resolved unanimously that it is the opinion of this Convention that the State of New Jersey should offer a cession to Congress of a district not exceeding ten miles square for the seat of the government of the United States over which they may exercise [exclusive]<sup>2</sup> legislation.

On motion it was resolved unanimously that the President be requested in the name of the Convention to thank the Reverend Mr. Armstrong for his attendance and services during their sitting.

It was also resolved unanimously that the thanks of the Convention be presented to the President for his able and faithful discharge of the duties of the chair. Which resolution being read, the President rose and expressed his gratitude for the honor the Convention had done him by their appointment of him to the chair, and that their approbation of his conduct gave him the most heartfelt satisfaction; adding, that during the many years of his life which had been employed in the service of his country, he had known but few instances in public bodies of such uniform good order and unanimity as had prevailed in that Convention.<sup>3</sup>

The business of the Convention being thus concluded, it was resolved that this Convention do adjourn without day; whereupon the President dissolved the Convention accordingly. After which the members of this honorable body, having previously invited a number of the magistrates and other gentlemen to partake with them, dined together at Mr. [Joseph] Vandergrift's tavern at which entertainment the joy and satisfaction of the occasion was fixed in every heart, and apparently in every countenance. After dinner the following toasts were drank:

1. The new Constitution.
2. The United States in Congress.
3. The President and members of the late Federal Convention.
4. The Governor and State of New Jersey.
5. The states of Delaware and Pennsylvania.
6. May the independence of the Union, reared on the basis of the new Constitution, be perpetual.
7. The princes and states in alliance with the United States.
8. May the interest of the United States be ever deemed the interest of each state.
9. Religion, learning, agriculture, arts, manufactures, and commerce, in harmony and mutual subserviency to each other.
10. The memory and posterity of those who have fallen in the late war.
11. May the gratitude of the American *Citizens* be equal to the valor and patriotism of the American *Soldiery*.

12. The daughters of America.

13. May the United States be the asylum of invaded liberty.

*Volunteer.* May the American drums soon beat reveille to the dawn of the new government, and tattoo to anarchy and confusion.

*Ditto.* Universal liberty, justice, and peace.

1. *Trenton Mercury*, 25 December. This report was reprinted, in whole or in part, four times in Philadelphia by 10 January.

2. The *Mercury* incorrectly printed "executive" rather than "exclusive."

3. For the revision of Stevens' statement for publication, see Samuel W. Stockton to Stevens, 26 December, immediately below.

**Samuel W. Stockton to John Stevens, Sr.**  
Trenton, 26 December<sup>1</sup>

I am rather apprehensive that this letter may not reach you before you set out for New York, but as Mr. [Robert] Hoops will pass within a few miles of you, by him I enclose the two Trenton newspapers which contain the substance of the proceedings of our Convention.<sup>2</sup> You informed me that you did not take the Trenton papers. I have therefore sent them to you, as they may refresh your recollection of the proceedings and be the means in some degree of satisfying the curiosity of some of your neighbors who wish to know minutely the business.

I remember, after your answer to the resolution of thanks which was read to you in Convention, you asked me, in a whisper, if your compliment to the Convention "of never having known an instance of such good order," etc., did not too strongly imply a reflection on all the other public bodies you had been in. I have therefore, as you will see, *qualified it a little* in the publication which I sent to the printer, by saying, you had "known but *few instances* in public bodies," etc., which alteration I hope will be agreeable to you.

1. RC, Stevens Family Papers, NjHi. The address page was endorsed: "To be forwarded with speed from Mr. Cha: Coxe's Mills."

2. *Trenton Mercury*, 18, 25 December (Mfm:N.J. 23, 25).

**John Stevens, Sr. to Samuel W. Stockton**  
Lebanon Valley, 31 December<sup>1</sup>

I am much obliged to you for your favor of the 26th enclosing the Trenton papers.<sup>2</sup> The alteration you made in the answer to the Convention I approve of, and assure you I shall bear in mind your attention to me in this as well as in other instances.

Before I left Trenton I wrote Chancellor [Robert R.] Livingston requesting the favor of him to let me know if Congress had made a house, who wrote me for answer they had not and that there was now only four states on the floor. I shall, however, go over to New York

in a short time and wait the first opportunity of delivering my charge<sup>3</sup> to the President [of Congress].

1. FC, Stevens Family Papers, NjHi.
2. *Trenton Mercury*, 18, 25 December (Mfm:N.J. 23, 25).
3. The New Jersey Form of Ratification.

**Governor William Livingston to the State Executives  
Elizabethtown, 9 January 1788<sup>1</sup>**

I do myself the honor of acquainting Your Excellency that the state Convention of New Jersey has unanimously ratified the Federal Constitution.

1. RC, Governor Samuel Huntington of Connecticut, Gratz Collection, PHi. Other nearly identical circular letters that have been found are addressed to the state executives of New York (Emmet Collection, New York Public Library), Virginia (Executive Communications, Virginia State Library), and Pennsylvania (Benjamin Franklin Papers, American Philosophical Society Library). For replies from Governor Huntington and Governor William Smallwood of Maryland, see Mfm: N.J. 31, 33.

**John Stevens, Sr. to David Brearley  
Hoboken, 11 February<sup>1</sup>**

As soon as I heard there was a sufficient number of members met to make a Congress, I proceeded to New York, and on Friday the 1st instant I delivered to the President in Congress assembled the New Jersey Ratification of the proposed Constitution for the United States;<sup>2</sup> and I have the pleasure to inform you that, in conversation with the President [Cyrus Griffin] at the Chancellor's [Robert R. Livingston's], he said he had no instructions to make me any answer to what I said to him on delivering the Ratification, but that he thought it the most ample of any that had been delivered to Congress and, in particular, the Convention reciting the powers by which they were convened. I was exactly in time as the 1st of February was set down for taking up and entering the several ratifications, and I delivered ours before they began that business.

1. FC, Stevens Family Papers, NjHi. This letter, with minor differences in wording, is printed in Livingston Rutherford, *Family Records and Events: Compiled Principally from the Original Manuscripts in the Rutherford Collection* (New York, 1894), 78; and in Archibald Douglas Turnbull, *John Stevens: An American Record* (New York and London, 1928), 95. Brearley acknowledged receipt of this letter on 28 February (to John Stevens, Sr., Trenton, RC, Stevens Family Papers, NjHi).

2. The receipt of the Form of Ratification was noted in Congress' Despatch Book on 1 February: "President of the Convention of New Jersey—transmitting the ratification of the Constitution" (PCC, Item 185, Despatch Book, 1779–89, Vol. 4, p. 23, DNA).

## V

**REPORTS OF AND COMMENTS ON  
NEW JERSEY RATIFICATION  
18 December 1787-22 January 1788**

**Moore Furman to Tench Coxe  
Trenton, 18 December<sup>1</sup>**

I can with pleasure inform you that this day the Convention of New Jersey passed and ratified the Constitution of the United States: *Unanimously*.

1. RC, Coxe Papers, Tench Coxe Section, PHi. The letter was printed in the Philadelphia *Independent Gazetteer* on 21 December (Mfm:N.J. 28-C). Furman, a Trenton merchant, became the first mayor of Trenton in 1792. Coxe was a Philadelphia merchant and Federalist essayist. For other reports of New Jersey's ratification, not printed below, see Mfm:N.J. 28.

**James Parker to John Stevens, Sr.  
Perth Amboy, 21 December (excerpt)<sup>1</sup>**

I am glad to find the new Constitution ratified, which I think best upon the whole altho there are some exceptions to be made to some parts of it, but I think it may well be amended if necessary.

1. RC, Stevens Family Papers, NjHi. Parker, a Loyalist sympathizer, was mayor of Perth Amboy in the late 1780s.

**Pennsylvania Packet, 21 December<sup>1</sup>**

A correspondent hopes that the *unanimous* ratification of the federal government, by the State of New Jersey, will satisfy the friends of the minority in Pennsylvania that there is no *despotism* in the new Constitution. The yeomanry of New Jersey love liberty. Nearly every field in that state has been dyed with the blood of its militia, shed in the cause of freedom, and nearly every farm in the state has been plundered by the British army during the late war. Certainly a people who have sacrificed so much for liberty could not have *surrendered* it by an *unanimous* vote. No commercial influence, no *terror* of an applauding gallery, no legal sophistry had any weight in the Convention of that *patriotic* state in producing the ratification. The men who

pretend to love liberty more than the citizens of *New Jersey* must show that they have done half as much in its defense before they can be believed.

1. This item was reprinted thirty-one times throughout the country by 11 February 1788. It was reprinted in the *Massachusetts Centinel*, 2 January 1788 (and later in two New Hampshire newspapers) under the title: "A SCRAP—Worthy to be Written in Letters of Gold."

### **Burlington Celebration of New Jersey Ratification 22 December<sup>1</sup>**

Saturday the 22d instant, the inhabitants of the city of Burlington, on the return of one of their delegates<sup>2</sup> from the state Convention, assembled at the courthouse in said city, where the Form of the Ratification of the Federal Constitution, as adopted in this city [Trenton], was read and received every testimony of the most perfect satisfaction. Thirteen cannon were fired for the United States, besides one for the State of Delaware and one for the State of Pennsylvania which had preceded us in this important business. A number of the persons present then adjourned to the house of Colonel [Oakey] Hoagland, where all parties joined in mutual congratulations on the occasion and in wishing success to a system of government which, by its principles of union and public justice, lays a solid foundation for the happiness of our wide-extended empire, and for a grandeur and national importance which will gain respect and secure us peace with all the world.

1. *Pennsylvania Mercury*, 5 January 1788. This item was also printed on the same day in the *Pennsylvania Journal*. It was probably first printed in the *Trenton Mercury*, 1 January, which is not extant. By the end of January it was reprinted twice more in Philadelphia, twice in New Hampshire, and once in New York.

2. Burlington's three delegates were Thomas Reynolds, Joshua M. Wallace, and George Anderson.

### **Trenton Mercury, 25 December**

Our correspondent observes that it must give every real friend to his country great pleasure, when he hears of the entire cordiality and unanimity which prevailed in the councils of our Honorable Convention. The representation from the several counties, except Salem, was complete and full during the whole session. Two members from Salem attended, but the third, viz., Doctor Samuel Dick, we are informed, was unavoidably detained at home on account of the illness of some of his family. When we examine the list of the members returned to our Convention, we shall find them to be truly respectable and among the first characters in the state;<sup>1</sup> and there is not much

doubt, but there will be the same unanimity among the people at large in supporting the new government [as] has been found among the adopters of it.

1. The *Massachusetts Centinel*, 5 January 1788, described the delegates to the New Jersey Convention as "accomplished civilians, able judges, experienced generals, and honest farmers."

### New Jersey Journal, 26 December<sup>1</sup>

Be it remembered, that on Thursday the 20th instant the representatives of the people of the State of New Jersey, in Convention assembled, did assent to and ratify the Constitution and frame of government of the United States, as recommended by the late Federal Convention, without a single dissenting voice after nine days' deliberation.

A correspondent informs us that, notwithstanding the dispatch of the Convention, many supposed exceptions were agitated; but that the Honorable Judge [David] Brearly, with a perspicuity of argument and persuasive eloquence which carried conviction with it, bore down all opposition.<sup>2</sup>

Many people look upon the adoption of the new Constitution as the millennium of virtue and wealth; indeed its auspicious dawn augurs much, but it should be remembered that much depends on our own conduct.

1. Reprinted in the *New York Journal* and, in part, in the *Pennsylvania Packet* on 1 January.

2. See "Unitas," *Pennsylvania Mercury*, 5 January, immediately below.

### Unitas, Pennsylvania Mercury, 5 January 1788<sup>1</sup>

The propriety of electing one or more members for the Convention of each state who had been in the Federal Convention must have struck every person of reflection. It must be supposed that men of equal abilities who had served in the General Convention of the United States would have superior advantages over those who had not, when we consider the various and extensive sources of information which were opened by means of a delegation from TWELVE states. There the local interest of each state was held up to the view of the others, and, after being completely sifted, it settled down and mixed with the foundation of the general government of the whole Union. The prudence of the measure was apparent in our late Convention for this state [New Jersey], where objections to the proposed Constitution were made and enforced. Doubts and difficulties were raised, although ably combated; but many embarrassments would perhaps

have remained in the minds of some of our representatives had not the necessary information been given with respect to the separate interests of the different states. The reasons which preponderated in that united representation to fix general principles, which were, in a certain degree, accommodated to all the states; and the necessity of yielding up local and partial rights and privileges in order to frame the plan and system of federal liberty.

This state is therefore obliged to the county of Hunterdon for furnishing such information through an honorable member [David Brearley], who served in the General Convention held at Philadelphia, and which cleared up the doubts in many minds to the entire satisfaction of those who heard him. I have noticed in the returns of those states who have already finished their elections for the state conventions that they have almost invariably followed the same rule, and which, I am confident, will be attended with good consequences.<sup>2</sup> In the ancient Dominion of Virginia, there is the appearance of very considerable opposition to the new Constitution; but it is expected that our illustrious WASHINGTON will condescend to labor still for the public good by appearing in the convention of that state.<sup>3</sup>

The mists and clouds which, with great industry, have been scattered abroad in that quarter will be dissipated and dispersed when the pointed rays of such a SUN shall pierce their gloom and show to the people that the solid foundation of a general federal government must be the good of the whole collectively considered.

1. "Unitas" was first printed in the no longer extant *Trenton Mercury* of 1 January. An excerpt was also reprinted in the *Massachusetts Gazette*, 22 January.

2. Each state represented in the Constitutional Convention elected at least one of its delegates to the state conventions.

3. The *Pennsylvania Gazette*, 21 November 1787, reported that Washington had consented to represent Fairfax County in the Virginia Convention. This report was reprinted in the *New Jersey Journal* on 28 November and forty-three other times throughout the country by 31 December 1787 (CC:281). Washington was not elected to the Virginia Convention.



## Biographical Gazetteer

Six of the eight men listed below were "conservatives" in state politics on such issues as paper money during the 1780s. Only Clark and Dayton supported such "radical" proposals. All eight men supported ratification of the Constitution, although Clark believed that it needed to be amended. Three of the men—Boudinot, Dayton, and Paterson—were Federalists during the 1790s. The other five men—Houston, Brearley, Livingston, Stevens, and Clark—had died by 1794.

### BOUDINOT, ELIAS (1740-1821)

Born Philadelphia. Admitted to New Jersey bar, 1760. Member Essex County committee of correspondence, 1774. Delegate to first provincial congress, 1775. U.S. commissary-general of prisoners, 1777-78. Delegate to Congress, 1778, 1781-83 (president, 1782-83). Acting Secretary for Foreign Affairs, 1783. Honorary member New Jersey Cincinnati. Member U.S. House of Representatives, 1789-95. First counsellor admitted to bar of U.S. Supreme Court, 1790. Director U.S. Mint, 1795-1805.

### BREARLEY, DAVID (1745-1790)

Born Hunterdon County. Admitted to New Jersey bar, 1767. Continental Army officer, 1776-79. Chief Justice Supreme Court, 1779-89. Member New Jersey Cincinnati (vice president, 1783-90). First Most Worshipful Grand Master of Masons in New Jersey, 1786-89. Delegate to Episcopal General Convention, 1786. Delegate to Constitutional Convention, signed Constitution, 1787. Delegate to state Convention, voted to ratify, 1787. Presidential Elector, 1789. U.S. district judge for New Jersey, 1789-90.

### CLARK, ABRAHAM (1726-1794)

Born Elizabethtown. Practiced law in Rahway though never admitted to bar. Colonial sheriff and clerk of Assembly. Member committee of safety, 1775-76. Delegate to the three provincial congresses, 1775-76. Delegate to Congress, 1776-78, 1780-83, 1786-88 (signed Declaration of Independence, 1776; proposed resolution to send Constitution to states without comment, 1787). Essex member of Council, 1778-79. Essex delegate to Assembly, 1783-86. Author of "Willing to Learn" essays favoring state paper money, 1785-86. Delegate to Annapolis Convention, 1786. Elected delegate to Constitutional Convention, 1787, but declined. Defeated for election to U.S. House of Representatives, 1789. Commissioner to settle New Jersey accounts with U.S., 1789-90. Member U.S. House of Representatives, 1791-94.

### DAYTON, JONATHAN (1760-1824)

Born Elizabethtown. College of New Jersey (Princeton) B.A. 1776, M.A. 1783, LL.D. 1798. Admitted to New Jersey bar, 1776. Continental Army officer, 1776-83 (aide-de-camp to General John Sullivan, 1779-80). Member New Jersey Cincinnati. Essex delegate to Assembly, 1786-88, 1790, 1814-15 (speaker, 1790). Delegate to Constitutional Convention, signed Constitution, 1787. Delegate to Congress, 1787, 1788. Defeated for election to U.S. House of Representatives, 1789. Essex member of Council, 1789. Member U.S. House of Representatives, 1791-99 (speaker, 1795-99). Brigadier general U.S. Army, 1798. U.S. Senator, 1799-1805. Indicted for treason in Aaron Burr affair, but *nolle prosequi* entered in 1807.

## HOUSTON, WILLIAM CHURCHILL (1746-1788)

Born South Carolina. Raised in North Carolina. College of New Jersey (Princeton) B.A. 1768 (tutor and professor of mathematics and philosophy, 1768-83; librarian, 1770-83; treasurer, 1779-83). Militia captain, 1776. Deputy secretary of Congress, 1777-78. Somerset delegate to Assembly, 1777-79. Member council of safety, 1778. Delegate to Congress, 1779-81, 1784, 1785. Member federal court which issued "Trenton Decree," 1782. Admitted to New Jersey bar and settled in Trenton, 1781. Clerk Supreme Court, 1781-88. Receiver of Continental taxes for New Jersey, 1782-85. Delegate to Annapolis Convention, 1786. Delegate to Constitutional Convention, 1787.

## LIVINGSTON, WILLIAM (1723-1790)

Born Albany, N.Y. Fifth child of Philip Livingston, the second Lord of Livingston Manor. Yale B.A. 1741. Studied law with James Alexander and William Smith, Sr. in New York City. Admitted to New York bar, 1748. Opposed royal charter for and Anglican control of King's College (Columbia), 1751-53. With William Smith, Jr., published digest of New York laws, 1752, 1762. Member New York commission to settle boundary with Massachusetts, 1754. Coauthor "Watch Tower" column in *New York Mercury*, 1754-55. Admitted to New Jersey bar, 1755. Member "New York Triumvirate" (with William Smith, Jr. and John Morin Scott) and a leader of Livingston faction. Livingston Manor delegate to New York Assembly, 1758-60. Author of "The Sentinel" essays, 1765. Opposed establishment of Anglican episcopacy in America, 1767-69. Member New York commission to settle boundary with New Jersey, 1768. Moved to Elizabethtown, N.J., 1772. Member Essex County committee of correspondence, 1774. Delegate to Congress, 1774-76. Militia brigadier general, 1775-76. Governor, 1776-90. Author of "Primitive Whig" essays opposing state paper money, 1786. Delegate to Constitutional Convention, signed Constitution, 1787. Member of Philadelphia Society for the Promotion of Agriculture.

## PATERSON, WILLIAM (1745-1806)

Born Antrim, Ireland. Family emigrated to Delaware, 1747. Settled in New Jersey, 1749. College of New Jersey (Princeton) B.A. 1763, M.A. 1766. Studied law with Richard Stockton. Admitted to New Jersey bar, 1769. Delegate to first and third provincial congresses, 1775, 1776 (assistant secretary, secretary). Officer Somerset County minutemen, 1777. Member council of safety, 1777. Somerset member of Council, 1776-77. Attorney general, 1776-83. Elected delegate to Congress, 1780, but declined. Moved to New Brunswick, 1783. Delegate to Constitutional Convention, 1787 (introduced "New Jersey Plan"; signed Constitution). U.S. Senator, 1789-90. Governor, 1790-93. Associate justice U.S. Supreme Court, 1793-1806.

## STEVENS, JOHN, SR. (1716-1792)

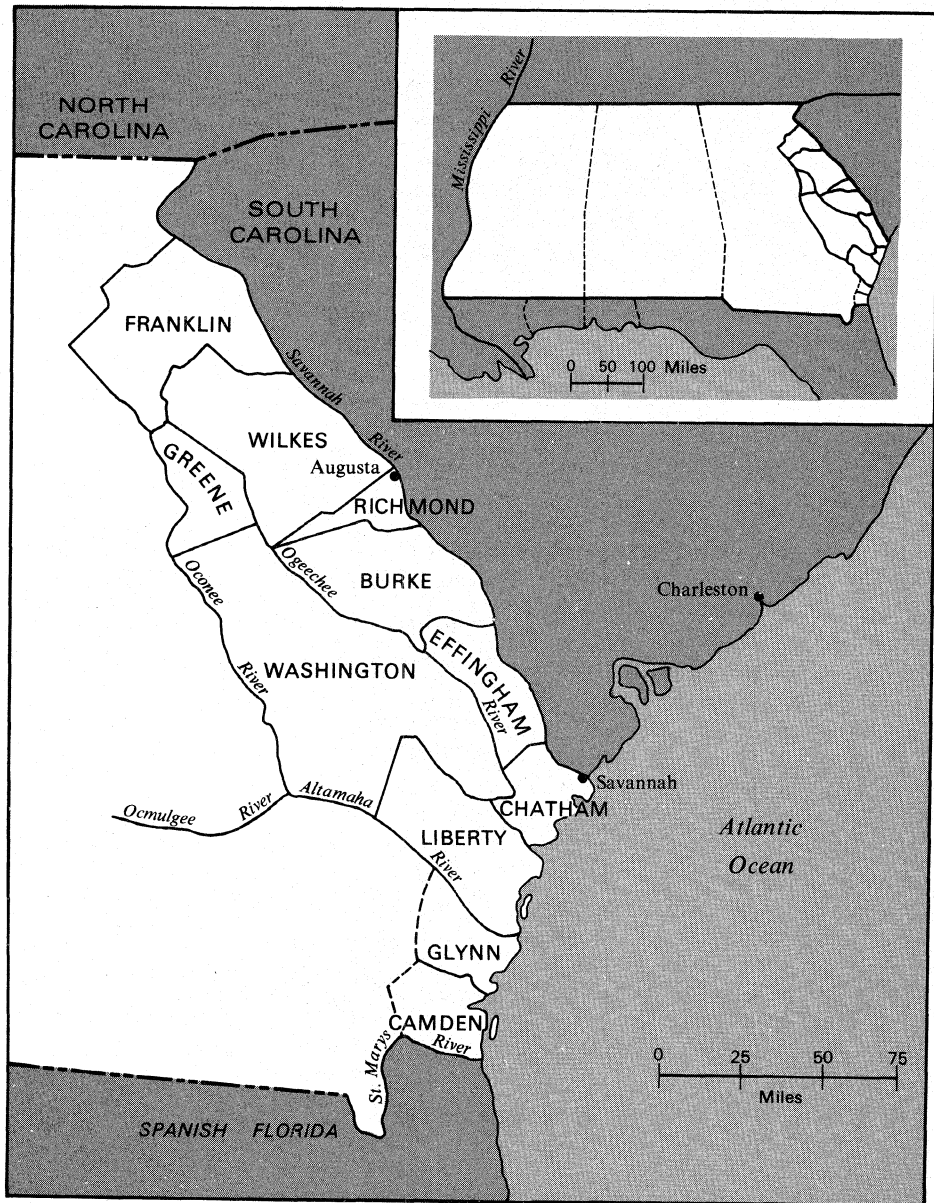
Born New York City. Raised in Perth Amboy, N.J. Member colonial Assembly. Member Governor's Council, 1762-76. Member and vice president of Council, 1776-82. Delegate to Congress, 1784. President state Convention, voted to ratify, 1787.



# The Ratification of the Constitution by Georgia

- I. The Georgia Assembly Calls the State Convention  
26 October 1787
- II. Georgians Debate the Constitution  
2 October–17 December 1787
- III. The Election of Convention Delegates  
4 December 1787
- IV. The Georgia Convention  
25 December 1787–5 January 1788
- V. The Aftermath of Ratification  
Biographical Gazetteer

# GEORGIA, 1787



Map prepared by Cartographic Laboratory, University of Wisconsin — Madison

## Introduction

Georgia was the youngest of the thirteen colonies, and in 1776 it had the fewest people. The colony had its beginning in 1732 when King George II granted a twenty-one year charter to a group of trustees—philanthropists and businessmen who were at cross-purposes from the start. The new colony was to serve as a refuge for the poor of Britain and the persecuted Protestants of Europe, as a buffer between South Carolina and Spanish Florida, and as a producer of wine and silk to free Britain from the French monopoly of those products. Large landholdings, slavery, and lawyers were forbidden, as was the importation of strong liquor. None of the plans worked, and the trustees surrendered the charter in 1752, a year before it was to lapse.

When the first royal governor arrived in 1754, there were perhaps 3,000 whites and 1,000 Negro slaves in the colony. A few settlers had come from England, and there were scattered settlements of German Salzburgers, Highland Scots, and New Englanders. They were surrounded by the Spanish in Florida and by thousands of Indians to the west and north who could have annihilated the colony had they chosen to do so.

The third and last royal governor, Sir James Wright, arrived in 1760. Born in London, he moved to South Carolina, where he had served as attorney general for twenty-one years. He transferred his property holdings to Georgia and became one of the colony's wealthiest men, and he achieved remarkable success in developing the colony as a whole. One index of that success was that population more than tripled in twelve years. Shortly after Wright arrived, the colony had about 9,500 people—6,000 whites and 3,500 blacks. In 1773 he reported a population of 33,000—18,000 whites and 15,000 blacks.

One reason for the rapid growth was the removal of the Spanish threat when East and West Florida became British colonies in 1763. Another reason was that Wright opened millions of acres for settlement as a result of his skill in negotiating with the Indians. Land was offered free to anyone who could pay the fees for recording the grants. Each head of family was given 100 acres, plus fifty acres for each dependent, white and black. An additional 1,000 acres could be purchased at the rate of a shilling for each ten acres. As a result,

the upcountry along the Savannah River was settled rapidly by farmers from the Carolinas and Virginia. Rice planters from South Carolina, and a few from the West Indies, acquired land along the seacoast and developed rice and indigo plantations, which provided Georgia's major exports by 1776.

The structure of government was similar to that of the other royal colonies, with the governor and Council appointed by the Crown, and an Assembly elected by the voters of the parishes into which the colony was divided. The governor, in turn, appointed such local officials as justices of the peace and militia officers. Georgia was unique, however, in that Parliament paid the salaries of the governor and other royal officials.

The disputes in the colonies to the north that led to independence seemed remote, and most Georgians were slow to follow. In fact, Governor Wright at first found it inconceivable that Georgians would follow. After they heard the news of the "Intolerable Acts" in 1774, delegates from the Georgia parishes met in Savannah in August. They adopted a declaration of rights and established a committee of correspondence, but they refused to elect delegates to the First Continental Congress. After the news of the First Congress reached Georgia, meetings in Savannah and in St. John's Parish, which contained New England settlers, called for a provincial congress. Only five of the twelve parishes sent delegates to Savannah on 18 January 1775. Those present adopted the Continental Association and elected delegates to the Second Continental Congress. The Assembly, which met the day before the provincial congress, also approved the actions of the First Continental Congress, but Governor Wright thwarted the attempt to elect delegates to the Second Congress by proroguing the session.

Georgians had been and were to remain divided. The merchants and planters in and around Savannah, who controlled the Assembly, and who led the early opposition, soon split, with some of them supporting the Governor and others taking the road to revolution.

The revolution in Georgia began when the news of Lexington and Concord arrived in Savannah on 10 May 1775. The next night, a mob raided the public magazine and carried off the gunpowder. In June a Savannah meeting called for the election of a provincial congress, and 102 delegates from ten of the twelve parishes met in Savannah on 4 July 1775. The congress elected delegates to the Second Continental Congress and agreed to abide by its decisions. It adopted resolutions declaring American rights within the British Empire, appointed a council of safety, issued paper money, and provided for the election of future provincial congresses.

On 18 January 1776 Governor Wright and several members of the Council were arrested. Three months later, the provincial congress elected five new delegates to the Continental Congress and instructed them "to propose, join, and concur in all such measures as you shall think calculated for the common good, and to oppose such as shall appear destructive" (JCC, IV, 367n). On 15 April 1776 the provincial congress adopted a temporary state constitution—the "Rules and Regulations of 1776."

A copy of the Declaration of Independence was publicly read in Georgia on 10 August. Several days later Archibald Bulloch, President of the state, called for the election of a convention to consider "business of the highest consequence to the government and welfare of the state. . . ." The convention met in October 1776, drafted a constitution, and adopted it unanimously on 5 February 1777 (Mfm:Ga. 1).

The constitution provided for a governor, an executive council, a chief justice, and a unicameral legislature, the House of Assembly. Dual officeholding was prohibited, a ban applied rigorously to governors. The Assembly, elected annually on the first Tuesday in December, was to convene on the first Tuesday in January. Assemblymen were required to be adult Protestants owning 250 acres of land or property worth £250, and to be residents of the state for twelve months and for three months of the county which elected them. Voters were to be white, adult males "possessed . . . of ten pounds value, and liable to pay tax in this State, or being of any mechanic trade. . . ." They were also required to be residents of the state for six months and not hold any title of nobility. Voting was by ballot, and any qualified voter who did not vote was subject to a fine of not over £5. The state was divided into counties instead of the colonial parishes. Assemblymen were apportioned among the counties and the towns of Savannah and Sunbury.

When the Assembly convened each January, it elected a governor and an executive council composed of two assemblymen from each county. The Assembly elected all other state and local officials, as well as delegates to Congress who were eligible to sit, debate, and vote in the Assembly. Most of Georgia's delegates seldom attended Congress, but some of them, George Walton, for example, often attended and voted in the Assembly.

The governor could serve only one year in any three and was required to be a resident of the state for three years. He was commander in chief of the militia, could call special sessions of the Assembly, fill vacancies between its sessions, and issue civil and military commissions. He could grant temporary reprieves and remissions of fines until the Assembly could make final decisions. In carrying out



his duties, the advice of the Council was required. The governor could not veto legislation, and while the Council could propose amendments to bills, the Assembly could ignore them.

The judiciary consisted of one state chief justice and three or more assistant justices for each county superior court. The Assembly elected the chief justice annually and elected the assistant justices who served at its pleasure. Twice each year the chief justice presided over each county court.

The constitution disestablished the Anglican church and guaranteed freedom of religion, but it excluded clergymen from seats in the Assembly. Freedom of the press, trial by jury, and the right of *habeas corpus* were guaranteed, and excessive fines and excessive bail were forbidden.

By the time the constitution was adopted in February 1777, the very existence of the new state was in question. Florida, now in British hands, was once more the enemy, as it had been when in Spanish hands before 1763. The Creek and Cherokee Indians, if they chose to fight for the British, had more warriors than the 4,000 or so potential militiamen in Georgia.

The Continental Congress was anxious to capture the British post at St. Augustine and so were Georgia leaders, who made so many plans that General Charles Lee remarked he "should not be surprised if they were to propose mounting a body of Mermaids on Alligators . . ." (Coleman, 97). Expeditions in 1776, 1777, and 1778 were fiascoes. Georgia political officials quarrelled with Georgia militia and Continental Army officers, who, more often than not, were politicians with commissions but without military experience. Thus, while the expeditions started out, they soon started back after quarrels among would-be commanders, with the militia "fleeing" and the Continental troops "withdrawing."

At first the British were no more successful, although Georgia Loyalists informed the commander at St. Augustine of invasion plans almost as soon as they were made. Then in December 1778, the British captured Savannah without opposition because the state and Continental officers were so busy quarrelling over the right to command the defense, that they did not realize that the British had arrived until after they had occupied the town. The British reestablished the royal government, and in July 1779 Sir James Wright returned and was governor until July 1782. At times the British occupied most of the settled area of Georgia, but they never had enough troops to win complete control. And they were constantly harassed by patriot guerrilla bands which simultaneously carried on a civil war with Georgia Loyalists.

The state had been divided by personal and factional rivalries from the beginning, and as the British occupation continued, the state government disintegrated. In 1779 two rival factions claimed legal power, and between May 1780 and July 1781 there is no evidence that any government at all existed. Personal rivalries, often settled by duels, added to the confusion. One example was the feud between Button Gwinnett, President under the "Rules and Regulations of 1776," and Lachlan McIntosh, brigadier general of Georgia's Continental troops. Both men insisted on commanding the 1777 expedition against St. Augustine, and they were forced to return to Savannah. The Assembly approved Gwinnett's conduct but did not elect him the first governor of the state. McIntosh then reportedly called Gwinnett "a scoundrel and a lying rascal" to his face in the Assembly. In the duel that followed, both men were wounded and Gwinnett died three days later.

Such disputes were in part a reflection of factional rivalries. Gwinnett was a member of the faction that supported the new state constitution, insisted on civil control over military operations, and demanded a harsh policy toward Loyalists. McIntosh was a member of a faction that opposed the state constitution as too "democratical," wanted the military freed from civilian control, and favored a more lenient policy toward Loyalists.

Government under the constitution of 1777 got underway again after the British evacuated Georgia in July 1782, and within months the legislature embarked on the course of expansion that dominated Georgia life until after the end of the century. In February 1783, before the preliminary articles of peace had arrived and the boundaries of the United States were known, the Assembly described Georgia's limits. In establishing a land office, the Assembly declared that the state "do and did, and of right ought to extend" from the Atlantic Ocean to the Mississippi River. The northern boundary was the Savannah River and a line drawn due west from its source to the Mississippi River. The southern boundary was the thirty-first parallel of latitude from the Mississippi River to the Chattahoochee River, and thence to the point at which the Chattahoochee meets the Flint River; from there, east to the head of the St. Marys River and along that river to the Atlantic (Mfm:Ga. 2).

Most of the area claimed was occupied by powerful Indian nations and some of it by the Spanish to whom Britain returned East and West Florida in 1784. However, Georgians did not look upon such facts as barriers but as obstacles to be removed by whatever means necessary. Treaties were negotiated with some chiefs of the Creek

Nation at Augusta in 1783, Galphinton in 1785, and Shoulderbone in 1786. However, the Upper Creeks, led by Alexander McGillivray, insisted that the treaties had been obtained by fraudulent means from a few chiefs who did not represent the Creek Nation. McGillivray was the son of a Scottish trader who, as a Loyalist, had his property confiscated by Georgia, and of a mother who was half white and half Creek. Until his death in 1793, McGillivray fought Georgia expansion by every means at his command.

Georgia ignored Creek protests and established Franklin and Washington counties in 1784 and Greene County in 1786. And in 1785 the legislature created Bourbon County, extending from the Indian cessions on the east to the Mississippi River on the west. The Assembly elected justices of the peace and commissioners to establish the new county, but when the Georgians appeared at Natchez where the Spanish had a military post, the Spanish commander soon ordered them to leave, and they did.

The "imperial" plans of the Assembly were coupled with a "free land" policy unmatched by any other state. The policy was begun in June 1777 when the Assembly, to encourage "persons to come and settle in this state," offered each head of family a 200-acre headright, fifty acres for each family member, and fifty acres for each slave up to ten slaves. The grantee had to settle on the land within six months, not transfer it for five years, and pay a rent of two shillings per hundred acres. The land act of February 1783 granted the 200-acre headright free except for the payment of costs, but a limit of 1,000 acres was placed on the amount of land a grantee might receive. Two years later, in February 1785, the free headright grant was raised to 1,000 acres, and the limit on the amount of land that could be purchased was abandoned.

Georgians new and old and of every rank speculated in lands to such an extent and with so little regard for legality that the clerk of a land court in 1784 informed the governor that "speculation . . . has certainly extinguished in many men, passing for gentlemen, every spark of probity and integrity" (Coleman, 218-19).

The lure of free and cheap land was irresistible to people in states to the north, and they poured into Georgia in such numbers that a population of perhaps 35,000 to 40,000 in 1775 grew to a population of about 82,500 by 1790—53,250 whites and 29,250 blacks. People settled in Wilkes County, in the new counties created from the Indian cessions, and even pushed beyond them. The Indians retaliated with increasing raids to the point where all-out war seemed inevitable by the summer of 1787.

By the end of 1785 the migration of people had shifted the center of population and political power from the lowcountry counties of Chatham, Liberty, Glynn, and Camden to the upcountry counties of Richmond, Burke, Effingham, Wilkes, Franklin, and Washington. Between 1786 and 1789, all of the governors, three of the five speakers, a majority of the Assembly's leaders, and most of the delegates to Congress came from the upcountry.

Moreover, the leaders of the upcountry were far different in origin and political attitudes than the lowcountry planters and merchants who had controlled the colonial assembly. Some of the new leaders were rough frontiersmen who had won fame as guerrilla leaders during the war, and most of them were recent arrivals in Georgia. George Walton, William Few, Elijah Clarke, and George Mathews are examples.

Walton, born in Virginia, was orphaned and apprenticed to a carpenter. He arrived in Georgia in 1769, studied law, and was admitted to the bar. He was elected to Congress in 1776, signed the Declaration of Independence, and was reelected repeatedly, but he seldom attended. He was governor in 1779, chief justice from 1783 to 1786, and governor in 1789.

William Few came to Georgia from North Carolina in 1776. Members of his family had been North Carolina Regulators, and one brother was hanged after the Battle of Alamance Creek in 1771. Few was elected to Congress repeatedly from 1780 onward, and served as a justice of the Richmond County Superior Court in 1778-81 and 1783-84. In 1787 he was a delegate to Congress and to the Constitutional Convention. After 1789 he was a United States Senator and United States district judge.

Elijah Clarke was another North Carolina Regulator who came to Georgia. He arrived in 1774, and during the war he was a guerrilla leader who fought the British and the Georgia Loyalists alike. After the war he was an Indian fighter and served continuously in the Assembly or the Council.

George Mathews, the son of an immigrant from Ireland, was born in Augusta County in far backcountry Virginia and was a Virginia officer during the war. In 1785 he brought a group of Virginia families to Georgia, and became a militia brigadier general and a Wilkes County justice of the peace. Two years later he was elected governor of the state.

Georgia, however, made room for leaders of another kind. One was Abraham Baldwin, the son of a Connecticut blacksmith, who graduated from Yale in 1772. He became a minister and was a tutor at Yale from 1775 to 1779, when he left to become an army chaplain. In

1781 he was offered the professorship of divinity at Yale but rejected it to study law. He had moved to Georgia by 1784. In January of that year the Assembly admitted him to practice law and in December Wilkes County elected him to the Assembly. During 1785 he wrote the charter for a state educational system and the future University of Georgia. He was also elected to Congress, where he served until 1788. In 1787 he was a delegate to the Constitutional Convention, and in 1789 he was elected to the United States House of Representatives. He served in the House until 1799, when he was elected to the United States Senate where he served until his death in 1807.

Georgia's new leaders and their upcountry supporters demonstrated their power in the legislature by such measures as moving the capital to Augusta in 1786 and issuing legal tender paper money despite the opposition of the lowcountry. In 1786, Isaac Briggs, who was secretary of the state Convention in 1787, summed up the differences between the two sections from the viewpoint of a Savannah merchant: "The U.C. people say that the L.C. people want to have everything as they please in despite of reason or the common interest, and the L.C. people say that the U.C. people want to have everything as they please without paying taxes for the support of government" (to Joseph Thomas, [Savannah, 6 March 1786], in E. Merton Coulter, ed., "Three Isaac Briggs Letters," *GHQ*, XII [1928], 178-79).

Despite their differences, most Georgians agreed that slavery was indispensable to the future growth of the state, as was expansion into Indian territory, although some lowcountry leaders apparently had doubts about expansion if it led to open war with the Indians. Georgians agreed too that the Confederation Congress had no right to interfere with Georgia's claim to land extending to the Mississippi River or with her relations with the Indians.

In fact, Georgia had had little to do with the government of the United States since the ratification of the Articles of Confederation. When the Assembly ratified the Articles on 26 February 1778, two of the amendments it suggested reflected major Georgia concerns. One proposed that the guarantee of the privileges and immunities of the citizens of one state in every other state should be limited to free "white inhabitants" rather than being guaranteed to all "free inhabitants." The other proposed statehood for East and West Florida if they joined the Confederation. Congress rejected the amendments, as it did those of other states, and the Georgia delegates signed the Articles on 24 July 1778 (*CDR*, 126-28).

After the reestablishment of the state government in 1782, Georgia ignored Congress and its requests. The state was not represented in Congress in 1783 nor during the first half of 1784. Thereafter, despite

appeals from Congress, the state seldom sent more than two delegates; with the result that when one was absent, the state had no vote.

As long as Georgia was occupied by the British, Congress did not levy requisitions upon it. Then in September 1782, Congress asked Georgia for \$14,400 out of a total requisition of \$1,200,000 on the states, and continued to assign the smallest quotas to Georgia despite its rapid growth. The Assembly ignored such requests until 1786, when it resolved to pay its quota, but no payment followed.

Until 1786 Georgia also ignored proposals for strengthening the central government. In February 1786 the Assembly ratified the proposed amendment to the Articles of Confederation which changed the basis of apportioning expenses among the states from land values to population (CDR, 148-50). In the same month it also approved the Impost of 1783 (CDR, 146-48) but attached several provisos. The most significant one stated that duties could not be levied on the importation of "Negroes or other slaves . . ." (PCC, Item 76, Acts of the Thirteen States, 1775-1788, pp. 306-15, DNA). Five months later the Assembly approved the congressional request of 1784 for temporary power to regulate trade (CDR, 153-54).

Georgia's indifference to national concerns gave the state such a bad reputation that in the spring of 1785 Georgia congressman William Houstoun wrote the governor "that the whole body of Congress are become so clamorous against our state that I shudder for the consequences . . . it is very seriously talked of, either to make a trial of voting Georgia out of the Union or to fall upon some means of taking coercive measures against her" (2 April, LMCC, VIII, 81).

By the beginning of 1787, the mounting threat of Indian war led to a realization in the state that it might need help from the United States, and it began appealing to Congress for arms and ammunition. But on 23 January, the Assembly rejected the Annapolis Convention's call for a constitutional convention on the grounds that Georgia had already "vested Congress with certain powers for the purpose of regulating trade . . . [and] nothing further ought to be done until the determination of Congress on that subject be known" (Mfm:Ga. 3-B). Three days later, however, the Assembly received letters of 1 and 6 December 1786 from Governor Edmund Randolph of Virginia. Randolph enclosed in both letters copies of Virginia's act of 23 November 1786 authorizing the appointment of delegates to the proposed constitutional convention. He declared that the act "breathes a spirit truly federal, and contains an effort to support our general government which is now reduced to the most awful crisis." He urged the states to cooperate "at this trying moment" by appointing delegates to the proposed convention (Mfm:Ga. 3-D). On 10 February the Assembly

responded by electing Abraham Baldwin, William Few, William Houston, William Pierce, Nathaniel Pendleton, and George Walton to represent Georgia in the proposed convention (CDR, 204).

Pierce was a merchant while the other five delegates were lawyers. Only Houston had been born in Georgia. Pendleton and Walton did not attend the Convention. Pierce left in July to go to New York on business matters and to attend Congress. Houston went to New York to court a lady whom he later married. Only Baldwin and Few were in the Convention on 17 September, and both signed the Constitution.

In the Convention debates the Georgia delegates usually favored giving more power to Congress than it had under the Articles of Confederation, but not when it came to slavery. When Charles Cotesworth Pinckney of South Carolina declared that his state and Georgia could never accept the Constitution if Congress had the power to prohibit the importation of slaves, Abraham Baldwin followed by declaring that "Georgia was decided on this point," and would oppose "an attempt to abridge one of her favorite prerogatives" (Farland, II, 371-72).

While the Constitutional Convention was meeting, Georgians were concerned above all with the threat of war with the Creek Indians. The two Georgia newspapers and private letters were filled with reports of Indian depredations and accounts of skirmishes. On 9 August, Governor George Mathews called a special session of the Assembly to meet on 20 September to consider the defense of the state (Mfm:Ga. 8), but a quorum was not obtained until 18 October. By that time, the new Constitution had arrived in Georgia and had been printed in the state's two newspapers.

A common assumption is that Georgia ratified the Constitution speedily and unanimously because of the danger from the Indians and the need for help from an effective central government. George Washington, for example, thought that Georgia ought to ratify for such reasons (II below). In time, the explanation of why Georgia ought to ratify became the explanation of why Georgia did ratify. There is perhaps a measure of truth in the assumption. However, only two extant Georgia sources link the threat of Indian war with ratification, and they do not make the assumption that Washington did. Joseph Clay, a Savannah merchant, commented that the new government had been given great power but that it was the lesser of two evils, and that such a government might have prevented the "evil" of an Indian war (II below). Abraham Baldwin, visiting in New Haven, Connecticut, commented that the danger of Indian war might hasten Georgia's action "on the great political question" (II below).

After the state ratified, a French official reported that it was to the state's interest "to appear federally inclined in order to obtain help from the present Union." He added that while Georgia was the first Southern State to ratify "the new Constitution, it can hardly be expected from eagerness to execute it" (Ducher to Luzerne, 2 February 1788, IV below). The perceptiveness of the comment was demonstrated in the years that followed.

Georgians did want help, and they had appealed to other states and to the Confederation Congress for arms, ammunition, and men to fight the Indians. But they wanted no part of the congressional solution, which was for Georgia to cede its claims to western lands to Congress as other states had done, and for federal agents to negotiate treaties guaranteeing at least some of the Indian lands to the Indians.

The Georgia solution was to destroy the power of the Indians and, if need be, the Indians themselves. To achieve that solution they wanted help from the new government after 1789, as they had from the Confederation Congress. But the new government followed the policies of the old one toward the Southern Indians. Frontiersmen, state officials, and most of the men Georgia elected to the new Congress fought the efforts of the Washington administration to make any peace with the Southern Indians that would limit the right of Georgians to occupy whatever lands they pleased between the Atlantic Ocean and the Mississippi River.

So intransigent were the Georgians that an exasperated President Washington was supposed to have declared that "the United States are at peace with all the world except the state of Georgia" ("Marius," *Augusta Chronicle*, 24 December 1791). He might well have made the remark, because almost from the beginning most Georgians opposed many of the domestic and foreign policies of his administration and supported the rising opposition to the Federalist Party in its effort to implement the Constitution the state had ratified unanimously on the last day of the year 1787 (see *The Aftermath of Ratification*, V below).



## Note on Sources

### *Legislative and Executive Records*

The official sources for Georgia's legislative and executive history are located at the Georgia Department of Archives and History. They consist of the manuscript Journal of the General Assembly, the manuscript Minutes of Council, and the Governors' Letterbooks, 1786-89. None of these records was published in the eighteenth century.

### *Personal Papers*

There are but few personal letters that describe the reception of and debate over the Constitution in Georgia. Letters concerning ratification are located in the Joseph Clay Letterbook and the Lachlan McIntosh Papers in the Georgia Historical Society, the Habersham Family Correspondence in the Library of Congress, the Dreer Collection in the Historical Society of Pennsylvania, the U.B. Phillips Papers in the Yale University Library, and the correspondence of French chargé des affaires G.J.A. Ducher in Correspondance Politique, États-Unis, in the Archives du Ministère des Affaires Étrangères, Paris, France.

### *Newspapers*

Two weekly newspapers were published in Georgia during 1787. They were *The Georgia State Gazette or Independent Register* published in Augusta by John E. Smith, the state printer, and *The Gazette of the State of Georgia* published in Savannah by James Johnston, a former Loyalist. Although both publishers appear to have been nonpartisan, most newspaper items they published supported the ratification of the Constitution.

### *Convention Records*

The manuscript of "The Journal of the Convention of the State of Georgia, assembled for the discussion of the Federal Constitution" is located at the Georgia Department of Archives and History. It contains only a brief record of the proceedings of the Convention.

John E. Smith, the state printer, published two hundred copies of it as *The Journal of the Convention of the State of Georgia, on the Federal Constitution* (Augusta, 1788), Mfm:Ga. 30. Copies of the printed Journal are in the Rhode Island State Archives and the Virginia State Library. The manuscript Journal was printed in the *Georgia Historical Quarterly*, X (1926), 223-37.

No diaries or notes of debates by members of the Convention exist, and only one letter, written by Joseph Habersham, sheds any light on the Convention proceedings. Manuscript election certificates for five counties are extant. Those for Burke, Effingham, and Franklin are in the Georgia Department of Archives and History, while those for Richmond and Wilkes are in the Telamon Cuyler Collection in the University of Georgia Library.

#### *Secondary Sources*

The best general accounts of Georgia during the Revolutionary Era are Kenneth Coleman, *The American Revolution in Georgia, 1763-1789* (Athens, Ga., 1958), and John N. Shaeffer, "Constitutional Change in the Unicameral States, 1776-1793" (Ph.D. diss., University of Wisconsin, 1968). For an analysis of the political structure of the state, see William W. Abbot, "The Structure of Politics in Georgia: 1782-1789," *William and Mary Quarterly*, 3rd ser., XIV (1957), 47-65. For the ratification by Georgia, see John P. Kaminski, "Controversy Amid Consensus: The Adoption of the Federal Constitution in Georgia," *Georgia Historical Quarterly*, LVIII (1974), 244-61. For the conflict between the Creek Indians and Georgia, see Randolph C. Downes, "Creek-American Relations, 1782-1790," *Georgia Historical Quarterly*, XXI (1937), 142-84. For biographical data, see *Georgia's Official and Statistical Register, 1969-1970* (Augusta, n.d.); William J. Northen, ed., *Men of Mark in Georgia . . .* (7 vols., Atlanta, 1907-12); and Charles C. Jones, Jr., *Biographical Sketches of the Delegates from Georgia to the Continental Congress* (Cambridge, Mass, 1891).

## Note on Microfiche Supplement

The microfiche supplement contains transcripts or photographic copies of twenty official documents, fourteen newspaper items, and twenty private letters (five of which were written by French diplomatic agents). The principal official documents are: the state constitutions of 1777 and 1789; Governor George Mathews' proclamation of 9 August 1787 calling a special session of the Assembly to consider the defense of the state; the printed Convention Journal; and the Deed of Ratification sent to Congress. Also included are the Assembly proceedings on the election of delegates to the Constitutional Convention; on the payment of delegates to the state Convention; and on the election of delegates to the state constitutional convention.

Private letters include those of James and Joseph Habersham, Fortunatus and Sydnor Cosby, and Joseph Clay. Letters from French diplomatic agents include those of Jean-Baptiste Petry, Antoine R.C.M. de la Forest, and Louis-Guillaume Otto.

For the most part, the newspaper material consists of accounts of Indian depredations, reports of Convention election results, and reports of ratification.

An appendix to the microfiche supplement lists major items published in Georgia's two newspapers that are published elsewhere in *The Documentary History of the Ratification of the Constitution*.

# Georgia Chronology, 1786–1788

## 1786

- 21 January–  
23 February Virginia issues call for commercial convention to meet at Annapolis.
- 11–14 September Annapolis Convention.
- 5 December Annual legislative election.

## 1787

- 16 January Assembly reads report of Annapolis Convention.
- 23 January Assembly refuses to elect delegates to Constitutional Convention.
- 26 January Assembly reads letters from Governor Edmund Randolph of Virginia urging the appointment of delegates to the Constitutional Convention.
- 10 February Assembly elects Abraham Baldwin, William Few, William Houstoun, Nathaniel Pendleton, William Pierce, and George Walton to Constitutional Convention.
- 21 February Confederation Congress calls Constitutional Convention to meet in Philadelphia in May to amend Articles of Confederation.
- 25 May–  
17 September Constitutional Convention, Philadelphia.
- 9 August Governor George Mathews calls special session of Assembly to meet on 20 September.
- 17 September Constitutional Convention adjourns *sine die*.
- 10 October Governor Mathews in Augusta receives Constitution. William Pierce arrives in Savannah with Constitution.

- 11 October Constitution printed in *Savannah Gazette of the State of Georgia*.
- 13 October Constitution printed in *Augusta Georgia State Gazette*.
- 18–31 October Special session of Assembly.
- 18 October Governor Mathews submits Constitution to Assembly.
- 25 October Assembly resolves to consider the Constitution the next day.
- 26 October Assembly adopts resolutions calling state Convention.
- 15 November Newspaper debate among Georgians begins.
- 4 December Election of delegates to state Convention and annual legislative election.
- 25 December 1787–  
5 January 1788 State Convention meets in Augusta.
- 28 December Convention attains quorum.
- 29 December Convention reads Constitution.
- 31 December Convention ratifies Constitution 26 to 0.

## 1788

- 2 January Convention adopts deeds of ratification.
- 5 January Convention adjourns *sine die*.
- 7 January–  
1 February Assembly session.
- 30–31 January Assembly calls state constitutional convention to meet after nine states ratify U.S. Constitution.
- 1 February Assembly cedes western land to Congress.
- 5, 19, 20 February Governor George Handley sends letters to chief executives of states announcing ratification by Georgia.
- 5 May Georgia Deed of Ratification delivered to Congress.

# Georgia Officeholders, 1787

## GOVERNOR

George Mathews

## CHIEF JUSTICE

Henry Osborne

## ATTORNEY GENERAL

Matthew McAllister

## AUDITOR

John Wereat

## TREASURER

George Jones

## SECRETARY OF THE STATE

John Milton

## SURVEYOR GENERAL

Thomas McCall

## MEMBERS OF CONGRESS

(November 1786–November 1787): Abraham Baldwin, William Few, William Pierce, George Walton; (November 1787–November 1788): Abraham Baldwin, William Few, James Gunn, Edward Telfair, George Walton

## DELEGATES TO CONSTITUTIONAL CONVENTION

Abraham Baldwin, William Few, William Houstoun, Nathaniel Pendleton, William Pierce, George Walton

## EXECUTIVE COUNCIL

### CHATHAM COUNTY

Josiah Tattnall  
Benjamin Fishbourne

### EFFINGHAM COUNTY

John Green  
McKeen Green\*

### BURKE COUNTY

Edmund Byne\*  
William Green\*

### RICHMOND COUNTY

John Cobbs (President)  
Henry Allison

### WILKES COUNTY

Andrew Burns  
John King

### LIBERTY COUNTY

James Powell  
John McIntosh, Jr.\*

### GLYNN COUNTY

Not represented

### CAMDEN COUNTY

James Armstrong  
Ferdinand O'Neal

### WASHINGTON COUNTY

John Barclay  
Reuben Wilkinson

### FRANKLIN COUNTY

Neil Cleveland  
Jesse Walton\*

### GREENE COUNTY

Thomas Harris  
Richard Worsham

Secretary: James Meriwether  
Messenger: John Temple

\* Did not attend during October.

## ASSEMBLY

## CHATHAM COUNTY

Leonard Cecil\*  
 Joseph Clay  
 James Cochran\*  
 Asa Emanuel\*  
 Thomas Gibbons  
 William Gibbons, Sr. (Speaker)  
 James Gunn\*  
 James Habersham  
 Joseph Habersham  
 William Houstoun\*  
 James Jackson\*  
 William O'Bryan\*  
 Charles Odingsells\*

## EFFINGHAM COUNTY

William Cone\*  
 Henry Gindrat\*  
 Caleb Howell  
 Daniel Howell\*  
 Joseph Jackson  
 Drury Jones\*  
 Benjamin Lanier

## BURKE COUNTY

John Jones  
 Jonathan Kemp  
 Hugh Lawson  
 Thomas Lewis  
 William Little  
 Robert Patterson\*  
 Joel Reese  
 Edward Telfair

## RICHMOND COUNTY

Thomas Carr  
 Charles Crawford  
 Solomon Ellis\*  
 Benjamin Few  
 Adams Jones\*  
 Seaborn Jones  
 James McNeil  
 Jesse Saunders

## WILKES COUNTY

Elijah Clarke  
 Nathaniel Christmas  
 Arthur Fort  
 Stephen Heard  
 Francis Meriwether  
 Florence Sullivan  
 John Talbot  
 Benjamin Taliaferro

## LIBERTY COUNTY

Josiah Bacon  
 Samuel Bird\*  
 Peter Donworth\*  
 Gideon Dowse  
 James Gignilliatt\*  
 Thomas Graves  
 John Hardy\*  
 Elihu Lyman  
 Alexander McIver  
 Josiah Osgood  
 Daniel Stewart\*  
 Joel Walker  
 Henry Wood  
 James Wood\*

## GLYNN COUNTY

John Braddock\*  
 Christopher Hillary\*

## CAMDEN COUNTY

James Seagrove  
 Jacob Weed\*

## WASHINGTON COUNTY

Daniel Bankston  
 Daniel Burnett\*  
 James Evans\*  
 Owen Fort  
 Jared Irwin\*  
 Harman Runnolds  
 John Watts  
 Elisha Williams\*

## GREENE COUNTY

Charles Abercrombie  
 Charles Chessna  
 Robert Christmas  
 William Fitzpatrick  
 Robert Greer  
 David Love  
 Robert Thomas

## FRANKLIN COUNTY

John Barton\*  
 Thomas Peter Carnes  
 Jacob Holland\*  
 John Kees\*  
 William Sloan\*

Member of Congress: George Walton  
 Clerk: James M. Simmons

\* Did not attend the October session.

I  
**THE GEORGIA ASSEMBLY  
 CALLS THE STATE CONVENTION**  
 26 October 1787

The Georgia Assembly called the state Convention on 26 October in the midst of preparation for war with the Creek Indians, and probably without knowing what most of the other states were doing. The only news of official action from other states published in Georgia before the Assembly took action was the Pennsylvania Assembly's resolutions calling that state's Convention which appeared in the Savannah newspaper on 18 October (RCS:Pa., 101-2). Georgia's Convention was also called before any public discussion of the Constitution by Georgians in the state's two newspapers. Nor, so far as the extant sources reveal, was there much private commentary about the Constitution either before or after 26 October (see II below for private commentaries on and public discussion of the Constitution by Georgians).

Two different copies of the Constitution reached Georgia almost simultaneously. On 10 October Governor George Mathews in Augusta received the broadside copy which had been printed for the Constitutional Convention on 17 September (CC:76). It was enclosed in a letter written that day by the two Georgia delegates who were in the Convention on the day it adjourned—Abraham Baldwin and William Few. This copy of the Constitution was printed in the *Augusta Georgia State Gazette* on Saturday, 13 October.

Two days earlier, on 11 October, a later broadside version of the Constitution was printed in the *Savannah Gazette of the State of Georgia*. It had been brought from New York by William Pierce, who had arrived in Savannah on 10 October. Pierce had left the Convention for New York in July, and as a member of Congress, he was present during the debate on the Constitution on 26, 27, and 28 September. The copy of the Constitution he brought to Savannah on 10 October was the congressional broadside of 28 September which contained the Constitution and the congressional resolution of 28 September transmitting the Constitution to the states (CDR, 342n). Meanwhile, when Pierce arrived on the 10th, he wrote to Governor Mathews and enclosed Charles Thomson's circular letter of 28 September to the state executives, a letter which contained the congressional broadside of 28 September (CDR, 340).



On Monday, 15 October, the Governor laid the Abraham Baldwin-William Few letter of 17 September and the Convention broadside of the Constitution before the Executive Council. The next day he laid Pierce's letter of 10 October, Charles Thomson's letter of 28 September, and the congressional broadside of the same date before the Council, which ordered the documents "laid before the legislature at their next meeting."

On the 20th, a week after it reprinted the Convention broadside of the Constitution, the Augusta newspaper reprinted the congressional resolution of 28 September from the congressional broadside of that date.

The Governor had called the Assembly to meet in special session in September because of the threat of Indian war (Mfm:Ga. 8). However, a quorum was not attained until 18 October. The Governor sent a message to the Assembly that day urging it to improve the defenses of the state and to take measures to improve the credit of the state's depreciating paper money. But he did not mention the Constitution, which was apparently among the "dispatches and business" which were presented to the Assembly along with his message.

It would seem that Governor Mathews was far more interested in preparing for war with the Creek Nation than in the Constitution. On 10 October, the day he received the letter from Baldwin and Few, he sent a copy of the proceedings of the "Federal Convention" to Governor John Sevier of the State of Franklin. But he did not comment upon those proceedings. Instead, he told Sevier that when the Assembly met, the first order of business would be defense. He added that he hoped that "with our united exertions we shall soon be able to crush the power of that insidious people and restore peace and harmony to our frontiers."

The Assembly evidently agreed with the Governor. Letters by assemblymen on the 15th, before a quorum was obtained, and on the 22nd, after the session began, indicate the overriding concern with preparations for war. The Assembly occupied itself with defense matters for a week before it resolved on 25 October to consider the Constitution the following day.

On the morning of the 26th, the Assembly began by accepting the resignations of a justice of the peace and of a commissioner appointed "to fix on a proper place for the seat of government." The Assembly then read for a second time "An Act for suppressing violence of the Indians." A lowcountry member moved an amendment to allow the Governor and Council to receive proposals from the Indians, and if necessary, suspend hostilities until the Assembly could be called to decide upon the proposals. The upcountry delegates defeated the amendment on a roll-call vote, and the act was sent to the Council for its "perusal and advice . . ." (Mfm:Ga. 17).

Then, without any indication that a committee had been appointed to draft them, or of a debate or a vote, the Assembly adopted the resolutions calling the state Convention. Thereafter the Assembly continued with its regular business by reading for the first time an act amending the act regulating courts of law, and by reading a petition from Chatham County praying for amendments to the state constitution. The petition was ordered deposited in the clerk's office, and the Assembly adjourned for the day (Mfm:Ga. 17).

The resolutions calling the State Convention provided for the election of not more than three delegates from each county on 4 December, the date of the annual Assembly elections, and for the Convention to meet in Augusta on 25 December, a week before the new Assembly convened. The quorum of the Convention was to consist of a majority of the delegates (seventeen), and the state constitution's prohibition of dual officeholding was waived. The intent was evidently to help ensure a quorum and to allow Georgia's leaders—assemblymen, councillors, and other officeholders—to be elected to the Convention.

The resolutions contained a provision unlike any adopted by the other state legislatures. The Convention was empowered "to adopt or reject any part or the whole" Constitution, thus opening the way for partial ratification.

When George Washington learned of it, he commented "that Georgia has accompanied her act of appointment with powers to alter, amend, and whatnot. But, if a weak state, with powerful tribes of Indians in its rear and the Spaniards on its flank, do not incline to embrace a strong *general* government, there must, I should think, be either wickedness or insanity in their conduct" (to Samuel Powel, Mount Vernon, 18 January 1788, II below).

Except where another location is indicated, the documents referred to in this introduction are printed in this section.

[Note. Abraham Baldwin and William Few's letter of 17 September and the enclosed copy of the 17 September Convention broadside of the Constitution, Charles Thomson's letter of 28 September and the enclosed copy of the 28 September congressional broadside of the Constitution, and William Pierce's letter of 10 October have not been located. The above account of the arrival and printing of the broadside versions of the Constitution, and their transmission to the Executive Council and to the Assembly, is based on the contents of the state's two newspapers, and on the Governor's letter of 10 October and the Council Journals printed below.]

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**Governor George Mathews to Joseph Martin**  
**Augusta, 8 October<sup>1</sup>**

I received yours of the 4th instant by Major [James?] Walton, and have to inform you that it will be perfectly agreeable that you should attend at the meeting of the Indians as proposed, and should anything of consequence transpire must request that you'll give us the earliest information. Nothing official from the Federal Convention has as yet arrived; therefore can say nothing on that head.

1. FC, Governors' Letterbooks, 1786-89, G-Ar. Governor Mathews represented Wilkes County in the state Convention. Martin represented Sullivan County in the North Carolina Senate and was that state's Indian agent. At various times throughout the 1770s and 1780s, he served as Indian agent for the Confederation Congress and for several Southern States, including Georgia.

**Governor George Mathews to Governor John Sevier**  
**Augusta, 10 October<sup>1</sup>**

A sufficient number of members to constitute a house not meeting at the time appointed, those present adjourned until Monday the 15 instant at which time, I have not a doubt but a house will be formed, when the defense of the state will be the first object of their deliberations. Should an expedition be carried into the Creek Nation, as most assuredly there will, I shall take the earliest opportunity, by express, of informing you of our intended operations, and I flatter myself that with our united exertions we shall soon be able to crush the power of that insidious people and restore peace and harmony to our frontiers.

I have just received a letter from our delegates at the Federal Convention enclosing the proceedings of that body which I send for your information.

1. FC, Governors' Letterbooks, 1786-89, G-Ar. Sevier was governor of the short-lived (1784-88) State of Franklin.

**Gazette of the State of Georgia, 11 October**

Yesterday arrived here, after a passage of seven days from New York, the sloop *Friendship*, Captain Burnham, in which came passengers, the Honorable William Pierce (one of the delegates from this state to Congress and to the late Convention), Mrs. Pierce, and family, Mrs. Cope and family, Mrs. Legget, Miss Valeau, Mr. Bates, Mr. Shaw, and Mr. Chandler.

**Executive Council Minutes, 15, 16 October<sup>1</sup>**

[15 October] A letter from the Honorable Abraham Baldwin and William Few, esquires dated 17 September with enclosures. . . .

Ordered to be laid before the legislature at their next meeting.

\* \* \* \*

[16 October] A letter dated 10th instant from the Honorable William Pierce, Esquire enclosing two letters from the Secretary of Congress dated the 3d and 28 September was read.

Ordered to be laid before the legislature at their next meeting. . . .

1. MS, Minutes of Council, G-Ar.

**Extract of a Letter from Augusta  
15 October<sup>1</sup>**

It is now two weeks this day since my arrival here, at which time only thirty members of the Assembly attended. There being a great necessity for forming a house, ten days further was allowed for collecting, and those who had been here some time were permitted to return home during that period. This is the day [15 October] on which they were to return; but, as they come in very slow, we begin to fear we shall not be able to form a house—if we do not by the 18th, we shall give up all hope and return to Savannah. Our lower country members are tardy, and our upper ones are generally engaged in defending their families and property on the frontiers. Should we fail in making a house, I know not what will be the consequences. It now appears absolutely necessary that an army of at least 2000 men be raised against the savages, who are numerous on our frontier counties, and in force round and near the forts and stations in which the inhabitants have taken shelter. They have killed, in all, fifty-one white and black. The ground on which General [Elijah] Clark fought first has been since examined and twenty-eight dead Indians found; his loss was six killed and twelve wounded.<sup>2</sup> We have now on our frontiers a sufficient force to act on the defensive and cover the settlements from the depredations of the savages. In case the legislature does not meet, the Executive will declare the state in alarm, when martial law will in some measure take place. Much confusion and destruction of property may be then expected.

1. Charleston *Columbian Herald*, 22 October. Reprinted twelve times from Richmond to Boston by 26 November.

2. For Clarke's account of the skirmish, see his letter to Governor George Mathews, 24 September (Mfm:Ga. 12).

**Governor George Mathews to William Pierce**  
**Augusta, 16 October<sup>1</sup>**

I had the pleasure of receiving your favors of the 25 September and 10th instant; the attention you have paid to the interest of this state merit my warmest approbation. Your letter to Mr. Gardoque and his answer is ordered to be published.<sup>2</sup> Enclosed is my order on the Secretary at War [Henry Knox] for the arms and military stores. I have to request you'd lose no time in having them brought to this state, for such is our situation that we are engaged in a war without the means requisite to prosecute it, and a number of the members of Assembly on this critical and alarming occasion decline rendering their country any service or discharging the trust reposed in them by their constituents. How they can reconcile it to their feelings is a matter difficult for me to say. Such is my present situation that from a variety of difficulties I am at a loss what steps to pursue.

1. FC, Governors' Letterbooks, 1786-89, G-Ar.

2. Pierce's letter of 25 September transmitted his correspondence with Don Diego de Gardoqui, the Spanish minister to the United States, concerning runaway Georgia slaves in East Florida (Pierce to de Gardoqui, 3 September and de Gardoqui to Pierce, 24 September). This correspondence was published in the *Georgia State Gazette* on 20 October and in the *Gazette of the State of Georgia* on 25 October.

**James Habersham to John Habersham**  
**Augusta, 17 October**

[A.M.] (excerpt) I am obliged to attend the members immediately. I really fear we should not make a house. We had no more than 25 members yesterday and we now lack 24 members.<sup>1</sup>

\* \* \* \*

[P.M.] Since writing you this morning, eleven members have arrived so that we are now in great hopes of making a house. I mention this because I would not throw out any discouragements to the members of our county coming up immediately. I am glad to find the people below are taking steps to provide for our safety as much as possible. It is right to guard against the worst.<sup>2</sup>

1. Printed: *Charles Hamilton Catalog*, No. 15 (3 November 1966), p. 83, item 292. For a longer excerpt, which comments on the Constitution, see II below. James Habersham and his brother, John, were Savannah merchants and plantation owners in Chatham County. James was a Chatham County assemblyman in 1777, 1782-84, and 1787, and was Speaker in 1782 and 1784. John had been President of the Council in 1784, assemblyman in 1785-86, and delegate to Congress in 1785.

2. RC, Habersham Family Correspondence, DLC.

**The Georgia Assembly**  
**Thursday**  
**18 October 1787**

Ordered that Mr. John Jones and Mr. Crawford be a committee to wait on His Honor the Governor to inform him the House of Assembly are now convened.

Mr. John Jones, from the committee appointed to wait on His Honor the Governor with a message from this House, reported that the committee had delivered the same.

A message from His Honor the Governor was received and read with sundry papers accompanying the same.<sup>1</sup>

1. MS, Journal of the General Assembly, G-Ar.

**Governor George Mathews to the Speaker of the Assembly**  
**Augusta, 18 October<sup>1</sup>**

Duty as well as inclination equally require that I should take the earliest opportunity to state to your Honorable House the reasons that have induced the Executive to call you together.

The disposition the Indians discover for war will appear by Mr. [Timothy] Barnard's<sup>2</sup> letters and the talks from the Creek Nation and I am unhappy to add that the murder of our citizens too fully point out the necessity of your meeting. I flatter myself that it will not be deemed improper when I mention to you how inadequate the militia law is, in almost every part, to the defense of the state in time of war and beg your attention to its revival.

The want of public faith is so fully shown from the depreciation of our currency<sup>3</sup> that for me to urge your endeavors to raise its credit and restore public faith would be insulting your understanding and give room to suspect that I thought you not the real friends of your country and the guardians of your constituents, but on these matters I have the fullest assurance in my own breast of your zeal, integrity, and wisdom.

There appears to be a deficiency of at least five thousand pounds in the appropriation of your Honorable House the last session for the militia and other services rendered the state. It will rest with you to make provision for payment, so that the citizens may be on an equal footing.

The different dispatches and business that have come before the Executive during your recess, and have been ordered to be laid before you, the secretary now attends you with, as also a copy of my letter<sup>4</sup> to our delegates in Congress on the prospect of an Indian war which I have too much reason to fear is unavoidable.

I should think myself guilty of ingratitude not to assure your Honorable House that from the unexpected honor you have conferred on me in the appointment I now hold, that this state has a right to expect my most vigorous exertions in its defense, and you may rest assured of it.

1. FC, Governors' Letterbooks, 1786-89, G-Ar. In response to the Governor's message, the Assembly passed acts for raising supplies, for suppressing the violence of the Indians, and for regulating the militia. The acts were published in the *Georgia State Gazette* on 10, 17, and 24 November.

2. Barnard, a commissioner of Indian affairs to the Creek Nation, operated a trading post on the Flint River at the present-day site of Oglethorpe, Macon County.

3. In August 1786 the Assembly had authorized the issuance of £50,000 in legal tender bills of credit but only £30,000 was issued. The Savannah merchants and artisans opposed the measure, while the upcountry, especially the area near Augusta, favored it. The currency soon depreciated because of the strong opposition and because the Indian threat prevented the sale of western lands which was to provide the revenue for the redemption of the bills. Despite Governor Mathews' recommendations, the Assembly did nothing "to raise" the "credit and restore public faith" in the currency.

4. See Governor Mathews to William Few and William Pierce, Augusta, 9 August 1787, Mfm:Ga. 7.

**James Habersham to John Habersham**  
**Augusta, 22 October (excerpt)<sup>1</sup>**

You have no doubt heard that we have made a house and proceeded to business. The committee on Indian affairs have reported. The first part of the report contains a narrative of our proceedings with the Indians since the peace—reciting the different treaties held with them, the infractions of them on the part of the savages, their aggressions, etc., extracts from Dr. [James] White's<sup>2</sup> letters while in the [Creek] Nation representing the hostile disposition of the Indians and recommending in the strongest and most express terms the necessity of our preparing for war. All this by way of justification. The latter part of the report recommends that 500 men be immediately raised for the protection of the state and that an additional number be enlisted to serve during hostilities, at the expiration of which they are to have bounties of land, say 500 acres to the private and in proportion to the officers. Looking forward to offensive operations if necessary, the soldiers to be in readiness by the 1st April, a repre-

sentation to be made to Congress in the meantime, a specific tax to be laid for the support of the troops, etc., etc. A bill is now before the House for these purposes, and what will be determined on it is difficult to guess, there being such a variety of opinions on the matter. Some are for defensive measures, others for offensive *only*—and the *troops* to be marched immediately into the Indian country, or as soon as possible. I write this in the House so that I cannot be so particular as I wish, but shall write you in a few days when I shall be able to tell you probably what measures it is likely will be adopted.

1. RC, Habersham Family Correspondence, DLC.

2. On 6 October 1786 Congress had appointed White, a North Carolina delegate to Congress, superintendent of Indian Affairs for the Southern Department.

## The Georgia Assembly

Thursday–Friday

25–26 October 1787

### Assembly Proceedings, 25 October<sup>1</sup>

The House met agreeably to adjournment.

On motion by Florence Sullivan<sup>2</sup> the House came to the following resolve.

Resolved that it be the order of the day for tomorrow to take into consideration the recommendation of Congress relative to the Federal Constitution.

### Assembly Proceedings, 26 October<sup>3</sup>

The House proceeded to take into consideration the recommendation of Congress relative to the Federal Constitution, and thereupon came to the following resolutions.

[Resolutions Calling the State Convention]<sup>4</sup>

Whereas the United States in Congress assembled on Friday the 28th day of September 1787 having received the report of the Convention lately assembled at Philadelphia did resolve unanimously that the said report with the resolutions and Letter accompanying the same be transmitted [to the several Legislatures in order to be submitted]<sup>5</sup> 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 that a Convention be elected on the day of the next general election [4 December], and in the same manner as representatives are elected and that the said Convention consist of not more than three Members for each County.

Resolved that the said Convention shall meet at Augusta on the fourth Tuesday in December next [25 December] and as soon thereafter as may be convenient proceed to consider the said report Letter and Resolutions, and to adopt or reject any part or the whole thereof.

Resolved that any Member of the Executive Council or of the Legislature, or other persons holding any Office of Honor or profit under this State, may be elected a Member of the said Convention.

Resolved that any three of the said Members may adjourn from day to day, and a majority to proceed to business.

1. MS, Journal of the General Assembly, G-Ar.

2. Sullivan represented Wilkes County in the Assembly from 1787 to 1790 and in the state Convention.

3. MS, Journal of the General Assembly, G-Ar.

4. (LT), *ibid.* A copy of the resolutions made by the clerk of the Assembly (MS, G-Ar), was sent to John E. Smith, the state printer, who published them in the *Georgia State Gazette* in the issues of 27 October, 3, 10, 17, 24 November, and 1 December. On 1 November the *Gazette of the State of Georgia* reported that the Assembly had called a convention (Mfm:Ga. 19). This report was reprinted nineteen times from South Carolina to New Hampshire by 20 December. On 8 November the *Gazette* reprinted the resolutions without the preamble. This item was reprinted eleven times from South Carolina to Massachusetts by 27 December.

5. The bracketed clause was omitted from the Assembly Journal, but was in the copy that the clerk sent to the state printer. See n. 4 above.

## II

**GEORGIANS DEBATE THE CONSTITUTION**  
**2 October–17 December 1787**

The extant record of Georgians' private opinions of the Constitution before the meeting of the state Convention consists of four letters written by Savannah merchants and by lowcountry planters. On 17 October James Habersham, a Savannah merchant and a planter, wrote from Augusta where he was waiting for the Assembly to secure a quorum, that the Constitution probably had faults but that any government was better than the one they had. On the same day, Joseph Clay, also a Savannah merchant and a planter, commented that the powers of the new government were great "but of two evils we must choose the least." The following day, James Jackson, in a long letter concerning his problems as a militia commander, mentioned in passing that he hoped the Assembly would give the Constitution its "immediate attention." Lachlan McIntosh's letter of 17 December is the only one that comments on the Constitution in any detail. He had read something of the debate going on in other states and was impressed with the Antifederal arguments of Elbridge Gerry (CC:227) and of "Centinel" (CC:133). However, he believed that the Constitution should be ratified, but only for a limited period of time. He predicted that the North would control Congress and might interfere with the interests of the Southern States in such matters as slavery.

The only known public statement by a Georgia leader was in Chief Justice Henry Osborne's charge to the Chatham County grand jury on 2 October before the results of the Convention were known. He told of the "awful crisis" of "national affairs" and hoped that "a stable and efficient frame of government will be the result" of the Constitutional Convention.

The *Savannah Gazette of the State of Georgia* published Osborne's charge on 18 October and, along with it, the first news from other states. The items reprinted in this issue were the Pennsylvania Assembly's resolutions of 28–29 September calling the state's convention (RCS:Pa., 101–2) and a defense of the assemblymen who attempted to prevent the resolutions from passing (Mfm:Pa. 109); the Rhode Island Assembly's resolution of 15 September to write to the President of Congress explaining why Rhode Island did not send delegates to the

Constitutional Convention (RCS:R.I.); an item reporting that Delaware favored the Constitution (RCS:Del., 1); and two stories about George Washington (CC:96, 101).

Georgia's two newspapers reprinted about fifty items from newspapers in other states between 18 October and 31 December when the state Convention ratified the Constitution. Only five items were critical of the Constitution. Four of the five were reprinted in the Savannah newspaper: a defense of the seceding Pennsylvania Assemblymen (18 October); an extract of "Centinel" I (CC:133) from a Maryland newspaper (Mfm:Ga. 20); a Pennsylvania prediction that enchantment with the Constitution would die down once it had been examined (CC:136) (8 November); and Elbridge Gerry's 18 October letter to the Massachusetts General Court (CC:227) (6 December). On 15 December the Augusta newspaper reprinted from the Antifederalist Philadelphia *Freeman's Journal* of 14 November an account of debates in the Virginia House of Delegates on calling that state's convention. Among other things, the account reported that Patrick Henry had declared: "there were errors and defects in the new" Constitution, and George Mason had said "that he would have lost his right hand rather than have subscribed his name to the new government."

The most important Federalist item was James Wilson's speech in the State House Yard on 6 October (CC:134), which was reprinted in the Augusta newspaper in two installments on 22 and 29 December. (For examples of other Federalist items reprinted in Georgia, see CC:108, 110, 120, 123, 130, 150-G, H, J, and 158.)

The public discussion among Georgians took place exclusively in the *Savannah Gazette of the State of Georgia* and began on 15 November with the publication of essays by "Demosthenes Minor" and "A Georgian." The former praised the Constitution in glowing terms, while the latter raised objections. "A Georgian" argued that the South needed more Representatives or it would be exploited by the more populous North; that Congress should have no power over elections within the states; and that the powers of the President should be limited. Above all, he opposed the establishment of inferior federal courts and the abolition of jury trials "in all civil cases." To meet these and other objections, the essay included specific revisions of various parts of the Constitution.

Throughout his essay, "A Georgian" was concerned for the rights of individuals: the right of *habeas corpus* should never be suspended and "let the trial by jury in civil and criminal causes, and the liberty of the press, be forever sacred and inviolable." But the writer went beyond particulars and generalized about the Constitution as some of its opponents were doing in the North. He wanted, he said, the kind of government "intended by our glorious Declaration of Inde-

pendence." The Convention had ignored its instructions to revise the Articles of Confederation and created a structure "rather favorable to aristocratical and destructive to democratical government. . . ." He concluded by exhorting his readers: "I beg you to call to mind our glorious Declaration of Independence, read it, and compare it with the Federal Constitution; what a degree of apostacy will you not then discover."

The first two essays on 15 November were followed by seven more. Three of them were personal attacks on "A Georgian," who was accused of being a demagogue, an adventurer, a knave, a blockhead, and probably a foreign soldier. "A Georgian" made two brief replies, while "A Citizen" defended him by asking for a calm discussion of the issues. The final essay by "A Briton" on 13 December satirized both "A Georgian" and "A Citizen" but shed no light on the Constitution.



#### Chief Justice Henry Osborne's Charge to the Chatham County Grand Jury, 2 October (excerpt)<sup>1</sup>

The awful crisis to which our confederated national affairs have been reduced (and which has been regretted by every friend to the Union) pointed to the necessity of revising the Articles of Confederation. A Convention has met for the purpose, but the veil of secrecy with which they have thought proper to cover their proceedings puts it out of our power to say what they are; however, the many illustrious characters who compose the greatest part of that august assembly gives a well-grounded hope that a stable and efficient frame of government will be the result.

1. MS, Chatham County Superior Court Minutes, Vol. I (1782-1789), G-Ar. Osborne's charge was published in the *Gazette of the State of Georgia* on 18 October and reprinted in part in the *Georgia State Gazette* on 3 November. The manuscript version is mutilated, and missing words have been supplied from the newspaper. Osborne represented Camden County in the Assembly in 1786 and 1787 until he was appointed Chief Justice of Georgia in March 1787.

#### James Habersham to John Habersham Augusta, 17 October (excerpt)<sup>1</sup>

. . . the new Federal Constitution . . . has been submitted to the consideration of Congress. This system of government, like all other human productions, may have, and no doubt has, its faults, but I imagine its defects will be generally thought to be fewer than could reasonably be supposed in framing a Constitution in which so many

different interests are involved. It has its enemies and its friends here . . . it is very well calculated to promote the general welfare—certain it is that any government is better than the one we have and under which I am certain we could not much longer exist as a people . . .

1. Printed: *Charles Hamilton Catalog*, No. 15 (3 November 1966), p. 83, item 292. The ellipses are as they appear in the *Hamilton Catalog*.

**Joseph Clay to John Pierce**  
Savannah, 17 October (excerpt)<sup>1</sup>

We have too much reason to apprehend we are involved in a general Indian war. Many have been killed on both sides. Should it continue it must be attended with the most ruinous consequences to this state. How it can be avoided I know not unless Congress could interfere, and which way they can, I know not. The new plan of government for the Union I think will be adopted with us readily; the powers are great, but of two evils we must choose the least. Under such a government we should have avoided this great evil, an Indian war.

1. FC, Clay Letterbook, GHi. Clay, formerly paymaster-general of the Continental Army for the Southern Department, was a Savannah merchant and a Chatham County assemblyman in 1782–83 and 1787–88. He had been elected a delegate to Congress in 1778 but did not attend. He had also served as state treasurer in 1782. Pierce was the Continental commissioner of army accounts.

For other letters by Clay, written in May and August 1788, showing his concern for amendments, see Mfm:Ga. 39–C and 39–E.

**James Jackson to Seaborn Jones**  
Savannah, 18 October (excerpt)<sup>1</sup>

Will you drop me a line what is doing in the House. Have you begun on the important business of the congressional resolution,<sup>2</sup> in which the whole of our Indian affair is included, or the more weighty concern of the Federal Constitution. Both of them require the serious and immediate attention of the House. I lament I cannot be present—the duty of my brigade prevents me. I have not a day without some express, which, as the only head they can look up to, I must attend to. I know well the delicate situation I am in—malice will invent falsehood, let a man's public conduct be ever so upright. Was I to go up, the cry would be—See the brigadier leaves his district in the midst of alarms. Suggestions of fear would follow. Now I stay here, for I have determined not to endeavor to please everybody. No doubt, military pomp is the motive. I sincerely wish, my dear Jones—not that I had retired from my enemies, nor will I ever from a contempt-

ible, illiterate, and illiberal Cassius,<sup>3</sup> who sets up cavil for argument and billingsgate abuse for grammatical productions and whose piece with every sensible man must recoil on itself and its birth be its own grave—but I wish I had never taken a militia command at all. Trouble, expense, and detraction have been the returns for my endeavors. Five years since if a man had told me—this, Jackson, is what you will meet, even from that country which publicly acknowledged your services—I should have instantly pronounced that man a liar.

1. RC (incomplete), Seaborn Jones, Sr. Papers, Duke University Library. The signature is missing, but the handwriting is that of James Jackson, a Chatham County assemblyman from 1781 to 1783 and from 1785 to 1787. Jackson, born in Devonshire, England in 1757, was appointed major in the state militia in 1778, colonel in 1784, brigadier general in 1786, and major general in 1792. In January 1788 he was elected governor but declined to serve. In 1789 he was elected to the U.S. House of Representatives, but was defeated for reelection in a disputed election in 1791. He returned to the state Assembly in 1791 and 1792. He was a U.S. Senator from 1793 to 1795, when he resigned to return to Georgia to fight against the Yazoo land grants. He served as a state assemblyman from 1796 to 1798, delegate to the state constitutional convention in 1798, governor from 1798 to 1801, and U.S. Senator from 1801 until his death in 1806. He was a Democratic-Republican in Congress. Seaborn Jones, clerk of the Council in 1782 and clerk of the Assembly in 1786, was a Richmond County assemblyman from 1787 to 1790, serving as Speaker in 1789–90.

2. Possibly the resolutions proposed by the congressional committee on Indian affairs for the Southern Department on 31 July 1787. The resolutions stated: (1) that Georgia should cede its western lands to Congress, (2) that Georgia should “use all possible means to preserve peace and friendship” with the Creeks, (3) “that Congress esteem it their duty to consider the causes and circumstances of any dispute or hostile proceedings between” Georgians and the Indians, and (4) that the superintendent of Indian affairs inform the Creeks that Congress was “pursuing measures for settling all disputes about the lands claimed by them and the white people. . . .” The report and proposed resolutions were printed as a two-page broadside (PCC, Item 56, Papers Relating to Indian Affairs, 1765–1789, pp. 445–46, DNA).

3. “Cassius” charged Jackson with incompetence and overbearance, and requested Jackson’s resignation (*Georgia State Gazette*, 29 September).

### Extract of a Letter from Georgia to a Gentleman in Providence, 20 October<sup>1</sup>

I congratulate you, and all well-wishers to the United States of America, upon the happy prospects afforded us by the new Federal Constitution. It was received here about ten days since and meets the universal approbation of the citizens of this state.

Our legislature is now sitting at Augusta on account of an Indian war, and doubt not but they will adopt the measures recommended by Congress and the Convention.

1. *Providence Gazette*, 24 November. By 10 January 1788 this extract of a letter was reprinted ten times from New Hampshire to Pennsylvania.

**Joseph Clay to John Williams**  
**Savannah, 13 November (excerpt)<sup>1</sup>**

I returned to this country [Georgia] and what property the enemy [the British] had left me as soon as they quit it. Our state is thriving but the very great depredations made by the enemy has brought such heavy losses on most of the Old Citizens as will take no inconsiderable time to repair and recover. The want of sufficient energy in our government generally is also no small evil, which (at least a large part of) the considerate part of our community hope the new federal system, if adopted, will in part remove.

1. FC, Clay Letterbook, GHi. Williams was a judge of the North Carolina Superior Court.

**Demosthenes Minor**  
**Gazette of the State of Georgia, 15 November**

*Friends and fellow citizens:* Though I am not emboldened to write with the confidence of the "Soldier," and notwithstanding I expect not to affect your auditory nerves with such peculiar titillations as the atticisms of a "Virginius" excited,<sup>1</sup> yet my zeal, grounded upon knowledge and guided by prudence and charity, induces me, devoid of the extravagances of an irregular fancy, to address you on the present critical era and important crisis of public affairs. Important let me call it, for never have we beheld a period more big with consequence. The speedy compliance with the requisitions proposed to your acceptance by the Federal Convention reflects the highest honor on the worthy inhabitants of this town, and abundant reason will you have to exclaim: "Praised be the Ruler of all sublunary things, that we could see so far into the dark womb of futurity, that we were so enlightened as to approbate that system of government which the collected wisdom of the nation had recommended to our adoption." Yet, my countrymen, be not under the fond delusion that it will have no opposers, for, rely upon it, that many who cannot immediately view its inherent and essential perfections, notwithstanding the comparative are obvious, will suggest dangers and affect a superior discernment to render themselves conspicuous; and, in fact oppositions will arise from a variety of sources, for never did anything of a similar nature exist without it. But, animated by a noble and enthusiastic warmth in the cause of freedom, let their opposition and calumny meet with your contempt, its due recompense; the fears of the jealous, the ignorant, and uninformed, allay by bringing reason to your aid, which will prevail over them and constrain them to an acquiescence. The

power of future preservation is now in ourselves—*Et qui non servat patriam cum potest idem facit destruenti patriam*. Now is the glorious halcyon day for us to fence our posterity, as it were, within a wall of safety. Through the whole tenor of this inimitable Constitution we observe the *salus populi* is the *suprema lex*, perfectly calculated to prevent innovations of religion, the violation of our liberties, or the abrogation of our fundamental laws.

Let us, my countrymen, no longer doubt of justice, because we have great need of it. No, it is high time that we understand one another, that we be reduced to one faith and one government, otherwise there will be as great a confusion of constitutions amongst us as there was of tongues at the subversion of Babel. But here we view no denial of justice, no abridgment of our liberties; the seat of government and justice, the fountain from whose sweet influence all the inferior members receive both vigor and motion, is centered in a body whose distribution must unavoidably be free, so that each limb will receive its proper nutriment. None will be distinguished with places of trust but those who possess superior talents and accomplishments—the hero must be humane, the statesman upright. Permit me, my countrymen, to exhort you to view with an attentive eye the beauty, harmony, and order of its constituent parts, amidst their variety and yet simplicity. You ought to understand the laws by which you are governed. Here is a noble field for contemplation; here the greatest genius may employ himself with pleasure and advantage. The experience of past times doth evince that more mischief has been introduced, more distractions in states and revolutions in government have been occasioned by the artifices of deceivers, who, under the solemn appearance of extraordinary pretenses to sanctity and virtue, have played the hypocrite so well as to impose upon the most sagacious, than by the ambition of princes or intrigues of ministers. But, my countrymen, you are now warned against the attempts and designs of the former; and, however fond we are of being thought benevolent and humane, let us with the greatest seriousness, temper, and deliberation not only discountenance their nefarious attempts in endeavoring to divert our minds from the pursuit of justice and poisoning the clear streams of our affections, but let us prefer the most pressing exigents. Physicians know that slight external wounds, if neglected, will perhaps exhaust the stock of nature and cause a dissolution of the whole man; the difference between the body politic and the body natural is only *de modo*; we vary but in ceremonies. But, my countrymen, let us with one accord exclaim: “Blasted may that tongue be that shall in the least derogate from this ever blessed, never-to-be-forgotten system of government, which, if not speedily



adopted, we shall be shamed in history, cursed by posterity, the scoff of nations, and the jest of fools—affording one continual spectacle of poverty, wretchedness, and distress—nothing left us we can call our own, but our misery and our patience.” Then of what shall we complain or, rather, what shall we not complain of? It will be a record wherein every man that reads will read himself a slave. No, may universal applause put it beyond the reach of censure, and may it ever be our happiness to admire it and the glory of our posterity to imitate.

1. “A Soldier” and “Virginius” each published four articles in the *Gazette of the State of Georgia* between 19 April and 6 September 1787. The essays, filled with personal attacks, centered on the need for altering the state constitution.

### A Georgian

#### Gazette of the State of Georgia, 15 November

Through the channel of your paper we have lately been favored with the new Federal Constitution, the plan of which I must confess I like, and it is my heart's wish to see a federal constitution established agreeable to the principles of republican liberty and independence, and on the basis of a democratical government, meaning that of the people, being that very government intended by our glorious Declaration of Independence.

Though this new Federal Constitution, I believe, was framed and intended for the good of the United States and, as we are well aware, was assented to by the political saviors of our country, to whom all deference and respect is due, yet the sacredness of these illustrious characters has not been sufficient nor able to prevent several articles from creeping into the said Constitution which, by their different constructions and great latitude given them, an American Sulla or Augustus Octavianus might one day or other make serviceable to his ambition, interest, and to the utter subversion of our SACRED FREEDOM. And as mankind, upon the whole is so depraved as, with pleasure, to trample upon the sacred rights and privileges of their fellow creatures, it is certainly one of our greatest cares, both for ourselves and our offspring, to frame such constitutional laws thereby to prevent such designing tyrants (if ever they be) from grasping at a power, to our destruction, in the said Federal Constitution within their reach; as also to guard with the safest care against all encroachments, and to bar them forever from paving the way to what is worse yet, an ARISTOCRATICAL government, whereby about 70 nabobs would lord over three millions of people as slaves; as also to establish power, harmony, equality and justice, for and among the whole of the United States.

I agree, as it may be said, that the Articles of the Confederation are defective; and, to make it answer effectually the purpose of a federal government, it is to be observed, delegates from all the states, except Rhode Island, were appointed by the legislatures, with this power only, "to meet in Convention, to join in devising and discussing all such ALTERATIONS and farther provisions as may be necessary to render the articles of the confederation adequate to the exigencies of the Union."<sup>1</sup> This was the only power in them vested, and, in conformity to it, had they added to the Articles of the Confederation a power to Congress, viz., to regulate foreign and internal trade, to lay and collect duties and imposts, uniform throughout the United States, to have the sole legislative power in maritime matters, to have a coercive power to enforce the payment of the quota of each delinquent state, but to leave internal taxation and excise to the management of each individual state, the legislature thereof being certainly best acquainted with that important business, all would have been well and our federal government as good and fully adequate to its exigencies as could have been wished. But as this Convention has thought fit to destroy such an useful fabric as the Articles of the Confederation, with the before mentioned amendment and addition, would have been, and, on the ruins of that, raised a new structure rather favorable to aristocratical and destructive to democratical government, and as it seems not to have that equality and justice for its basis [that] it certainly ought to have among confederated, free, and independent states; I wish to point out the few articles inconsistent with such a constitution and also to try the remedies thereof, hoping by that means that my fellow citizens will, by a candid second reading of said Constitution, agree with me in the impropriety of such articles, and [by] their united wisdom, in a convention guided by the love of their country, and answering the benefit of the whole, will improve the remedies and so establish a federal constitution capable of deterring any ambitious men from making an use of it to our destruction; as also to keep alive and in due harmony the Confederation among the united independent states lately so dearly purchased from the government of Great Britain, because that meant "TO BIND US IN ALL CASES WHATSOEVER." But now to the point itself.

Article I, section 2. This section mentions that, within three years after the first meeting of the Congress of the United States, an enumeration shall take place, the number of Representatives not to exceed one member for every 30,000. This article I believe to be inadmissible: 1st, it affording too small a representation (supposing 48 at the highest calculation) and especially in the Southern States,

their climate, soil, and produce, to a large extent back, not being capable of that population as in the Northern States. Would it not therefore be better to increase the number of Representatives, say one member for every 20,000 for the states north of Virginia and one for every 15,000 south of the said state, itself included? Or, 2dly, divide the states into districts which shall choose the Representatives, by which every part of a state will have an equal chance without being liable to parties or factions? Should it be said it will increase the expense, it will be money well laid out, and the more so if we retain the paying them out of our own hands; and, supposing the voting in the House of Representatives was continued as heretofore by states, would it not be more equal still? At any rate I would strenuously recommend to vote by states, and not individually, as it will be accommodating the idea of equality, which should ever be observed in a republican form of government. Or, 3dly, if it was in proportion to the quotas of the states, as rated in taxation, then the number of members would increase with the proportion of tax, and at that rate there would always be an equality in the quota of tax as well as representation; for what chance of equality, according to the Constitution in question, can a state have that has only one or two votes when others have eight or ten (for it is evident that each Representative, as well as Senator, is meant to have a vote, as it mentions no other mode but in choosing the President)? And as it is generally allowed that the United States are divided into two natural divisions—the Northern as far as Virginia, the latter included forms the Southern—this produces a wide difference in climate, soil, customs, manners of living, and the produce of the land, as well as trade, also in population, to which it is well observed the latter is not so favorable as the former, and never can nor will be, nature itself being the great obstacle. And when taxation is in agitation, as also many other points, it must produce [a] difference in sentiments, and in such a dispute how is it likely to be decided? According to the mode of voting, the number of members north of Virginia the first three years is 42, and the Southern, Virginia included, 23; and, when the enumeration takes place, the odds is somewhat more, say 32 North and 16 South. Is human nature above self-interest? If the Northern States do not burthen the Southern in taxation, it would appear then really that they are more disinterested men than we know of.

Out of these observations I shall leave my fellow citizens to join in an amendment necessary in this section.

Article I, section 4. What advantage can accrue to Congress to have the power to order where, or in what part of the state, the Senators or Representatives, agreeable to this and the second sec-

tion, are to be chosen in each state? And, for fear they should convene the State of Georgia at Bourbon or Shoulderbone, I would advise that the words, "*but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators,*" be erased.

Article I, section 6. What advantage can it be to Congress to have the power to pay themselves? And yet it may be very detrimental to the states. May they not do as the members of a certain state assembly did, spend most of the money raised by the taxes in paying themselves? And why is their salary not fixed? For who can say how the Senators or Representatives may incline to live? Perhaps much better than we can afford to pay. Also, is it meant by this section that a member, either of the Senate or Representatives, is not to account for his acts to his constituents? If so, this is contrary to the idea entertained by freemen who delegate their power for a limited time. That the representative should be called on by his constituents to answer and give his reasons for his measures is one of the firmest barriers to liberty. Therefore I would propose this section to read thus:

"Article I, section 6. The Senators and Representatives shall receive a compensation for their services, not exceeding five dollars per day, during their attendance and going to and coming from Congress, to be paid out of the treasury of their respective states. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same. And for any speech or debate in either house they shall not be questionable in any other place, except when they shall be called upon for that purpose by their constituents."

Article I, section 8. The words TAXES and EXCISES are inadmissible, and I would recommend them to be expunged; for, by this section, as it stands, there is no limited taxation and no check. Should not rather the civil list and other arrangements suitable for a peace establishment, together with debts and interests due, have been made out and laid before the house? Let this sum then be the tax in times of peace, assess each state with its quota, call it in by a certain day, and, if not paid, let Congress by all means have the necessary compulsory powers. And in case an unlimited taxation in actual war is to be given, let it cease positively immediately on the return of peace. Remember the civil list of England was, not many years ago, but a few hundreds of pounds, and now it is far above a million, and yet there in times of peace, nay even in war, the sums and the uses must be ascertained before it is granted by Parliament. Upon the whole,

it can never be allowed that we can suffer ourselves to be individually taxed by Congress, they being unacquainted with our private circumstances; but our own legislature is the only body politic to whose management it can be trusted.

That part of the 8th section respecting *tribunals* is utterly inadmissible; its extent being not known and without bounds, and threatening to annihilate all state jurisdictions, it ought therefore to be entirely expunged.

Also that part respecting *the army* I would recommend to read thus: "To raise and support armies only in times of war, invasion, insurrection, or rebellion; and no appropriation of money to be for a longer term than one year to that use. No standing armies to be kept on foot during times of peace within the United States, except what may be necessary to garrison frontier posts."

Further, that part of said 8th section respecting *territorial legislation* for the district where Congress resides; "confine it only to five miles square;" a larger extent might be made a nursery out of which legions may be dragged to subject us to unlimited slavery, like ancient Rome.

Article I, section 9. That part of this section respecting our *home trade* should have this addition, in order to prevent smuggling and a contraband trade, "but they shall be obliged to produce sealed customhouse certificates from the ports they last cleared or sailed from."

That part of the same section respecting the *Writs of Habeas Corpus*, let it, by your leave, read thus: "The privilege of the Writ of Habeas Corpus shall remain, without any exceptions whatever, inviolate forever."

Article 2, section 1. Would it not be necessary to say "that the President shall hold his office during the term of four years out of eight?" *Query*: What number of men choose a President for the important and almost unlimited trust in the United States? There are no more than 93 for the first three years, and Georgia's quota is five; and, after three years, the number of Electors will be but 76, for, I say again, 30,000 people are not so easily acquired; then the right of Georgia lies in three only for so great a trust. If a majority of 558 members have as yet been bought into the court interest in Great Britain, *Query*, how many offices, and how much money, will it take to buy the majority of 76 members, if ambitious men should attempt to set about it? And who can set bounds to the depravity of human nature, if not restrained by wholesome constitutional laws? Therefore let us guard against such an accident by having more Electors.

*Query:* Would it not be necessary to fix the day unalterably forever for choosing of Electors, and for them to give their votes for a President?

Also, would it not be well done to fix the President's salary at once, by saying he shall have 4000 dollars per annum?

Article 2, section 2. If the President should at any time be incompetent for military command in war, etc. (for he cannot be prevented from taking the chief command when it is his right) and should choose to take the command notwithstanding, what ill consequences may not result? For we know there are many wise and good men, and very fit for civil rulers, but are quite unfit for the command of armies and navies. Would it not be better said, "That the President, with the advice of both houses of Congress, shall be Commander in Chief, etc., etc., etc."? By this clause, ought we not to look into the troubles in Holland, and see how the stadtholder (laying aside his hereditary claims) behaved, contrary to the positive orders of the States-General, his masters, during our late glorious Revolution? And has he not accumulated powers destructive to their commonwealth, and which are now the sole cause of their present troubles? And should we not avoid the like by making the President ineligible to the office as many years as you allow him to hold it? And that he only be Commander in Chief, and nominate and appoint all officers, civil and military, by and with the advice of the Senate, etc. only? Therefore I would advise the clause: "*But the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone,*" etc. be struck out.

Article 2, section 3. It will certainly be no harm, but of infinite benefit, if all continental commissions have the clause: "By and with the advice of the Senate of the United States." This will prevent the officers from looking up to the President alone as their master and benefactor. This is another observation which has come to us from Holland, where several great officers refused to serve the state of Holland against the stadtholder, saying expressly they had their commission only from him, and considered themselves under his command and no other.

And now we come to the point which at once teems with numberless enormous innovations by introducing strange and new courts of almost any denomination into any of the states whereby our own courts will soon be annihilated, and abolishing the only pledge of liberty, the trial by jury, to tyrants only formidable, in all civil cases, countenancing the greatest injustice to be lawfully, nay constitutionally, committed by the rich against their brave fellow citizens whose only misfortune is to be, perhaps, not so rich as they, by dragging their

lawsuits of any denomination and of any sum, however small, if they choose, before the GRAND TRIBUNAL OF APPEAL to which the poor will be unable to follow with their evidences and witnesses, and on account of the great expenses. Therefore, fellow citizens, pray restrain this encroachment so destructive to the inestimable rights the more numerous part of middle-circumstanced citizens now enjoy. With horror beware of the precipice before you; and, if you will, please join me in amending the third Article in the Federal Constitution thus:

“Article 3, section 1. The judicial power of the United States shall be vested in one Supreme Court only, which shall be resident where-soever Congress resides, the judges and officers whereof shall hold their offices, by and with the advice of both houses of Congress, during good behavior, and shall at stated times receive for their services a compensation, which shall not be diminished nor increased during their continuance in office. The expenses attending a suit in this Supreme Court shall not exceed 60 dollars.

“Article 3, section 2. The judicial power of this Supreme Court 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; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction, and respecting foreign trade; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of the same state claiming land under grants of different states, and foreign states, foreign citizens, or subjects.

“In all cases affecting ambassadors, other public ministers, or consuls, and where the United States shall be a party, and between two or more states, the Supreme Court shall have original jurisdiction; but, in all the other before enumerated cases, it shall have appellate jurisdiction only, as well of law as fact.

“The trial of all civil and criminal causes, except in cases of impeachment (as provided for in Article I, section 3) shall be by jury, drawn by lot out of a box from among the freeholders of that state where Congress shall reside, and within five miles thereof; and, when a crime against the United States has been committed within no state, the Supreme Court of Congress shall have the trial of the same where Congress then resides.

“The state’s attorney in each and every state shall prosecute all criminals who have committed crimes against the United States. Such trial shall be held where the crime has been committed, by such state court as has jurisdiction of the vicinity.”

Article 4, section 5. At the conclusion of the fourth Article, add: "The freedom of the press, and trial by jury, shall be held sacred and inviolate throughout the United States forever."

Thus, fellow citizens, have I pointed out what I thought necessary to be amended in our Federal Constitution. I beg you to call to mind our glorious Declaration of Independence, read it, and compare it with the Federal Constitution; what a degree of apostacy will you not then discover. Therefore, guard against all encroachments upon your liberties so dearly purchased with the costly expense of blood and treasure. Show that you have yet that noble spirit, and provide remedies against the numberless evils of an unlimited taxation, against the fatal effects of a standing army in times of peace, against an unfair and too-small representation. Let your suffrages at elections never be suffered to be regulated by laws at pleasure, but let it be stated and fixed. Let the trial by jury in civil and criminal causes, and the liberty of the press, be forever sacred and inviolable. Let Congress, for God's sake, not have that power of jurisdiction sought after to our destruction, but confine them to a territory of five miles only; and to only one Supreme Court and allow them none extraordinary [inferior federal courts]. Neither [allow] appeals [to the Supreme Court] in cases between citizens, whereby the rich may fly from justice, and the poor unable to follow them. And, at this rate, I am confident you will establish a government which will be lasting and a blessing to ourselves and generations hereafter.

Having now discharged my duty, which as a citizen I owe to God, to my country, and myself, I leave you to judge for yourselves, and I hope you will act as becoming freemen and the guardians for your offspring.

1. See Georgia's act electing and empowering delegates to the Constitutional Convention, 10 February 1787 (CDR, 204). "A Georgian" substituted "the articles of the confederation" in place of the act's reference to "the federal constitution."

### Demosthenes Minor

Gazette of the State of Georgia, 22 November

*Friends and Federalists:* You have seen and perused (I hope with no degree of pain) the Georgian. Though I could wish it never had appeared, yet from it apprehend no danger. Tis true we have a few dangerous *characters* amongst us which require the vigilance of good citizens to frustrate their gloomy exertions. A consciousness of inability to wound our tranquility by personal influence, or to afford anything like solid argument or calm discussion, will ever keep them concealed; their pen may inflame weak minds, but time will discover



the fiction, and the author will fall a victim to his own folly. Who, so far from furnishing the public with useful hints on a subject of the last importance, has only discovered symptoms of diseases extremely dangerous and equally fatal to fair investigation, viz., strong vanity, a weak brain, and disturbed imagination. Quixotism itself would hardly attempt such a measure; his temper must be soured, having lost his political consequence, and, free from the shackles of conscience, he is impelled, by a natural desire of revenge, now sharpened by envy, to commence war against the whole world. For this purpose he has perfected with the utmost diligence in a knowledge of cunning evasions and subtle defenses, endeavoring to overreach probity and defeat justice. I am far from maligning the person, nor in my heart wish I ill to any man; but, my countrymen, to you I appeal, if it is not high time to grub up that root which had its source in a distempered brain and bad heart, producing noxious and infectious fruit. Can he be fond of justice who breaks through the most obvious rules to gratify his pride and ill nature, affecting a conscientious scrupulousness and strict integrity, yet discovering a manifest bias and partiality, raising altars of vainglory to himself, by appearing against a good cause, and upon wrong principles? Shall such a person then set himself up for the oracle of state and put his judgment in competition with (to use his own words) the political saviors of their country? God forbid! But, my countrymen, let us with strict justice and inflexible integrity divest ourselves of prejudice, be under no influences, be determined by truth and reason, and the real merits of the case. His prefatory observations are merely anticipations of domestic evils, in which he has substituted round assertions for argument; but, to have some show or appearance of plausibility and to impose on the credulity and weakness of the people, he has begun by articles, and enumerated his complaints, and had the assurance to point out means of relief.

*Imprimis*, Article I, section 2. "Within three years after the meeting of the Congress of the United States, an enumeration shall take place, the number of representatives not to exceed one member for every 30,000." "This article," saith he, "I believe to be inadmissible." But hear his reason, because "it affords too small a representation, especially in the Southern States, their climate, soil, and produce, to a large extent back, not being capable of that population as in the Northern." The very position is absurd. Did I wish to cavil upon words, I would tell him that climate, soil, and produce was not capable of population; but, for the sake of argument, I will admit the idea that he would have conveyed, viz., that the Southern States would not populate so rapidly as the Northern. But I deny it. The

soil is experimentally known to be as luxuriant as any under the canopy; they are prompted to marry at an earlier period and are sufficiently mature for the propagation of the species. He concludes his observations on the 2d section by obtruding upon the public causes and effects which can have no possible relation, and, if capable, would make use of the vain subtlety of argumentation. But, in the sincerity of my heart, I will not refuse my assent to his being debased in principle and actuated by self-interest. Yet I do not conceive the inference he deduces therefrom to be just, viz., that that enlightened, dignified, venerable, and august body can possibly be influenced by the same principles when we consider that the wisest checks to ambition and licentiousness, and the most admirable fetters to self-interest, are instituted for them. There exists in man an innate principle of justice and goodness by which, in spite of *maxims*, we judge of others by ourselves. But, my countrymen, let us not be blind admirers of this system. The President, Senate, and House of Representatives are proposed to be appointed thus: the President to be chosen by Electors nominated in such a manner as the legislature of each state may direct; 2dly, the Senate is to be composed of two Senators from each state chosen by the legislature; 3dly, the House of Representatives is to be chosen every second year by the people of the several states. Thus the legislative, executive, and judicial powers are completely separated and accurately balanced. He in the next place proceeds to Article I, section 4 and observes that he could wish these words to be erased, "*But the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators,*" for which he has not given any reason except the old royal argument, "*sic volo.*"

Article I, section 6. Here he suggests that it will be detrimental to the states for Congress to have it in their power to pay themselves. I would obviate that objection by asking this simple question: What barrier would it be to the solid enjoyment of political liberty? He then endeavors to interpret the meaning of the section by a punctual deviation from truth and has the *consummate impudence* to prescribe how the section should be read.

"Article I, section 8," saith he, "the words TAXES and EXCISES are inadmissible, and I would recommend them to be expunged; for, by this section, as it stands, there is no limited taxation and no check." But, my countrymen, you will not consider this an improper delegation when you are informed that it is their duty to provide for the national safety and support the dignity of the Union, and to discharge the debts contracted upon the collective faith of the states. Certainly those upon whom such important obligations are imposed

ought to possess every means requisite for a performance of their trust. This salutary consequence affords an answer to the objection. He has then endeavored assiduously to disseminate the seeds of discontent by asserting that the civil list of England was not but a few hundred pounds many years since, and now it is far above a million. Wonderful historian! I will not desire him to advert to [David] Hume to undeceive him, but, my countrymen, we differ materially from *Great Britain*. The only discrimination I need make at present is this, viz., that our views and objects are not the same; we wish to circumscribe our dominion; they to enlarge. He now is weak enough to make this observation, viz., "That part of the 8th section respecting *tribunals* is utterly inadmissible, it threatening to annihilate all state jurisdictions," and concludes with observing that "it ought to be expunged." But upon what pretense can it be alleged? For upon the very existence of a state legislature depends the existence of the federal government; for is not the President to be chosen by Electors nominated in such a manner as the legislature of each state may direct; so that if there is no legislature there can be no Electors, and consequently the office of President cannot be supplied.

Again, he has objected to the toleration of an army in time of peace, yet has not offered any reason, but had the effrontery to dictate in what manner the section should be read. Notwithstanding it can be demonstrated that it is absolutely necessary to maintain the appearance of strength in a season of tranquility, it would tend to the subversion of policy, for the government must declare war before they are prepared to carry it on; and, however necessary secrecy might be, yet the enemy would be informed of your intention before you were prepared for an attack. The consequence is obvious.

Article I, section 9. To this Article he would make an addition, but has adduced not any argument except mere volition.

Article 2, section 1. In observing upon this section he recapitulates his rhapsody of nonsense, for the refutation of which I refer you to the remarks on Article I, section 2.

Article 2, section 2. Here he attempts to alarm you by calling to your mind the perturbations and commotions in Holland; but their situation is not analogous to a government founded on free principles, so divided that neither department should be suffered to transcend its legal limits without being effectually checked and restrained by the other.

Article 3, section 1. The comments made upon this Article are merely vain exclamations against the Constitution for abolishing the trial by jury. In civil cases, surely, all causes that should be determined by a court of equity do not require the intervention of that

tribunal, and there being a representation of the people in Congress, the oppression is barred by declaring that in all criminal cases the trial by jury shall be preserved.

At the conclusion of the 4th Article, section 5, he would subjoin, "the freedom of the press and trial by jury shall be held sacred and inviolate throughout the United States forever." What control has the federal government upon that sacred palladium of national freedom? It would have been as unnecessary to stipulate that the freedom of the press should be preserved inviolate as that the impost should be general in its operation; the very declaration would have been deemed nugatory, and an implication that some degree of power was given. In short, everything that is not reserved is given.<sup>1</sup>

Thus, fellow citizens, have I obviated the objections raised by this demon of discord and faction, and I hope proved that his chimerical dangers are illusive. Let him hence learn to be modest or else seek that solitude for which nature has calculated him, pine in secret, and sink unnoticed into oblivion. Perhaps to point out the obvious advantages may be deemed affrontive to the good understanding and unnecessary until farther attempts are made to deceive you. The most brilliant imagination, in the most rapturous style, adhering to seraphic truth, cannot bestow sufficient commendations. Let us, my countrymen, with decided unanimity, resolve to adopt, perpetuate, and support it, and embrace the heaven-sent opportunity of securing the invaluable blessing of liberty and independence.

1. This sentence was corrected in the next issue of the *Gazette of the State of Georgia*, 29 November, to read "Everything is reserved that is not given."

### **A Georgian: To Demosthenes Minor** **Gazette of the State of Georgia, 29 November**

The Federal Constitution now recommended to the United States is of vast importance and an entire new model of government. Therefore every citizen who has the welfare of his country and the rights of the people at heart of necessity feels himself deeply interested in the event and has an indubitable right to speak or write his sentiments, unless you wish that we should be muffled as Demosthenes of old was. I will mention a circumstance, borrowed from the history of the ancient Demosthenes, whose name, conscious of your own inability, you have the vanity to borrow to dignify your abusive and scurrilous performance.

"When Alexander the Great conquered Persia, about the year of the world 3674, he appointed Harpalus Governor of Babylon, who abused his trust and, dreading the return of Alexander, amassed a large sum of money, withdrew into Attica, and landed at Athens.

Immediately all such orators as made a trade of eloquence ran to him in crowds to receive *bribes*. Harpalus did not fail to distribute a part of this wealth among them. Demosthenes took a pleasure in viewing one of the golden cups; it was presented him with a large sum of money; being overcome by this present, and no longer master of himself, he joined on a sudden Harpalus's party, and the next morning, wrapping his neck well in woolen cloths, he went to the assembly. The people there ordered him to rise and make a speech, but he refused, making signs that he had lost his voice." But this by the bye. I would not wish to apply the story and suppose that Demosthenes Minor is copying his master and aiming at the golden cup.

Concerning the Constitution in question, in answer to the latter part of the refutation (copied, as I believe, from Mr. Wilson's speech),<sup>1</sup> I shall only refer the readers to the 2d clause in the 6th Article of the new Federal Constitution.

And now, one word more to you. You say "that we have dangerous characters amongst us," "that it is assurance to point out means of relief," "that the very position is absurd," "obtruding on the public," "consummate impudence," "endeavored assiduously to disseminate the seeds of discontent," "effrontery to dictate," "rhapsody of nonsense," "this demon of discord and faction," and more such unbecoming language which never is calculated to make converts even to a good cause. My wish was to have given my sentiments on the subject, an inherent right of every citizen, and I am not the only one who did so; I wrote with decency, and, if answered or refuted, I expected it would have been with propriety; and until you write with better manners you will no longer deserve to be noticed by A GEORGIAN.

1. James Wilson was a leading Pennsylvania Federalist and a delegate to the Constitutional Convention. His speech of 6 October (CC:134) was not reprinted in Georgia until it appeared in the *Georgia State Gazette* on 22 and 29 December. Earlier reprintings of the speech, possibly that in the *Charleston Columbian Herald* on 1 November, probably circulated in Georgia before 29 November.

#### A Farmer

*Gazette of the State of Georgia, 29 November*<sup>1</sup>

##### PROPOSALS for a Literary Register.

In a commercial place like Savannah, where people of all descriptions and from all countries are mingled together both by chance and design, a continual revolution of characters must necessarily take place, and sentiments, opinions, and schemes will consequently vary as often as the wind which brings a vessel into port or that which carries one out of it; nor would this continual bustle and mutation be detrimental to a society organized and established, and which had

ability to protect its own principles and institutions. But, in a government like ours, whose principles are not sufficiently defined, whose institutions are vague and loose, and which, whatever may be the causes, has not established a respectability, there is too great a door left open for every adventurer to disturb its tranquility and to frustrate the views of its real patriots; for it is a very unfortunate truth that the bulk of civilized society would much rather let a designing, specious demagogue think for them than either be at the trouble of thinking for themselves or letting those whose fortunes and happiness are combined with their own think for them. Amongst the different modes of imposture made use of by these adventurers, that of making your paper a vehicle of their seditious nonsense has grown most into use and therefore calls the most loudly for redress. They have nothing to do but to rake together a few inapplicable scraps of history, a few crude observations, a few innuendoes respecting their own sagacity and their love of their country, some suspicions of those in power, and a few blasphemous appeals to Heaven for the rectitude of their intentions; and, combining them all into a political hotchpotch, send it forth into the world through your paper as the immaculate offspring of prescience and patriotism; and, to make a greater impression upon the world, they never fail to sanctify their productions with some sacred, respectable, or specious signature. Thus we often see a living Catiline personating a dead Cicero and a modern Thersites assuming the ancient name of the sage Socrates or divine Plato, and reminding us of the story of the ass in the lion's skin or the expedient of the courtesan who placed over her door the portrait of the chaste Lucretia.

I would therefore propose, Mr. Johnston, as a remedy to this growing evil, that in future you keep a register or list of all your literary correspondents containing their real, not their assumed names, and make their acquiescence in this measure a condition of publishing their performances.

This register or list must be written in a legible hand, pasted on a board, and hung up in your office, in the manner that the list of persons intending to depart the state is hung up in the naval office, and should be free at all times for inspection. Among the many salutary consequences that would flow from this regulation, I dare say, Mr. Johnston, you would think it not the least that it would save you a great deal of what must be a very irksome labor, publishing the lucubrations of knaves and blockheads; for who, knowing himself to be but a mere adventurer or bird of passage, or totally unqualified for literary labors, would have the impudence or stupidity to place his name in a public office as the father of

a piece whose exordium would be a pathetic address to his *dear fellow citizens*, or that would dip into matters far beyond the reach of those powers which have been only cultivated in a drilling squad or behind the counter of a dram shop? If the author of a late piece under the specious signature of "*A Georgian*" had been subjected to this touchstone, perhaps the public would never have had his heterogeneous performance foisted upon them. My remote and retired situation in the country puts it out of my power to form even a reasonable conjecture with respect to the personality of this gentleman, but, as far as my small abilities enable me to form a judgment of him, he can be no tried friend to *Georgia*, nor no native of its soil; his sentiments proclaim the former, and his foreign idiom the latter. However, should I be mistaken, and he should be really what he says he is, if I knew it, I would even commiserate him in his madness and look with pity rather than contempt on that head which ought rather to be employed in the manufactures than in the politics of his country, and I would endeavor to convince him of his errors by fair argument and dispassionate reasoning; but if, on the contrary, he should be, instead of a fabricator, a supporter or a protector of that Confederation and those constitutions that he pretends to hold so sacred—if, I say, instead of this, he should be a person who crossed the great Atlantic and plowed the waves for the distance of 4 or 5000 miles for the express purpose of destroying them, and of obliterating their very remembrance with the blood of all *real Georgians*, as well as all other Whig Americans—one who pursued his bloody purposes for years and was only prevented from executing them by the virtue of the *real Georgians* and other virtuous Americans, and who, making a merit of necessity, thrust himself into our society after the arm of superior authority had lowered the point of his bayonet and arrested his hand stretched forth for plunder and pollution—if he should be this character, or one of a similar stamp, then, sir, it would excite in the public that indignation for the impostor that he would merit and would prevent the people from paying any attention to his arguments or compliments to his principles. I must repeat that my situation puts it out of my power to make a reasonable guess at the author; but the man of science, the respectable merchant, the ingenious artist, or the industrious mechanic, from whatever land he may come, must feel a consciousness of being above suspicion. Yet, if I were in Savannah, as great a stranger as I am there, and were to see *one or two men mouthing* in the marketplace, or holding forth in a hovel to the most ignorant and depraved part of society or pouring forth at early day deep libations to the Genevan Goddess in some sordid tippling house, and vociferating on politics with a frightful and obscene coun-

tenance and person, and with unremitting oaths, to his brother tipplers, I would say unto him immediately, as Nathan said unto David, "*Thou art the man.*"

1. This article was addressed to "Mr. [James] Johnston," printer of the *Gazette of the State of Georgia*. For attempts in other states to require authors to reveal their identities before their essays would be published, see "A Citizen," *Massachusetts Gazette*, 16 October (CC:165) and "Philadelphiensis" I, *Philadelphia Freeman's Journal*, 7 November (CC:237).

### A Georgian

*Gazette of the State of Georgia*, 6 December

Had the Farmer, in your last paper, produced anything like argument, or even attempted a refutation of my proposed amendments, or had he written like a gentleman, I would have paid him every attention. But as his production consists wholly of personal abuse and invective, I shall (having neither inclination nor abilities to engage with so perfect a master in the science of scurrility) pass over his virulent performance with that silent contempt which the meanness of the attack deserves.

### Demosthenes Minor: To A Georgian

*Gazette of the State of Georgia*, 6 December

*Once to be wild is no such foul disgrace;  
But 'tis so still to run the frantic race.*

Creech's Translation of the 14th Epis. of Hor[ace]

Animated by a noble enthusiasm in the cause of freedom, which generous flame I trust will never be extinguished, I endeavored to frustrate your designing machinations and made the futility of your arguments equally conspicuous with your folly. To inform you of my own private sentiments, I do not imagine that I am addressing myself to a real Georgian. No! I will not be so disingenuous as to transform the most agreeable beauty into the most odious monster or to level the best of mankind with the worst; such methods would tend not only to destroy a man's good opinion of others, but to remove that reverence for himself which is the great guard of innocence and spring of virtue.

Your last spurious production, how worthy soever of silent indignity, shall receive notwithstanding a lash of reprobation. I hope I may call it spurious without imputation of immodesty, when it evidently was designed to do as much mischief to the political world as the Hessian bug<sup>(a)</sup> to the natural. Those who are profoundly read in material causes would attribute it to a noisome effluvia of the brain,



produced by fermentation, the usual discharge of which is precluded by unusual repletion, and a passage is forced out at the fingers' end. You impeach me with writing with ill manners, but I feel a comfort from acting before an indulgent public, who no doubt will put a fair construction on my conduct and judge that I calculate my address to the object.

But to patriots, men of integrity, and friends to our glorious Revolution do I now address myself, and let me assure you that I feel my interest blended with your own.

After incessant toils, expense, and self-denials, we have now the prospect of seeing our virtuous struggle crowned with triumphant success. And, at such a period, shall men who have not a liberal portion of the ethereal spirit, who have enriched themselves and fattened on the spoils of your country, whose conduct will not bear the piercing eye of public examination, and whom charity induced [you?] to give an asylum in your hospitable land, I say, shall they, enjoying the well-earned fruits of your labor, endeavor to retard the rising grandeur of the state? Avert it Heaven! Thank God we are not destitute of honest men; our country is not in the deplorable situation of Sodom or Gomorrah. The original stock that furnished this goodly plant is now decaying in the Eastern World, but the tender slip taken from the parent tree flourishes in this Western Hemisphere. Let your vigilance serve as a cherubim with a flaming sword to protect every avenue through which it may be attacked; it is planted in a luxuriant soil, you have watered it with your blood, and it will shoot up with redoubled strength, "so that the hills will be covered with the shadow of it, and its boughs be like unto the goodly cedar;" and may you and your posterity repose securely under its friendly and hospitable shade.

(a) *An animal extremely pernicious to wheat.*<sup>1</sup>

1. The Hessian fly, as it was more commonly called, wrought havoc throughout the United States during the 1780s and destroyed thousands of acres of wheat.

## A Citizen

Gazette of the State of Georgia, 6 December

I have with the greatest attention and patience read several publications in your late papers, hoping thereby to have gained such information, from the reasoning and arguments which I expected would have been made use of by the Federalists and Antifederalists, as would have justified my approbation or disapprobation of the new Federal Constitution. But how egregiously have I been mistaken; instead of that cool and dispassionate inquiry, those wise and learned argu-

ments, which I expected, and which ought to have taken place, on discussing a subject of such magnitude and importance, what have we been presented with but personal abuse and scurrility as though there were no other mode of proving the goodness of the proposed plan of government than by calumniating and vilifying the characters of its opposers, or as though the gentlemen were fonder of displaying their wit and talents for satire (or rather calumny and detraction) than of defending the Constitution they have undertaken to support; for they appear absolutely to have deserted the original question, meanly to attack the private character of an individual. What, in the name of God, has the poor Georgian been guilty of to call forth such a torrent of abuse? Is it so great a crime for a citizen in a free country to publish his sentiments? For my part I always thought it not only the indubitable right, but the bounden duty, of every good citizen freely to declare his sentiments when anything of consequence to his country was in agitation. The Georgian has done so and, in doing so, has but performed his duty to himself and his country. If his objections are not well founded, they might with ease, but ought with decency to be refuted, for abuse never yet made a convert to any cause. But if, on the contrary, his objections are unanswerable, and the gentlemen cannot refute them by a candid and fair discussion, why abuse the author? Why step aside from the question and attack the private character of the man? For, if the objections are good, it matters not a straw who or what the author is, whether a king or a cobbler. Nor do I think it so great a piece of *arrogance* in the Georgian, whoever he may be, to endeavor to instruct his fellow citizens, and warn them against what he supposes to be an evil, although he may even be mistaken, than it is *blasphemy* in Demosthenes Minor to damn everyone who should presume to differ with him in opinion. But, says the Farmer, the Georgian is not a *real native Georgian*, and therefore he means to infer he ought to hold his tongue—a most extraordinary argument indeed. I know not how the gentleman means to draw the line of distinction between the native and the emigrant. I will only ask, is not the foreigner who, from the expectation of living free, quits his native country, settles here, pays his taxes, bears his proportion of the public burthen, and performs every other duty of a citizen as good and useful a man as him whose only merit perhaps consists in his being accidentally born here? Besides, can it be thought that the foreigner who has taken up his residence among us has **not** as great a regard for his family, his property, his liberty, as the *native*? It would be madness to suppose the contrary. But, again, the Farmer says, or means to say, that the Georgian came across the great Atlantic four or five thousand miles for the express purpose of destroying those very liberties which he now pretends to hold sacred.

Were I the Georgian (though I might not wish to copy the scurrility of either Demosthenes or the Farmer), I would draw a comparison between myself and the Farmer, that is, merely a suppository comparison.<sup>1</sup> For instance, I would suppose the Georgian to have been born the subject, or rather the slave, of an arbitrary prince, that he was dragged by despotism into a military life, sold to a tyrant to fight against a virtuous race of men struggling for liberty, that after his arrival in this country he learnt the difference between slaves and freemen, and therefore solicited and obtained an honorable discharge from what he conceived to be a dishonorable service, and, sacrificing his native country, his friends, and kindred, to his liberty, came to reside and end his days in Georgia. Next, I would suppose the Farmer to be a native Georgian, that in the hour of distress and adversity he turned his back upon his *native* country, betrayed his trust, became an apostate, forswore the sacred cause of freedom, took the oath of allegiance to his *native* country's enemies, drew his sword in defense of tyranny, and perhaps stained it with the blood of his *native* fellow citizens; that when he found the virtuous perseverance of his countrymen had got the better of their enemies, he made a virtue of necessity, and, "lowering the point of his bayonet," begged mercy of his injured country. As I can with *truth* declare that I do not know, nor can make a probable guess at the author of the Farmer, I do not pretend to say that he is such a character as the latter, but only mean to ask, if he is such a one, which has the advantage, the native or the foreign Georgian?

When I sat down to write, I did not intend by any means to go into the merits of the proposed Constitution. I leave that to abler pens, though, were I not afraid of Demosthenes and the Farmer, I would venture to say that I think it might be a little amended. I only intended to recommend to your correspondents, as I doubt not but that they have all the good of their country in view, to reason and debate like gentlemen, without passion, rancor, or prejudice, carefully avoiding all personal reflections as a thing totally foreign to the dispute.

1. The following correction appeared in the next issue of the *Gazette of the State of Georgia*, 13 December. "In the piece signed A CITIZEN, published in our last, for *suppository*, read *suppositious*." See "A Briton" immediately below who satirizes "A Citizen" for the use of the phrase "suppository case."

#### A Briton

##### Gazette of the State of Georgia, 13 December

As I have been a constant reader of your paper during my residence in this place, I hope I may be indulged with the liberty of making a few observations to you upon some late publications which have ap-

peared in your *Gazette*. As you may be surprised that I should defer the communication of some of my sentiments to so late a period, and attribute the delay to a slowness of perception, I will candidly confess the real cause. When the Georgian first presented himself to public view, I felt an inclination to congratulate this country upon the production of so astonishing a genius, and a disposition to display the excellence and justice of his remarks; but I was afraid that some sturdy Farmer, who was accustomed to *cutting, mauling, and splitting*, might rib-roast me and tear me to pieces. However, when I read your last paper and observed that a pious Citizen, who seems to detest those who *blaspheme*, had asked what *in the name of God* has the Georgian been guilty of, I felt myself emboldened by the piety of the invocation and determined to atone for my silence by endeavoring to place in a clear light the merit of the Georgian.

He has discovered a quickness of penetration, and a fertility of invention, that is rarely equalled. He has evinced himself to be a watchful guardian of the rights and liberties of the people. He has warmly espoused the interest of the lower class of citizens and has exerted himself to prevent them from being oppressed. He has showed a disposition to adhere to those rigid principles of frugality without which a republican government cannot long exist. And, lastly, he has proved himself to be a decided enemy to all laws and measures that may tend to curb the spirit of the enterprising. I have now sketched the principal traits of his character, and I defy the greatest bookworm in the community to produce one more finished. He may ransack the annals of history and draw forth his Cincinnatuses, his Gracchi, his Camilluses, and other distinguished patriots, but where will he find one in whom is united such an assemblage of excellencies? As it is a common practice with controversialists to accuse their opponents with using bare assertions only, I shall, to avoid this imputation, prove everything which I have advanced in favor of the Georgian. His acuteness and penetration is evinced by the readiness with which he detected the schemes of the wisest and most designing men in America, notwithstanding the artful and mysterious veil with which they were enveloped. His powers in the art of ratiocination are not less conspicuous from the ease with which he has proved the fallacy of certain principles in government which our Magi hoped to render as durable as time. But what must give every man of discernment the most exalted idea of the powers of his mind is that he could in a few days form a system of government infinitely more perfect than that which the ablest heads on the continent had employed three months in fabricating. His strict attention to the rights of the people is evident from his opposition to the imposition of

*taxes and excises*, and to the establishment of tribunals, of which last he appears wonderfully qualified to be a judge. Lest I should be thought enthusiastic in my admiration of the Georgian's abilities, I will in this place acknowledge that I think he has been guilty of one error, and that he has been led into it by his watchfulness. He thinks it improper to allow Congress to have jurisdiction over territory of ten miles square but would confine them to one-fourth of that space. I think the alteration in this case would be more dangerous than the original proposition, for it is well known that some of the most absolute princes in Germany do not possess a dominion of greater extent than five miles square, and it is generally observed in that country that their tyranny increases with the diminution of their principalities. I would not therefore allow Congress a single foot. His attachment to the industrious part of citizens is evident from his aversion to the federal court of appeals to which he supposes that every tailor who has patched a pair of breeches, or every blacksmith who has driven a nail in a horse's shoe, may be dragged before he can recover payment for these necessary operations. Here, Mr. Johnston, I must confess that, although I have read the newly proposed Constitution attentively several times, I did not perceive that such an appeal could be allowed between citizens of the same state, and therefore that much danger need not be apprehended from the court of appeals. However the stress which is laid on this part of the Constitution by the Georgian is a proof of his superior attention and nicer discernment. The economy he has exhibited in curtailing the salary of the President and the pay of the members of Congress will strongly recommend him to every true republican. Men who are actuated by vain and aristocratical motives will assert that they should live with sufficient splendor to support the dignity of the Union, that they should entertain ambassadors, consuls, strangers and citizens of distinction; but such an ostentatious display of expense ought not be encouraged. What true American does not pant for such times as those in which an envied Curius subsisted upon herbs cooked by himself? Who does not admire the native simplicity of manners that prevailed at Sparta, when citizens of all ranks lived upon broth made of beans? And who can refrain from praising the august assembly of Batavian legislators, who sitting on the grass made a wholesome repast from the coarse fare which each one had brought in his budget? There is no necessity of resorting to former times to furnish us with examples of serviceable economy. Many of the *ablest* men both in Holland and Germany feed very plentifully upon sauerkraut, the cost of which for a whole year's subsistence cannot amount to more than ten or twelve pounds. Why then should we allow the President more than four thousand

dollars per year? It is well known that the inferior classes of people endeavor to imitate those who are more elevated. Unless, therefore, frugality is established among the rulers of a country, it will never prevail among the subordinate ranks of citizens. The last trait which I remarked in the character of the Georgian was that he was averse to all such measures as would tend to restrain the enterprising. This is evident from his opposition to the suspension of the privilege of the writ of *habeas corpus*—an opposition that was surely well founded, for, if such a suspension was ever allowed, such worthy characters as [Daniel] Shays and [Adam] Wheeler<sup>1</sup> might be forced into a prison, confined there till their trial, and at length be hung for attempting to introduce a *desirable* reformation in government. It may not be out of order to remark here that the Georgian has, with admirable foresight, given perpetuity to his system by insisting that the writ of *habeas corpus* shall remain inviolate *forever*. I hope, Mr. Johnston, that I have now proved satisfactorily everything which I have advanced in favor of the Georgian; I will, however, go one step farther and assert that the style and manner of reasoning which he uses is the most judicious which could have been adopted, for the reader is often so entirely confounded by his manner of expression that it is impossible even to attempt a refutation of his principles. It is true some objections have been made to his manner of writing, but they were not well founded. His enemies say that he does not argue dispassionately, but they take an unfair way of proving it; they say that, whenever a man writes with a serious design to influence the minds of people, he either addresses their reason or their passions; they then assert he is serious, and that he does not address the reason, and so conclude that he treats his subject passionately. His friends, though, by a little transposition in the syllogism, draw a different conclusion; they admit the first proposition and then say that he speaks with great coolness, and from thence infer that he appeals to the reasoning faculty. Some wags, indeed, have adopted the mode of reasoning both of his friends and his enemies, and conclude that he neither addresses the passions nor the understanding, and consequently that he speaks nonsense. This, though, is the effect of envy. As I am speaking of the style of the Georgian, I am naturally led to animadvert upon the severe attack which has been made upon him by one of our Farmers. He accuses him of introducing foreign idioms into his composition. Admitting the truth of the accusation, has the Georgian been guilty of any crime? Did not the celebrated Dr. [Samuel] Johnson intersperse many Latinisms and Graecisms in his writings and has not the Georgian an equal right to mingle Gallicisms and Germanicisms in his productions? Besides, there are many citi-

zens of America who are not natives of it that are highly interested in the adoption or rejection of the lately proposed Federal Constitution; and therefore if he could, by a happy peculiarity of composition, have rendered his work at once intelligible to Americans, Frenchmen, Spaniards, and Germans it would have been highly meritorious. One of the greatest miracles that is recorded is the preaching of the Apostles with cloven tongues, by which means they were at once understood by many of the most dissimilar people on earth. I shall take my leave of the Farmer when I have made one more remark, and that is that he can be no friend to Georgia, or he would not insinuate that this country had not the honor of producing so great a personage as the Georgian. I now turn with pleasure from the mauling Farmer to congratulate the Georgian upon the appearance of our common friend the Citizen. I cannot help regretting though that this writer had not adopted my plan of establishing by fair reasoning the justice of the Georgian's observations; for some calumniators have observed that he has fallen into the error which he has attributed to others, that of railing at writers instead of developing the excellencies and exposing the defects of the Federal Constitution. He has though amply atoned for this omission by his *suppository* case. Had he thumbed every lexicon, dictionary, glossary, or vocabulary that was contained in the Alexandrian library, or that is now to be found in the Vatican, he could not have selected any word that in its *application* would have so completely *prostrated* the Farmer as this said *suppository*. You know, Mr. Johnston, that a *suppository* is a hard glyster, and before the benevolent Citizen could enforce his injection, he might find it necessary to throw the Farmer upon his face, which is as defenseless a posture as any in which a man can be placed, and while he was thus situated, blowing and working his hands and feet, like a captive turtle on the seashore, the Citizen might have administered his medicinal and purifying *suppository*. Some have imagined that, by a *suppository* case, he wished it to be *supposed* that the Farmer was a *Tory*. This conjecture does not appear improbable, for, if this supposition should prevail generally, it would force the whole current of the popular odium upon the head of the Farmer.

I have now finished, Mr. Johnston, what I intended to say; but so many severe things have been lately said about names that I am puzzled for a signature. I believe it will be best to tell the truth and shame the devil. Fortunately policy and my interest concur to enforce this maxim, for, if I should be supposed to have assumed a fictitious character, it will not lower me in the estimation of the people; I therefore acknowledge myself to be A BRITON.

P.S. It may be supposed that I have espoused the principles of the Georgian, because I am mortified at the separation of this country from Great Britain, and wish America to remain in her present languid and contemptible situation; but my impartiality will be confessed when I mention that large sums of money are due to me in this country, and that I am convinced as soon as the proposed Federal Constitution is adopted I shall no longer be defrauded by payments in paper money.

1. Wheeler was one of the leaders of Shays's Rebellion in Massachusetts during 1786-87.

**Lachlan McIntosh to John Wreath  
Skidoway Island, 17 December<sup>1</sup>**

I hear you are chosen one of the Convention, which I am glad of and flatter myself you will not think it either impertinent or officious in a fellow citizen to give his opinion in a business of so high importance to ourselves and our posterity as the new Federal Constitution now offered to your consideration, and more especially as our legislature have thought proper to enter upon it rather precipitately before the opinions of the other states are known.

Some of the men who framed this Constitution are the wisest and best that this or perhaps any other nation ever produced; yet, with all their good intentions and abilities, if we thought them infallible, there would be no occasion to appeal to the states and people at large, who in republican governments ought at all times to think themselves the ultimate and best judges of their own grievances and or conveniencies.

The popularity of the framers is so great that the public voice seems to be for adopting the Constitution in the lump on its first appearance as a perfect system without inquiry or limitation of time or matter. Such hasty resolutions have occasioned all the misfortunes that ever happened in governments, and it is really astonishing<sup>2</sup> to see people so reluctant lately to trust Congress with only 5 percent duties upon imports for a short time to pay the national debt expressly,<sup>3</sup> and so jealous of the sovereignty of their respective states, so eager now to yield these and everything else into their hands forever and to become *the State*, instead of United States of America. It is indeed generally agreed, as we might have expected, that this Constitution discovers great judgment and abilities, and that the pressing exigencies of our national affairs requires some speedy and effectual remedy.

If, therefore, we reject the whole or any part of it, I fear we will remain, for a considerable time at least, without remedy in the same



unconnected state we now are in, as it appears to be so constructed that the whole or none of it must stand or fall together; and should it be found necessary to call another convention of the United States to amend it, we cannot expect the last illustrious members will serve again, and the determination of any others less dignified will not have the same general influence and may miscarry also.

Upon the other hand, the objections made to this Constitution by Mr. [Elbridge] Gerry of Massachusetts,<sup>4</sup> the Centinel of Pennsylvania,<sup>5</sup> and others who dare to express their minds upon it so early, tho perhaps overcautious, appear nevertheless to be very weighty, and if the remedy should prove worse than the disease, what reason will their constituents and posterity have to blame<sup>6</sup> the Convention of Georgia in whom they confided and whose option it was to adopt or reject it for them. In either of these determinations there appears to me the greatest difficulty, and as I had a wish to be in this Convention, I drew up the enclosed compromise<sup>7</sup> as a memorandum for myself, which I hold some hopes might meet with the wishes of all parties, either with or without the annexed conditions, and be adopted not only by our own but some other states, especially the Southern States, who are more particularly interested as they are, and ever will continue from their extent and other circumstances, the minority in Congress. Therefore it may be thought prudent, at least for them at this time, to avoid the rocks on both sides of the question instead of binding ourselves and posterity forever to adopt the Constitution only for a certain period of time during which they will have a fair trial of its effects, and at the expiration of that time be at liberty and have it in their own power to adopt it again if they please for another period, either without or with any amendments they may find necessary, which probably will hereafter be done by conventions, as the precedent is now set which is a new and far better method of settling public differences than the old way of cutting one another's throats. If we bind ourselves and our posterity now, by adopting this Constitution without any conditions or limitation of time, any efforts made thereafter for redress of grievances must be termed rebellion, as it will be impossible to obtain amendments in the mode proposed when the majority, which is observed will ever be against the Southern States, find it their interest to continue them, and men of influence are once fixed in their saddles.

It is known to have been the intention of the Eastern and Northern States to abolish slavery altogether when in their power, which, however just, may not be convenient for us so soon as for them, especially in a new country and hot climate such as Georgia. Let us therefore keep the proper time for it in our own power while we

have it. This Constitution prolongs the time for 20 years more, which is one reason for fixing upon that period in the enclosed limits, as well as to pay off our national incumbrances, which it is conceived may be done in that time when we have given up all our purse strings for that purpose without regard to our own particular engagements.

1. FC, McIntosh Papers, GHi. McIntosh, a general in the Continental Army during the war, was a Camden County assemblyman in 1784 and 1785. He was president of the Georgia Society of the Cincinnati from 1783 to 1789. Wereat, former Chief Justice of Georgia, was the state auditor. He represented Richmond County in the state Convention and was elected President of that body. Skidaway Island is in Chatham County just south of Savannah. McIntosh lined out his first sentence, which read: "I am sometimes inclined to be funny; but am now very serious with you."

2. "Curious" is written above the word "astonishing."

3. See the Impost of 1783 (CDR, 146-48), which Georgia had approved on 13 February 1786.

4. Letter to the Massachusetts General Court, 18 October (CC:227).

5. "Centinel" I was published in the Philadelphia *Independent Gazetteer* on 5 October (CC:133) and as a broadside. A one-paragraph extract of "Centinel" was reprinted in the *Gazette of the State of Georgia* on 8 November (Mfm:Ga. 20).

6. "Reflect upon" is written above the word "blame."

7. It seems likely that if McIntosh sent a separate document to Wereat, it concerned a proposal to ratify the Constitution for a period of years, which McIntosh discusses in the remainder of his letter.

### Out-of-State Commentaries on Georgia and the Constitution

*John Jay to Thomas Jefferson*  
*New York, 3 November (excerpt)*<sup>1</sup>

Advices from Georgia represent that state as much distressed by the Indians. It is said that the apprehensions of the people there are so greatly alarmed that they are even fortifying Savannah. There doubtless is reason to fear that their frontier settlements will be ravaged. The Indians are numerous and they are exasperated, and will probably be put to no difficulties on account of military stores. These embarrassments result from want of a proper government to guard good faith, and punish violations of it.

*Nicholas Gilman to President John Sullivan*  
*New York, 7 November (excerpt)*<sup>2</sup>

The most important news we have here is from Georgia, where they are under the greatest apprehensions of an open war with the Creek Nation, which, according to the account of the Georgia delegates, consists of seven or eight thousand fighting men. But, be that

as it may, they have had several skirmishes, and the Indians' preparation for war is so alarming to the state, that they have thought proper to order all the slaves upwards of sixteen years of age within sixteen miles of Savannah, to be employed in fortifying that town. How these things will end time must reveal, but if we are to be much longer unblest with an efficient national government, destitute of funds and without public credit, either at home or abroad, I fear we shall become contemptible even in the eyes of savages themselves.

*William Grayson to William Short*  
*New York, 10 November (excerpt)<sup>3</sup>*

As to the two Carolinas and Georgia, I have not yet heard much about them. The general supposition is that it will go down very smoothly in those regions. As to the latter, it is highly probable as she is at present very much embarrassed with an Indian war, and in great distress; and as she will pay nothing under any government, it is very immaterial to her how many changes are effected. This latter observation will apply in a great degree to some of her neighbors.

*George Washington to James Madison*  
*Mount Vernon, 7 December (excerpt)<sup>4</sup>*

. . . but what the three Southern States have done, or in what light the new Constitution is viewed by them, I have not been able to learn. . . . and the disturbances in Georgia will or at least ought to show the people of it the propriety of a strict union and the necessity there is for a general government.

*Abraham Baldwin to Nicholas Gilman*  
*New Haven, 20 December<sup>5</sup>*

I have not returned so soon as I expected to help you visit the secretary, read newspapers, etc.

The settlement of some old family affairs, attended with some prospects of advantage to myself, has prevented me. I begin to indulge the hope of receiving accounts of the arrival of our friend [William] Few. Should you find any letter addressed to me, I must request you to take the trouble of directing it to this place. My anxiety for our little state is much increased by our late accounts. From the places which I see mentioned, the state must be in trouble in every part, and I believe the present design of the state is a general destruction of the Indian towns. Perhaps these internal commotions will accelerate their determination on the great political question.

[P.S.] If you will have the goodness to send me a copy of your statement of the liquidated debt, you will much oblige me.

*James Madison to Edmund Randolph*  
*New York, 10 January 1788 (excerpt)*<sup>6</sup>

I have no information from South Carolina or Georgia on which any certain opinion can be formed of the temper of those states. The prevailing idea has been that both of them would speedily and generally embrace the Constitution. It is impossible, however, that the example of Virginia and North Carolina should not have an influence on their politics.<sup>7</sup> I consider everything therefore as problematical from Maryland southward.

*George Washington to Henry Knox*  
*Mount Vernon, 10 January (excerpt)*<sup>8</sup>

. . . from the states south of it [North Carolina] I have no direct intelligence; but in the situation Georgia is, nothing but insanity, or a desire of becoming the allies of the Spaniards or savages, can dis-incline them to a government which holds out the prospect of relief from its present distresses.

*George Washington to Samuel Powel*  
*Mount Vernon, 18 January (excerpt)*<sup>9</sup>

. . . that Georgia has accompanied her act of appointment with powers to alter, amend, and whatnot. But, if a weak state, with powerful tribes of Indians in its rear and the Spaniards on its flank, do not incline to embrace a strong *general* government, there must, I should think, be either wickedness or insanity in their conduct.

1. FC, RG 59, General Records of the Department of State, Foreign Letters of the Continental Congress and the Department of State, 1785-90, DNA (printed: Boyd, XII, 316-17). Jay was Secretary for Foreign Affairs for the Confederation Congress. Jefferson was in Paris as the United States minister to France.

2. RC, Dreer Collection, Letters of Members of the Federal Convention, PHI (printed: LMCC, VIII, 675-76). Gilman was a New Hampshire delegate to Congress. Sullivan was President of New Hampshire.

3. RC, Short Papers, DLC (printed CC:248). Grayson had been a Virginia delegate to Congress. Short was Jefferson's secretary in Paris.

4. RC, Special Collections, Signers of the Declaration of Independence, Amherst College Library (printed CC:328). Madison was a Virginia delegate to Congress.

5. RC, Slack Autograph Collection, Marietta College Library.

6. RC, Madison Papers, DLC (printed: *Commentaries on the Constitution*). Randolph was Governor of Virginia.

7. Six weeks earlier it was reported that Virginia congressman Cyrus "Griffin is also of opinion from what he has heard that the Carolinas and Georgia will wait for and be guided by the decision of Virginia" (William Shippen, Jr. to Thomas Lee Shippen, Philadelphia, 29 November, RC, Shippen Family Papers, DLC).

8. RC, Knox Papers, MHi (printed: *Commentaries on the Constitution*). Knox was Secretary at War for the Confederation Congress.

9. RC, Washington Papers, Mount Vernon Ladies Association of the Union (printed: *Commentaries on the Constitution*). Powel, a wealthy Philadelphian, was the city's last prewar mayor in 1775 and the first mayor after Philadelphia received a new charter in 1789.

## III

**THE ELECTION OF CONVENTION DELEGATES**  
**4 December 1787**

Each of the state's eleven counties elected three Convention delegates. Eleven of the thirty-three sat in the old Assembly and four in the old Council. Other state officeholders elected included the governor, chief justice, auditor, secretary of the state, three delegates to Congress, and a delegate to the Constitutional Convention (William Few). Twenty of the delegates were also elected to the new Assembly, which was scheduled to meet on the first Tuesday in January.

By 27 December election results for ten counties were printed in the state's newspapers. The Franklin County election was the only one not reported. (For those newspaper reports that merely listed the names of the men elected, see Mfm:Ga. 27A-H). The surviving manuscript election certificates for five counties and four newspaper reports are printed in this section.

**Gazette of the State of Georgia, 29 November**

The general election being on Tuesday next, the following resolution of the honorable the House of Assembly at their last session is republished for the information of the electors.

Resolved, That any member of the Executive Council, or of the legislature, or other person holding any office of honor or profit under this state may be elected a member of the Convention.

## Reports of Elections of Convention Delegates

### *Burke County*<sup>1</sup>

At an election held at Waynesborough in the County of Burke on the 5th day of December 1787.

Whereupon counting and casting up the ballots it appeared the following members were duly elected for the Convention, the number of votes as follows:

Edward Telfair	270
George Walton	128
Henry Todd	166

Certified by us the day and year above written.

Tho Lewis, Jr., J.P.  
William Fleming, J.P.  
Jacob Lewis, J.P.

### *Camden County*<sup>2</sup>

Elections on Monday [*sic*] the 4th instant.

For Camden County.

Honorable Henry Osborne, James Seagrove, Jacob Weed, esquires, delegates to Convention.

. . . . .

### *Chatham County*<sup>3</sup>

Tuesday the 4th instant, at the annual election, the following gentlemen were chosen for this county for the ensuing year. Four hundred and one freeholders attended upon the occasion.

#### Convention

William Stephens, Esquire	272 votes
Colonel Joseph Habersham	251
Thomas Gibbons, Sr., Esquire	124

. . . . .

### *Effingham County*<sup>4</sup>

These are to certify that at an election begun and holden at Elberton on Tuesday the 4th of December 1787 the following gentlemen was duly elected for the Convention for the county of Effingham vizt.

Jenkin Davis, Nathan Brownson, and Caleb Howell.

William Holzendorf, J.P.  
Thomas McCall, J.P.

*Franklin County*<sup>5</sup>

At a general election held at the courthouse of said county, 4th of December 1787, was elected John Gorham, Thomas Gilbert, and Jesse Walton, Esquire members to the Convention for the purpose of examining the Federal Constitution.

Certified by us the day and date above written.

Wm. Cawthon, J.P.  
John Carter, J.P.

*Glynn and Greene Counties*<sup>6</sup>

The following gentlemen are appointed in the Convention for this state and are the names only of those who have come to hand.

. . . . .  
For Greene County.

[Thomas] Daniel, Robert Christmas, [Robert] Middleton.

. . . . .  
For Glynn County.

George Handley, Charles [Christopher] Hillery, John Milton.

. . . . .

*Liberty County*

Extract of a Letter from Sunbury, Georgia to a Gentleman in this City [New Haven], dated December 4, 1787.<sup>7</sup>

Yesterday the general election was held here. Members for Convention were also chosen. They are Colonel [James] Maxwell, Colonel [John] Elliott, and Mr. James Powell, all in favor of the Constitution. I doubt not it will be adopted in this state.

*Richmond County*<sup>8</sup>

We do hereby certify that Wm. Few, James McNiel, and John Wereat, esquires are elected members for the Convention. Given under our hands this 4th December 1787.

Moses Glaswik, J.P.  
Th. Carr, J.P.

*Washington County*<sup>9</sup>

The following gentlemen are appointed in the Convention for this state and are the names only of those who have come to hand.

For Washington County.

Jared Irvin, R[euben] Wilkinson, [John] Rotherford.

. . . . .



*Wilkes County*<sup>10</sup>

At a general election held at the courthouse in said county on the first Tuesday in December 1787.

The following gentlemen were duly elected to represent said county in Convention: George Matthews, Florence Sullivan, John King, esquires.

Certified under our hands this 8th day of December 1787.

Henry Mounger, Sydnor Cosby, Superintending Justices

1. DS, Constitutional Convention, 1787-Delegates, G-Ar. Either the date of election given in the certificate is a mistake, or, for some unknown reason, Burke County elected delegates on the 5th.

2. *Gazette of the State of Georgia*, 27 December.

3. *Gazette of the State of Georgia*, 6 December. Reprinted: *Charleston City Gazette*, 12 December; *Georgia State Gazette*, 15 December; *New York Journal*, 2 January 1788. Following the list of men elected to the Convention are the names of the men elected to the Assembly from Chatham County, and of the men elected sheriff, county clerk, and coroner.

4. DS, Constitutional Convention, 1787-Delegates, G-Ar.

5. DS, *ibid.*

6. *Georgia State Gazette*, 15 December.

7. *Connecticut Journal*, 23 January 1788. The following day the *New Haven Gazette* printed the same letter with an additional paragraph on the Indian danger (Mfm:Ga. 26). The letter was possibly addressed to Abraham Baldwin, a Georgia delegate to Congress, who was visiting New Haven to settle "some old family affairs" (Baldwin to Nicholas Gilman, 20 December, II above).

8. DS, Telamon Cuyler Collection, GU.

9. *Georgia State Gazette*, 15 December.

10. DS, Telamon Cuyler Collection, GU.

## IV

**THE GEORGIA CONVENTION**  
**25 December 1787–5 January 1788**

Only eight of the thirty-three delegates elected to the Georgia Convention assembled in Augusta on Tuesday, 25 December, the day appointed for convening. A quorum was not obtained until Friday the 28th, when the Convention examined the delegates' credentials and then elected John Wereat, President; Isaac Briggs, secretary; and Peter Farr, doorkeeper. The delegates appointed committees to prepare rules and to request the Governor to send to the Convention: (1) the report of the Constitutional Convention; (2) the congressional resolution of 28 September; and (3) the Assembly resolutions of 26 October. On Saturday, 29 December, the rules were reported, amended, and adopted, and the documents requested from the Governor were received and read. The Convention then, according to Joseph Habersham, considered the Constitution "paragraph by paragraph with a great deal of temper."

On Monday, 31 December, the Convention adopted the Constitution unanimously. A Deed of Ratification was drafted, reported, adopted, and ordered engrossed. The next day, the engrossed Deed was recommitted. A second and longer Deed was then prepared. On 2 January both deeds of ratification were approved. The Convention directed that the short Deed (which has not been located) and the Constitution be deposited in the office of the secretary of the state, and that the long Deed, which included the Constitution, the congressional resolution of 28 September, and a portion of the Assembly resolutions of 26 October, should be sent to the Confederation Congress.

The Convention met again on 5 January. It approved a letter addressed to the President of Congress, ordered that the Journal and papers of the Convention be deposited with the Executive, resolved that a report of the Convention's expenses be submitted to the Assembly, ordered that 200 copies of its Journal be printed, and thanked President Wereat for his service. The Convention then dissolved.

\* \* \* \*

The Convention Journal consists of little more than the bare proceedings for each day and a list of the delegates in attendance each day. To eliminate the duplication of names, the attendance records have been deleted from each day's proceedings. The Convention Roster and Attendance Record that immediately follows has been compiled from the Convention Journal, newspaper reports of election returns and manuscript election certificates.

### Convention Roster and Attendance Record 25 December 1787-5 January 1788

	Dec. 25	Dec. 26	Dec. 27	Dec. 28	Dec. 29	Dec. 31	Jan. 1	Jan. 2	Jan. 5
<b>CHATHAM</b>									
William Stephens	X	X		X	X	X	X	X	X
Joseph Habersham				X	X	X	X	X	X
Thomas Gibbons									X
<b>EFFINGHAM</b>									
Jenkin Davis						X	X	X	X
Nathan Brownson				X	X	X	X	X	X
Caleb Howell									
<b>BURKE</b>									
Edward Telfair		X		X	X	X	X	X	X
Henry Todd	X	X		X	X	X	X	X	
George Walton									
<b>RICHMOND</b>									
John Wreath		X		X	X	X	X	X	X
William Few				X	X	X	X	X	
James McNeil				X	X	X	X	X	X
<b>WILKES</b>									
George Mathews	X		X	X	X	X	X	X	X
Florence Sullivan	X	X		X	X	X	X	X	X
John King	X	X	X	X	X	X	X	X	X
<b>LIBERTY</b>									
James Powell	X	X		X	X	X	X	X	X
John Elliott		X		X	X	X	X	X	X
James Maxwell		X		X	X	X	X	X	X
<b>GLYNN</b>									
George Handley	X	X	X	X	X	X	X	X	
Christopher Hillary		X		X	X	X	X	X	X
John Milton	X	X	X	X	X	X	X	X	X
<b>CAMDEN</b>									
Henry Osborne				X	X	X	X	X	X
James Seagrove						X	X	X	X
Jacob Weed				X	X	X	X	X	X
<b>WASHINGTON</b>									
Jared Irwin				X	X	X	X	X	X
John Rutherford				X	X	X	X	X	X
Reuben Wilkinson									X
<b>GREENE</b>									
Robert Christmas				X	X	X	X	X	X
Thomas Daniell				X	X	X	X	X	X
Robert Middleton				X	X	X	X	X	X
<b>FRANKLIN</b>									
John Gorham									X
Thomas Gilbert									
Jesse Walton									
Totals	33	8	12	4	24	24	26	26	26

## The Georgia Convention

### 25 December 1787–5 January 1788

#### Convention Proceedings, Tuesday, 25 December<sup>1</sup>

Whereas the General Assembly of the said state did, on the 26th day of October, 1787, in pursuance of the recommendation of Congress, come to the following resolutions, viz.

[The Assembly resolutions of 26 October appear in the Journal at this point. See The Georgia Assembly, 25–26 October, I above. Eight members present. No quorum.]

The members present requested Mr. Isaac Briggs to act as secretary, *pro tempore*.

Adjourned till tomorrow morning, 11 o'clock.

1. *The Journal of the Convention of the State of Georgia, on the Federal Constitution* (Augusta, 1788). Hereafter, the Convention Proceedings are cited by date only. For a photographic copy of the complete printed Journal, see Mfm:Ga. 30.

#### Convention Proceedings, Wednesday, 26 December

[Twelve members present. No quorum.]

Adjourned till tomorrow morning 10 o'clock.

#### Convention Proceedings, Thursday, 27 December

[Four members present. No quorum.]

Adjourned till tomorrow morning 11 o'clock.

#### Convention Proceedings, Friday, 28 December

[Twenty-four members present.]

The gentlemen present, having appointed John Wereat, Esquire, Chairman, produced their several credentials, which were received, read, and ordered to be filed.

The Convention proceeded to the appointment of its officers.

Whereupon the Honorable JOHN WEREAT, Esquire was elected President; Mr. Isaac Briggs was unanimously appointed secretary; and Peter Farr, doorkeeper.<sup>1</sup>

On motion of Henry Osborne, seconded by Nathan Brownson,<sup>2</sup>

Ordered, That Mr. Telfair, Mr. Osborne, and Mr. Stephens be a committee to prepare and report rules for the government of this Convention.

On motion of Henry Osborne, seconded by John Milton,<sup>3</sup>

Ordered, That Mr. Milton, Mr. Powell, and Mr. Weed be a committee to wait on His Honor the Governor and request that he will be pleased to direct the proper officers to lay before this Convention the proposed Federal Constitution, together with the annexed letter and resolutions; the resolutions of Congress, and of the late General Assembly respecting the same.

Adjourned till tomorrow morning 10 o'clock.

1. Farr was the Assembly doorkeeper during the July 1787 session.
2. Brownson had been governor in 1781-82. He represented Liberty County in the Assembly in 1781, 1785, and 1786, and in the Council in 1786. He was elected to the Assembly for 1788 from Effingham County.
3. Milton served as secretary of the state from 1777 to 1799.

### Convention Proceedings, Saturday, 29 December

[Twenty-four members present.]

The committee appointed to prepare and report rules for the government of this Convention reported the same; which, after some amendment, were agreed to and ordered to be engrossed.

The committee appointed to wait on His Honor the Governor, for the purpose of obtaining the papers necessary to be laid before this Convention, produced the proposed Federal Constitution, together with the annexed letter and resolutions; the resolution of Congress, and those of the legislature of this state, respecting the same; which were received and read.

On motion of Florence Sullivan, seconded by John King,<sup>1</sup>

The Convention proceeded to consider by paragraphs the proposed Federal Constitution, and having gone through the same;

Adjourned till Monday morning 10 o'clock.

1. King represented Wilkes County in the Council in 1785 and 1787, and in the Assembly in 1786 and 1788-90.

### Joseph Habersham to John Habersham Augusta, 29 December<sup>1</sup>

I am anxiously waiting for the arrival of some person who will bring letters from you; no one has come up since the Chief Justice [Henry Osborne], who left Savannah the day after I did. Not hearing from you by him, I conclude that Mrs. Habersham was then well.

The Convention met yesterday and, after choosing a President (Mr. Wreath) and concluding on some other preparatory business, adjourned till this day, when the Federal Constitution was brought forward and read over paragraph by paragraph with a great deal of temper; and, if it had not been thought rather too precipitate, I be-

lieve would have been assented to as it stands by a very great majority. On the whole you may conclude that it will be adopted in the course of a few days.

This opportunity is just setting off, therefore must [conclude?] my dear brother.

1. RC, Dreer Collection, Old Congress, PHi. Joseph Habersham, a Savannah merchant-planter, represented Chatham County in the Council in 1779 and in the Assembly in 1782, 1784-85, and 1787-90, serving as Speaker in 1785 and 1790.

**Joseph Habersham to Mrs. Joseph Habersham  
Augusta, 30 December<sup>1</sup>**

I arrived here on Wednesday evening [26 December] after rather a disagreeable ride, having no companion better than one-third of the time. I have been anxiously waiting the arrival of Mr. [James] Seagrove<sup>2</sup> who brought me a letter from my brother dated last Wednesday. He mentions that you were well on Xmas day; I hope that we are before this blessed with an increase in our family and that all is well with you. Mrs. Rae and your brother are well; Betsy continues sickly; Mr. Rae will shortly go down the country with her.<sup>3</sup>

The new Constitution [probably will be sp?]eedily adopted by this state as it seems to have a good many friends in the Convention. After this business is over, I am in hopes that the session of Assembly will not take up as much of our time as it has usually done.

All here is quiet. The Indians have, it is said, lately killed three people in South Carolina. Whether it is done by the Creeks or other Indians is not certain, but it will probably involve South Carolina in the war with this state.

You may be assured that I never left home at a time so truly disagreeable to me and that I shall be as early in returning as possible.

1. RC, U. B. Phillips Papers, CtY. Habersham wrote another letter to his wife Isabella on 1 January informing her that "The business of the Convention will be determined in a few days . . ." (Mfm:Ga. 32).

2. Seagrove, a Camden County delegate to the Conventon, represented that county in the Assembly in 1787 and was a justice of the county Superior Court.

3. Mr. and Mrs. Rae were Isabella Habersham's parents.

**Convention Proceedings, Monday, 31 December**

[Twenty-six members present.]

On motion of Christopher Hillary, seconded by Jacob Weed,<sup>1</sup>

Resolved, unanimously, That the proposed Federal Constitution be now adopted; and that Mr. Stephens, Mr. Osborne, and Mr. Sullivan be a committee to prepare and report the form of a deed of ratification.

The committee appointed to prepare and report the form of a deed of ratification reported the same; which was agreed to, and ordered to be engrossed.

Adjourned till tomorrow morning, 10 o'clock.

1. Hillary represented Glynn County in the Assembly in 1787 and 1789, and in the Council in 1788 and 1789. Weed, a justice of the Camden County Superior Court, represented Camden County in the Assembly in 1787 and 1789-90, and in the Council in 1789.

### Convention Proceedings, Tuesday, 1 January 1788

[Twenty-six members present.]

Two copies of the Deed of Ratification, ordered yesterday to be engrossed, were compared with the original; and on motion of Edward Telfair,<sup>1</sup> seconded by William Few,

Resolved, That the report of the committee, appointed to prepare the form of a deed of ratification, be reconsidered.

Whereupon, Ordered, That the same be recommitted; and that the committee be directed to insert therein the proposed Federal Constitution, the resolution of Congress, and the resolutions of the legislature of this state taken thereon.

Adjourned till tomorrow morning 10 o'clock.

1. Telfair, governor in 1786-87 and 1789-93, represented Burke County in the Assembly in 1783, 1785, and 1787.

### Convention Proceedings, Wednesday, 2 January

The Journals are not a complete record of the actions of the Convention. The sequence of events seems to be as follows:

(1) On Monday, 31 December, after voting to ratify, the Convention approved the form of a deed of ratification prepared by a committee and ordered the Deed engrossed.

(2) On Tuesday, 1 January, after the committee submitted two engrossed copies of the Deed, the Convention ordered the committee to insert in it the Constitution, the 28 September resolution of Congress transmitting the Constitution to the states, and the 26 October resolutions of the Assembly calling the state Convention.

(3) Instead of inserting the three documents in the engrossed Deed, the committee prepared the draft of a new and longer deed which included a version of the 28 September resolution of Congress and a portion of the 26 October Assembly resolutions and indicated a place where the Constitution was to be inserted.

(4) On Wednesday, 2 January, Chief Justice Osborne moved that the order of the previous day (to insert the three documents in the engrossed Deed) be reconsidered. The Convention agreed, and then Osborne evidently proposed that the Deed already engrossed be signed by the members. The Convention agreed and ordered that the Deed and a copy of the Constitution be deposited with the secretary of the state.

(5) The committee then reported its draft of the new, longer Deed. The Convention adopted the long Deed, resolved that it be sent to the Confederation Congress, and then adjourned until Saturday morning, 5 January, presumably to allow time for the new Deed to be engrossed and signed.

The only extant copy of the short Deed is the one in the Journal for 2 January. The draft of the long Deed followed by the names of the signers of the engrossed Deed that was sent to Congress (all in the secretary's handwriting) is also in the Journal for the day. It is unknown when the Deed sent to Congress was signed.

[Twenty-six members present.]

A motion was made by Henry Osborne, seconded by John King,

That the order of yesterday be reconsidered; and on the question to agree to this, the yeas and nays being required by Mr. Osborne, Mr. Handley, and Mr. Todd, are as follow:

Yea [20]	Mr. Milton
Mr. Stephens	Mr. Osborne
Mr. Habersham	Mr. Seagrove
Mr. Davis	Mr. Weed
Mr. Todd	Mr. Irwin
Mr. M'Neil	Mr. Christmas
Mr. Mathews	Mr. Middleton
Mr. Sullivan	Nay [5]
Mr. King	Mr. Brownson
Mr. Powell	Mr. Telfair
Mr. Elliott	Mr. Few
Mr. Maxwell	Mr. Rutherford
Mr. Handley	Mr. Daniell
Mr. Hillary	

So it was resolved in the affirmative.

On motion of Henry Osborne, seconded by John King,

Resolved, That the Form of the Ratification be in the words following; and that the same be signed by all the members present, to wit:

*STATE of GEORGIA.*<sup>1</sup>  
IN CONVENTION.

*Wednesday, January 2, 1788.*

We, the Delegates of the people of the State of Georgia in Convention met, having taken into our serious consideration the Federal Constitution, agreed upon and proposed by the Deputies of the United States, in General Convention, held in the city of Philadelphia, on the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, HAVE assented to, ratified



and adopted, and by these presents DO, in virtue of the powers and authority to US given by the people of the said State for that purpose, for, and in behalf of ourselves and our constituents, fully and entirely assent to, ratify and adopt the said Constitution, which is hereunto annexed under the great seal of the said State.

*DONE, in Convention, at Augusta in the said State, on the second Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-eight, and of the Independence of the United States the Twelfth. In WITNESS whereof we have hereunto subscribed our names.*

JOHN WEREAT, *President,*  
and *Delegate for the County of*  
*Richmond,*

*Chatham*

W. Stephens,  
Joseph Habersham,

*Effingham*

Jenkin Davis,  
N. Brownson,

*Burke*

Edwd. Telfair,  
H. Todd,

*Richmond*

William Few,  
James M'Neil,

*Wilkes*

Geo. Mathews,  
Florice. Sullivan,  
John King,

*Liberty*

Jas. Powell,  
John Elliott,  
James Maxwell,

*Glynn*

Geo. Handley,  
Chris. Hillary,  
J. Milton,

*Camden*

Henry Osborne,  
James Seagrove,  
Jacob Weed,

*Washington*

Jared Irwin,  
John Rutherford,

*Greene*

Robt. Christmas,  
Thomas Daniell,  
R. Middleton.

*Attest. ISAAC BRIGGS, Secretary.*

Ordered, That Mr. Osborne, Mr. Sullivan, and Mr. Powell be a committee to see the Great Seal affixed to the said Constitution and Ratification; and that the same be recorded and deposited in the office of the secretary of the state.

On the report of the committee consisting of Mr. Stephens, Mr. Osborne, and Mr. Sullivan, to whom was referred their report of yesterday,

Resolved, That the same be agreed to and sent to Congress in the words following, to wit:

“State of Georgia, In Convention;”<sup>2</sup>

“Wednesday, January the second, one thousand seven hundred and eighty-eight.

"To all to whom these presents shall come, Greeting:

"Whereas the form of a Constitution for the Government of the United States of America, was, on the seventeenth day of September, one thousand seven hundred and eighty-seven, agreed upon and reported to Congress by the Deputies of the said United States convened in Philadelphia; which said Constitution is written in the words following, to wit;

"(Here insert the Federal Constitution.)

"And Whereas the United States in Congress assembled did, on the twenty-eighth day of September, one thousand seven hundred and eighty-seven, Resolve, unanimously, That the said Report, 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 Legislature of the State of Georgia did, on the twenty-sixth day of October, one thousand seven hundred and eighty-seven, in pursuance of the above recited resolution of Congress, Resolve, That a Convention be elected on the day of the next General Election, and in the same manner as Representatives are elected; and that the said Convention consist of not more than three members from each County: And that the said Convention should meet at Augusta on the fourth Tuesday in December then next, and as soon thereafter as convenient, proceed to consider the said Report, Resolutions and Letter, and to adopt or reject any part or the whole thereof.

"Now know Ye, That We, the Delegates of the People of the State of Georgia in Convention met, pursuant to the Resolutions of the Legislature aforesaid, having taken into our serious consideration the said Constitution, Have assented to, ratified and adopted, and by these presents Do, in virtue of the powers and authority to Us given by the People of the said State for that purpose, for, and in behalf of ourselves and our Constituents, fully and entirely assent to, ratify and adopt the said Constitution.

"Done, in Convention, at Augusta in the said State, on the second day of January, in the Year of our Lord one thousand seven hundred and eighty-eight, and of the Independence of the United States the twelfth. In witness whereof we have hereunto subscribed our names."

[At this point Secretary Briggs wrote the names of the delegates as they appear on the Deed of Ratification sent to Congress. He then added his attestation.]

Adjourned till Saturday morning 10 o'clock.

1. The "Form of the Ratification," names of the signers, and the attestation clause have been transcribed literally.

2. The draft of the long Deed of Ratification has been transcribed literally from

the manuscript Journal. It differs slightly from the printed version in capitalization and paragraphing. The printed version of the Journal includes the Constitution and the names of the thirty-nine delegates who signed it in the Constitutional Convention (Mfm:Ga. 30).

### **The Georgia Deed of Ratification, 2 January<sup>1</sup>**

State of Georgia, In Convention;

Wednesday, January the second one thousand seven hundred and eighty eight:

To all to whom these Presents shall come, Greeting.

Whereas the form of a Constitution for the Government of the United States of America, was, on the seventeenth day of September, one thousand seven hundred and eighty-seven, agreed upon and reported to Congress by the Deputies of the said United States convened in Philadelphia; which said Constitution is written in the words following, to wit;

[At this point the Deed contains the Constitution and the names of the thirty-nine delegates who signed it in the Constitutional Convention.]

And Whereas the United States in Congress assembled did, on the twenty-eighth day of September, one thousand seven hundred and eighty-seven, Resolve, unanimously, That the said Report, 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 Legislature of the State of Georgia did, on the twenty-sixth day of October one thousand seven hundred and eighty-seven, in pursuance of the above recited resolution of Congress,

Resolve, That a convention be elected on the day of the next General Election, and in the same manner as representatives are elected; and that the said Convention consist of not more than three members from each County. And that the said Convention should meet at Augusta, on the fourth Tuesday in December then next, and as soon thereafter as convenient, proceed to consider the said Report, letter and resolutions, and to adopt or reject any part or the whole thereof.

Now Know Ye, That We, the Delegates of the People of the State of Georgia in Convention met, pursuant to the Resolutions of the Legislature aforesaid, having taken into our serious consideration the said Constitution, Have assented to, ratified and adopted, and by these presents DO, in virtue of the powers and authority to Us given by the People of the said State for that purpose, for, and in behalf of ourselves and our Constituents, fully and entirely assent to, ratify and adopt the said Constitution.

Done in Convention, at Augusta in the said State, on the second day of January, in the year of our Lord one thousand seven hundred and eighty eight, and of the Independence of the United States the twelfth. In Witness whereof we have hereunto subscribed our names.

John Wreath. President and Delegate for the County of Richmond.

## CHATHAM

W: Stephens  
Joseph Habersham

## EFFINGHAM

Jenkin Davis  
N Brownson

## BURKE

Edwd. Telfair  
H. Todd

## RICHMOND

William Few  
James M'Neil

## WILKES

Geo Mathews  
Florice. Sullivan  
John King

## LIBERTY

James Powell  
John Elliott  
James Maxwell

## GLYNN

Geo: Handley  
Christopher Hillary  
J. Milton

## CAMDEN

Henry Osborne  
James Seagrove  
Jacob Weed

## WASHINGTON

Jared Irwin  
John Rutherford

## GREENE

Robt Christmas  
Thomas Daniell  
R. Middleton

Attest. Isaac Briggs, Secretary.

1. Engrossed MS (LT), RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787-92, DNA. For a photographic copy of the Deed, see Mfm:Ga. 33. For the transmittal of the Deed to Congress, see Convention Proceedings, 5 January, immediately below.

### Convention Proceedings, Saturday, 5 January

[Twenty-six members present.]

On motion of Henry Osborne, seconded by William Stephens,<sup>1</sup>

Ordered, That Mr. Osborne, Mr. Stephens, and Mr. Habersham be a committee to prepare and report a letter from this Convention to His Excellency the President of Congress to accompany the Ratification of the Federal Constitution.

On the report of the committee appointed to prepare a letter to His Excellency the President of Congress, the same was agreed to, as follows:

In Convention, Augusta, 5th. January 1788.

Sir: We have the honor to transmit, to the United States in Congress assembled, the Ratification of the Federal Constitution by the State of Georgia.

We hope that the ready compliance of this State, with the recommendations of Congress and of the late National Convention, will

tend not only to consolidate the Union but promote the happiness of our common country.

With great respect, we have the honor to be, sir,

Your Excellency's obedient servants,  
John Wereat, President.

*By unanimous order of the Convention of the State of Georgia.*<sup>2</sup>

Resolved, That the secretary be directed, when the President shall have signed the Journal, to lodge it, and the other papers of this Convention, with the honorable the Executive.<sup>3</sup>

Resolved, That application be made to the legislature to make provision for the expenses attending this Convention; and that Mr. Habersham, Mr. King, and Mr. Telfair be requested to lay before that honorable body an estimate of the same.<sup>4</sup>

Resolved, That the Journal be published; and that the printer<sup>5</sup> be directed to strike off two hundred copies, to be delivered to the Executive.

Resolved unanimously, That the thanks of this Convention be presented to the President, for his able and impartial conduct in the chair.

By order of the Convention. John Wereat, President.

Attest. Isaac Briggs, secretary.

The Convention then dissolved.

1. Stephens had represented Chatham County in the Council in 1784 and in the Assembly in 1785.

2. The letter was addressed to "His Excellency, The President of Congress." For the manuscript version, see Mfm:Ga. 34. The Deed, with President Wereat's covering letter, was received by Congress on 5 May 1788 (PCC, Item 185, Despatch Books, 1779-89, Vol. 4, p. 37, DNA). See also Governor George Handley to Abraham Baldwin, 24 March 1788 (V below).

3. See Executive Council Minutes, 31 January, immediately below.

4. On 16 January the Assembly appointed a committee to consider the Convention's estimate of expenses. A week later the committee reported; and the following day, 24 January, the Assembly approved expenses totalling £266 (Mfm:Ga. 35 A-C).

5. See Executive Council Minutes, 1 February, immediately below.

### Executive Council Minutes, 31 January, 1 February<sup>1</sup>

[31 January] A letter from Isaac Briggs, Esquire together with the Journal and papers of the late Convention was received and read.

Ordered, That the same be lodged in the office of the secretary of this Board.

\* \* \* \*

[1 February] Agreeably to a resolve of the late Convention of the 5th January 1788 the printer laid before the Board 200 copies of the Journals of the same.

Ordered, That the said copies be apportioned in the following manner, viz., for the counties of Chatham, Effingham, Burke, Richmond, Wilkes, and Liberty 15 copies each; Glynn, Camden, Washington, Franklin, and Greene 7 copies each; that one copy be sent to the President of Congress; one to each of the governors of the different states; one to the President of the Convention; and one to each of the ratifying members, the remaining 36 for the use of the Executive.<sup>2</sup>

1. MS, Minutes of Council, G-Ar.

2. John E. Smith, the state printer, probably printed extra copies of the Journal. On 2 February an advertisement appeared in his newspaper, the *Georgia State Gazette*, stating: "*Just Published, And may be had at the Printing Office, A few Copies of the JOURNAL of the CONVENTION of the STATE of GEORGIA, On the Federal Constitution. The Federal Constitution is contained in the above-mentioned Publication.*"

**Governor George Handley to the State  
Executives, Augusta, 5, 19, 20 February**

*To the Governor of Virginia, 5 February<sup>1</sup>*

Agreeably to an order of the Executive requesting His Honor the Governor to transmit to the several governors of the United States a copy of the proceedings of a late Convention held in this state for ratifying the Federal Constitution, which I have the honor to enclose Your Excellency.

*To the Governor of South Carolina, 19 February<sup>2</sup>*

I have the honor of acquainting Your Excellency that the legislature of this state, in conformity to a resolution of Congress of 26 October 1787 have appointed the Honorable George Mathews, Esquire a commissioner to treat with the Indians in the Southern Department, in conjunction with the Superintendent of Indian Affairs and commissioners to be appointed by the states of North and South Carolina.

As our state is immediately exposed to the hostile attacks of the Creek Indians, our frontiers open to their inroads, and our citizens almost daily murdered, in order to prevent, if possible, the further effusion of blood and hostilities on the part of the Indians, it becomes necessary that the commissioner on the part of your state should attend in Georgia, to act in conjunction with the Superintendent and the other commissioners appointed agreeably to the said resolution of Congress, to proceed on their commission as soon as possible. Your Excellency will please to notify the same to your commissioner.

You will herewith receive a copy of the Journal of the late Convention held in this state on the proposed Federal Constitution.

*To the Governor of Connecticut, 20 February*<sup>3</sup>

I have the honor to transmit Your Excellency a copy of the Journal and proceedings of this state's Convention on the proposed Federal Constitution.

1. RC, Executive Papers, Archives Division, Virginia State Library. Handley was a justice of the Glynn County Superior Court and a delegate to the state Convention. He was elected President of the Council on 15 January and Governor on 24 January 1788.

2. FC, Governors' Letterbooks, 1786-89, G-Ar.

3. RC, Southern Historical Collection, Preston Davie Collection, University of North Carolina Library. Similar letters, all dated 20 February, have been found addressed to the executives of New Hampshire (RC, Manuscript Collection, State Papers Relating to the Revolution, Vol. II [1785-89], 129, New Hampshire State Archives); New Jersey (RC, Special Collections, Keith Reed Manuscripts, GU); and Rhode Island (RC, Papers Relating to the Adoption of the Constitution, No. 71, Rhode Island State Archives).

**Reports of and Comments upon Georgia Ratification****5 January-12 February**

Within two months the news of Georgia's ratification spread throughout the country. Newspapers in South Carolina printed brief reports of the ratification as early as 10 January, and a vessel carried the news to Massachusetts by 14 January. The report of Georgia's ratification in the *Massachusetts Gazette* on 15 January was reprinted forty-one times throughout the country, appearing in newspapers in New York City by 24 January and in Philadelphia by 29 January. From these states, the news spread both north and south.

*Georgia State Gazette, 5 January*<sup>1</sup>

We have the pleasure to announce to the public that on Wednesday last the Convention of this state *unanimously* ratified the Federal Constitution in the words following, viz.

[The retained copy of the Deed of Ratification, with the names of the signers, appears at this point. See Convention Proceedings, 2 January, IV above.]

As the last name was signed to the Ratification, a party of Colonel [James] Armstrong's<sup>2</sup> regiment quartered in this town proclaimed the joyful tidings opposite the statehouse by thirteen discharges from two pieces of artillery.

*Jean-Baptiste Petry to Comte de Montmorin**Charleston, 12 January (excerpt)*<sup>3</sup>

The delegates elected by the inhabitants of the state of Georgia to consider, ratify, and adopt the Federal Constitution proposed by the deputies of the United States at Philadelphia, have, with a unanimous voice, adopted and ratified it on the 2nd of this month. I have

the honor to subjoin here the translation of the act which these delegates signed accordingly.

*Massachusetts Gazette, 15 January*<sup>4</sup>

We are informed, by a vessel arrived at Cape Ann, after a short passage from Georgia, that that state have ratified the Federal Constitution. Thus is a FIFTH PILLAR added to the glorious fabric. May Massachusetts add the SIXTH.

*Pennsylvania Gazette, 30 January*<sup>5</sup>

The adoption of the proposed federal government by the State of Georgia whose constitution, like that of Pennsylvania, vests the legislative power in a single house, is a proof that another body of men, besides the majority of the Pennsylvania Convention, think, under the same kind of government, that the Federal Constitution should be adopted. Georgia is a very rising state, possessing an extensive territory and is a great acquisition to the new Confederacy. Live oak, red cedar, tobacco of an excellent quality, rice, indigo, furs, peltry, hides, hemp, cotton, and silk are her most valuable productions: an inestimable treasure, whether we consider them with regard to commerce, navigation, manufactures, or domestic consumption.

*G.J.A. Ducher to Comte de la Luzerne*  
*Wilmington, North Carolina, 2 February (excerpt)*<sup>6</sup>

Georgia was the first of the five Southern States which adopted the new Constitution. Attacked by Indians, it was in its interest to appear federally inclined in order to obtain help from the present Union. But if Georgia preceded the other Southern States in the adoption of the new Constitution, it can hardly be expected from eagerness to execute it.

*Salem Mercury, 12 February*

It has for some time been considered as a fact that the Georgian Pillar of the Federal Structure had been erected—founded merely on the report that a vessel had arrived at Cape Ann from Georgia, with such intelligence—which report was totally void of truth.<sup>7</sup> We are happy, however, to find, by the papers received by yesterday's mail, that that event has taken place, which will appear from the following:



“Extract of a letter from a mercantile house in Charleston, to one in Philadelphia, dated Jan. 12:

“It gives us much pleasure to advise you that the State of Georgia have adopted the Federal Constitution; and have no doubt but ours will follow their example early in the spring.”<sup>8</sup>

1. This account was reprinted in full in the *Gazette of the State of Georgia* on 17 January and in one Charleston newspaper on 24 January. The first paragraph and the Deed of Ratification, without the names of the signers, were reprinted thirty-four other times throughout the country by 17 March.

2. Armstrong, a Camden County councillor in 1787 and 1788, was a justice of the Camden County Superior Court.

3. RC (Tr), *Affaires Étrangères, Correspondance Consulaires*, Charleston, BI 372, ff. 266-67, 269, Archives Nationales, Paris, France. Petry was the French consul in Charleston. Montmorin was France's Minister of Foreign Affairs. Petry enclosed a translation of the retained copy of the Deed of Ratification.

4. Reprinted forty-one times throughout the country by 23 February. Seven of the reprints omitted the last sentence; nine omitted the last two sentences. For a comment on this item, see the *Salem Mercury*, 12 February, in this group of documents.

5. Reprinted twenty-three times from New Hampshire to South Carolina by 27 March.

6. RC (Tr), *Correspondance Politique, États-Unis, Supplement*, Vol. IV, ff. 324-27, Archives du Ministère des Affaires Étrangères, Paris, France. Ducher was the French chargé des affaires at the consulate at Wilmington, North Carolina. Luzerne was France's Minister of Marine.

7. For the report mentioned here, see the *Massachusetts Gazette*, 15 January, in this group of documents.

8. The extract of a letter was first printed in the *Pennsylvania Gazette* on 30 January and was reprinted fourteen times from Vermont to Maryland by 3 March.

## V

## THE AFTERMATH OF RATIFICATION

Georgians showed more concern about the impact of the Constitution on the state after they ratified it than they had before. They were not interested in such matters as freedom of the press and trial by jury in civil cases which aroused so much concern in other states, and Georgia (along with Connecticut and Massachusetts) did not ratify the Bill of Rights until the twentieth century. (For the only Georgia references to such matters, see "A Georgian," 15 November 1787, II above; *Gazette of the State of Georgia*, 20 March 1788, and "A Planter," 3 April, both in V below; and letters from Joseph Clay, 4 April–20 August 1788, Mfm:Ga. 39.)

Georgians were more interested in the probable impact of the new government on private debts and on continued expansion, matters that soon led to trouble. However, the first actions of the Assembly after ratification pointed in the direction of harmony between the state and the United States. On 30 January 1788 the Assembly provided that as soon as nine states had ratified the Constitution, a state convention would meet to draft a constitution to replace the constitution of 1777 (V below), a document which had been ignored as much as it had been followed.

The convention met in November 1788 and drafted a constitution, but a second convention, which met in January 1789, drafted amendments instead of ratifying or rejecting the constitution. Therefore the Assembly called a third convention, which met in May 1789.

Governor George Walton urged the May convention to act rapidly because Georgia officials would soon have to take an oath to support the Constitution of the United States. He said that since there was "the most evident clashing" between the state and federal constitutions, Georgia officials would be in an awkward position "unless our government should be assimilated to the federal one" (Mfm:Ga. 48). The constitution adopted by the May convention was outwardly like that of the United States.

But the two governments were not "assimilated," and soon there was "the most evident clashing" between them. The clashes had

some extraordinary consequences. Among them were two precedent-setting decisions of the United States Supreme Court, an amendment to the Constitution of the United States, and a political scandal over land speculation that rocked the state and the nation.

The disputes which led to such consequences were rooted in the years before ratification. Thus while such Georgians as Chief Justice Osborne welcomed the ban on paper money (Charge to the Chatham County Grand Jury, 4 March 1788, V below), some Georgians, like men in other states, worried about the prewar debts to British creditors and about Loyalists who demanded the return of confiscated property in accordance with the terms of the Treaty of Peace of 1783. Among those concerned was "Tullius." He argued that the Constitution would go into effect after nine states had ratified, and that thereafter no state legislature would be justified in interfering between debtors and creditors so as to "impair the obligation of contracts." Something should be done, he said, "to soften the rigor of the rule which will be established by the new government against debtors." "Tullius" proposed that the legislature meet at once and pass a law providing for the payment of debts in installments (5 June 1788, V below).

"A Planter" replied on 3 July 1788 that the Constitution would not go into effect until after the new government began operations and Georgia judges had taken an oath to support the Constitution. He declared that the "supreme law" clause would eliminate Georgia paper money and its trade laws, and that the "obligation of contracts" clause would void an installment law because it would be in conflict with the "supreme law," even if an installment law were passed before the Constitution became effective. "A Planter" was not concerned with small debtors who should pay their debts "in the common way," but with large debtors. He proposed that the legislature meet and adopt an "allotment" act authorizing the county courts to "allot" a portion of a debtor's property to his creditor and absolve the debtor from any further claims upon him. If this were not done, debtors would be at the mercy of creditors "and the chain of bondage will soon be riveted" (V below).

The legislature did not meet to protect private debtors, and, within a short time, the state itself was summoned to appear as a debtor before the Supreme Court of the United States. Suits had been initiated by citizens of one state against the government of another state, and by foreign creditors against a state, but the decision in the case of *Chisholm v. Georgia* created a national uproar (2 Dall. [2 U.S.] 419 [1793]).

Robert Farquhar had moved from Georgia to England before the war and had taken his partners' bonds for his share of the partnership. The partners had been Loyalists, and Georgia had confiscated their property. Alexander Chisholm, executor of the deceased Farquhar's estate and a citizen of South Carolina, brought the suit against the State of Georgia before the Supreme Court in August 1792. Georgia refused to appear in February 1793, and the Supreme Court, for the first but not for the last time, set forth opposing opinions of the nature of the Constitution. Justice James Iredell stood alone in arguing that the states retained their sovereignty, while Justice James Wilson summed up the opinions of the other justices in the statement that for the purposes of the Union "Georgia is not a sovereign State."

Georgia had announced before the decision that it would not obey it, and afterwards the state House of Representatives passed an act (although the Senate refused to agree) declaring that any official attempting to enforce the decision of the Supreme Court would be guilty of felony "and shall suffer death, without benefit of clergy, by being hanged" (*Augusta Chronicle*, 23 November 1793).

Several suits against other states were soon filed in the Supreme Court, including one by the Indiana Company (of which Justice James Wilson had long been an advocate) against Virginia. Governors, legislators, and members of Congress demanded an amendment to the Constitution, and the result was the eleventh amendment, which went into effect in 1798. It provided that a state could not be sued in the courts of the United States by the citizens of another state of the United States or of a foreign state.

Georgia's involvement in a second major interpretation of the Constitution was the outgrowth of postwar expansion, of resulting quarrels with the Indians, and of land speculation. By the summer of 1787 Georgia was on the brink of war with the Creek Nation. William Pierce and William Few left the Constitutional Convention and went to New York, where, as members of Congress, they moved on 26 July that Congress use force to punish hostile Indians. Congress ignored the motion by "committing" it. A week later Few moved that Congress appoint commissioners to treat with the Indians, to confirm Georgia's claims, and to "fix the line circumscribing the Indians' hunting ground" (JCC, XXXIII, 407-8, 454-55).

The attitude of the majority of Congress was made explicit on 31 July in a committee report on Indian affairs in the South. The report charged that "an avaricious disposition in some of our people to acquire large tracts of land, and often by unfair means, appears to be the principal source of difficulties with the Indians." The report declared that under the Articles of Confederation the

states had no constitutional right to make treaties with independent Indian nations. Georgia, as well as North Carolina, which was quarrelling with the Cherokee Indians, should make "liberal cessions" of land to the United States and leave the management of Indian relations to Congress (JCC, XXXIII, 455-62). Nevertheless, on 26 October 1787, Congress authorized North Carolina, South Carolina, and Georgia to participate in negotiations with the Indians but ordered that any boundaries agreed upon should be as clear to the Indians as to the whites (JCC, XXXIII, 708-11).

The Georgia Assembly evidently felt the need for a gesture. On 1 February 1788, two days after it had called a state convention to write a new constitution, it ceded a tract of land to Congress. The area ceded was a strip 140 miles wide (measured north from the thirty-first parallel of latitude) extending from the Chattahoochee River to the Mississippi River (V below).

The cession was reported throughout the nation and inspired a Philadelphia newspaper to declare that "such is the noble spirit of conciliation, concession, and union now rising in the bosom of Americans" (Mfm:Ga. 41). Newspaper publishers evidently had not read the act. Some of the area ceded was claimed and occupied by the Spanish, and the remainder by Indians. Furthermore, certain conditions were attached to the act. One was that Congress must guarantee Georgia's remaining claims to her. Another was that Congress must credit Georgia with 171,428 and 45/90 dollars which the state had spent "in quieting the minds of the Indians, and resisting their hostilities. . . ." Congress rejected the cession in July 1788 after pointing out that the land was separated from United States territory by Georgia's remaining claims and that the amount of credit demanded was excessive (JCC, XXXIV, 323-26).

Meanwhile, Georgia had suspended its war plans because of the negotiations Congress had authorized on 26 October 1787. If Congress had not intervened, Governor Handley assured Governor John Sevier in a statement of policy, troops would have marched into Indian country "putting to death all who make opposition. Mercy will not be granted on any other terms than a total surrender of their country and themselves. Should they do this, the hand of mercy may be extended," but if they continued to make war, "we shall make their towns smoke with fire and their streets run with blood—the whole will be consumed in one general conflagration . . ." (19 February 1788, V below).

The negotiations failed, as the Governor predicted they would, but he did not seem to realize that Congress had no intention of providing help (to Abraham Baldwin, 24 March 1788, V below), and Georgia did not have enough force to carry out the policy outlined by the Governor.

In 1789 Georgia faced the new government, as it had the old, with its claims undiminished, with Indian war imminent, but with renewed hope of armed assistance. For a time it seemed that the Washington administration would be sympathetic, for it soon abandoned the Confederation policy of peace with the Indians and adopted a policy of war against the Indians in the Northwest in order to open up land north of the Ohio River for settlement. President Washington appointed treaty commissioners and ordered them to get the Creek Indians to confirm the grants claimed by Georgia under the treaties of 1783, 1785, and 1786. The Indians met with the commissioners, rejected their terms, but agreed to a truce. Washington then sent a private emissary, Marinus Willett, to the Creek Nation. Willett returned to New York in July 1790 with some Creek chiefs and Alexander McGillivray. The entertainment was lavish, and McGillivray was made a brigadier general in the United States army, the rank he also held in the Spanish army, and was promised a pension of \$1,200 a year. He agreed to a treaty which yielded the land ceded to Georgia at Augusta in 1783, but he refused to surrender the lands ceded at Galphinton in 1785 and Shoulderbone in 1786. In return the United States guaranteed the remaining Creek lands to them.

Prior to the negotiations, Washington had sent Federal troops to Georgia without a request from the Governor. When Governor Telfair reported their arrival to the legislature in June 1790, he declared that the Federal troops were insufficient "for defense or offense" and therefore heightened the tension, endangered settlers on the frontier, and made Georgia negotiations with the Indians more difficult (Mfm:Ga. 49).

The state House of Representatives chided Telfair for his "concern for the safety of the settlers on the frontiers." The House welcomed the presence of federal troops in Georgia and stated that, under the new Constitution, "the federal government" alone had the power to make war and peace, raise and support armies, enter into treaties, and regulate commerce with the Indians. Negotiations with the Creeks, therefore, should be carried on by federal commissioners—not by Georgians. The House believed that "the general government" would obtain "a firm peace with the Indians" that would be a "blessing" to the state. Such was the reason for Georgia's ratification of the Constitution. Thus, the House was "well assured that the force of the Union will be so directed as to promote the interest and dignity of the United States" (Mfm:Ga. 50).

Within a short time the legislature reversed its stand. Most Georgians were outraged by the treaty with McGillivray, which President Washington proclaimed in August 1790. They denounced the administration, opposed its policies, and began an era of uninhibited

land grants. Land speculators from all over the United States, including such men as Robert Morris, sent agents to Augusta, or appeared in person as did Justice James Wilson of the United States Supreme Court, who had been presiding over a session of the United States Circuit Court in Savannah. Rival groups of speculators held out various inducements, and in 1795 four "Yazoo" companies were granted most of the present states of Alabama and Mississippi after bribing legislators with offers of 50,000 acres each.

The fraud was revealed almost as soon as the act was passed, and in 1796 Georgia voters elected a legislature which repealed the 1795 land-grant act. Meanwhile, the land was being sold and resold to speculators throughout the United States, including some of the nation's leading politicians. They appealed to Congress, and efforts to compensate them went on for years and threatened to disrupt the administrations of Thomas Jefferson and James Madison (Abernethy, Chap. VI).

However, some claimants turned to the United States Supreme Court. In 1810, in the case of *Fletcher v. Peck*, Chief Justice John Marshall declared the Georgia act of 1796 repealing the Yazoo grant of 1795 to be in violation of the United States Constitution because it was an impairment of its "obligation of contracts" clause (6 Cr. [10 U.S.] 87 [1810]).

The decision had profound and far-reaching consequences. The Supreme Court had, for the first time, declared a law of a state unconstitutional, and in doing so it had applied, for the first time, the "obligation of contracts" clause of the Constitution. The Court thus established its power to limit the legislative powers of the states as the writers of the Constitution had hoped those powers would be limited.

Thus the aftermath of unanimous ratification was not characterized by harmony but by "the most evident clashing" between Georgia and the United States. But the result of the clashing was a fundamental contribution to the definition of the relationship between the states and the United States under the Constitution. That a part of that definition was as unintended by as it was unwelcome to some Georgians does not lessen the significance of the state's contribution.

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### Assembly Calls Convention to Revise the State Constitution, 30 January 1788<sup>1</sup>

The House met pursuant to adjournment.

On a motion by Mr. William Few that the House do come to the following resolution.

Resolved that this House will proceed to name three fit and discreet persons from each county to be convened at Augusta by the Executive as soon as may be after official information is received that nine states have adopted the Federal Constitution, and a majority of them shall proceed to take under their consideration the alterations and amendments that are necessary to be made in the constitution of this state, and to arrange, digest, and alter the same in such manner as in their judgment will be most consistent with the interest and safety, and best secure the rights and liberties of the citizens thereof.

And the said resolution being again read, an amendment was proposed by Mr. [Joseph] Clay thereunto.

"That it be recommended by this House that an election be held in each county at the usual place for holding elections on the \_\_\_\_\_ day of \_\_\_\_\_ for the purpose of choosing three fit and discreet persons."

On the question shall the amendment stand. It passed in the negative.

The yeas and nays being required are as follow:

Yea. Messrs. Clay, Tatnall, Jos. Habersham, Asa Emanuel, Deveaux, Davis, McCall, Perry, Pannell, Winn, Jas. Powell, Hardy, O'Neal, Ab. Williams, Weed, Alex. Irwin, L. Cleveland, Gardner, J. Cleveland, Jno. Talbot, Heard, Gresham, Christmas, Baxter, Telfair, 25.

Nay. Messrs. Fishbourn, Tho. Gibbons, Tho. Lewis, David Emanuel, Byne, Jno. Powell, Jacob Lewis, McNiell, Saunders, Ellis, Cobbs, Ch. Crawford, Glascock, McFarlin, Fort, Clarke, Sullivan, King, Moore, Bacon, Tho. Stevens, Hillary, Webb, Ashley, Watts, Rutherford, Ja. Irwin, Evans, Jno. Crawford, Joshua Williams, Tho. Payne, Jno. Payne, Arington, Grier, Thomas, Fitzpatrick, Wm. Few, Telfair, 38.

Resolved that when the constitution is altered and amended in the manner aforesaid, five hundred copies thereof shall be printed and sent by the Executive to the different counties and distributed among the justices and field officers of the militia to be communicated to the people for their consideration.

Resolved that it be recommended to every county on the first Tuesday in December thereafter to choose three members each to meet at Augusta on the fourth day of January after, vested with full power and for the sole purpose of adopting and ratifying, or rejecting the same.

The said resolutions being severally read were agreed to by the House.

The yeas and nays being required are as follow:



Yea. Messrs. Clay, Tatnall, O'Bryan, Jos. Habersham, Asa Emanuel, Fishbourn, Davis, Tho. Lewis, David Emanuel, Bynes, Jno. Powell, Jacob Lewis, Perry, McNiel, Saunders, Ellis, Cobbs, Glascock, Clarke, Fort, Sullivan, King, Moore, Bacon, Tho. Stevens, Hillary, Webb, Ab. Williams, Weed, Ashley, Watts, Rutherford, Alex. Irwin, L. Cleveland, Tho. Payne, Gardner, Jno. Talbot, Gresham, Christmas, Baxter, Wm. Few, Telfair, Gunn, 46 [43].

Nay. Messrs. Tho. Gibbons, McCall, McFarlin, Winn, Jas. Powell, Hardy, O'Neal, Jno. Cleveland, Arington, Grier, Heard, Thomas, Fitzpatrick, 13.

On a motion by Mr. Telfair, the House came to the following resolution.

Resolved that tomorrow be the order of the day for the House to proceed to name three persons from each county for the purpose intended by the resolutions of this day that relate to the alteration of the constitution of this state.

1. MS, Journal of the General Assembly, G-Ar. For the election of delegates to the state convention, see Mfm:Ga. 37.

## Georgia Act Ceding Land to Congress 1 February<sup>1</sup>

### AN ACT

To empower the Delegates of this State in Congress assembled to sign, seal and deliver a Deed of Cession to the United States, of certain Western Territory belonging to this State.

WHEREAS the United States in Congress assembled did on the twentieth day of October, one thousand seven hundred and eighty-seven, represent to the States of North-Carolina and Georgia the advantages that would result to the Union from a liberal cession of territory: And whereas this state is desirous of adopting every measure which can tend to promote the interest of the United States,

*Be it therefore enacted by the Representatives of the Freemen of the State of Georgia, in General Assembly met and by the authority of the same* That it shall be lawful for the Delegates of this state or any two or more of them, and they are hereby fully authorised and empowered, for and on behalf of this state, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign and make over unto the United States, for the use and benefit of the said United States, Georgia inclusive, all right, title and claim, as well of soil as jurisdiction, which this state hath to that territory or tract of country within the limits of the state of Georgia, situate,

lying, and comprehended within the boundaries herein after described, that is to say, beginning at the middle of the river Chatahouchie or Apalachicola where it is intersected by the thirty-first degree of north latitude, and from thence due north one hundred and forty British statute mile, thence due west to the middle of the river Mississippi, thence down the middle of said river to where it intersects the thirty-first degree of north latitude, and thence along said degree to the beginning. *Provided*, That the United States in Congress assembled shall guarantee to the citizens of the said territory a republican form of government, subject only to such change as may take place in the Federal Constitution of the United States. *And provided also*, That the navigation of all the waters included in said cession shall be equally free to all the citizens of the United States; nor shall any tonnage on vessels or any duties whatever be laid on any goods, wares, or merchandize that may pass up or down either of said waters, unless for the use and benefit of the United States. *Provided also*, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars and forty-five ninetieth of a dollar which has been expended in quieting the minds of the Indians, and resisting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions of this state's quota that have been or may be required by the United States: And also that in all cases when this state may require defence, the expences arising thereon shall be allowed as a charge against the United States, agreeably to the articles of the Confederation. *And provided*, That Congress shall guarantee and secure all the remaining territorial rights of this state as pointed out and expressed by the Definitive Treaty of Peace between the United States and Great-Britain, the Convention between this state and the state of South-Carolina entered into the twenty-eight day of April, one thousand seven hundred and eighty-seven, and the clause of an Act of this state describing the boundaries thereof, passed the seventeenth day of February, one thousand seven hundred and eighty-three.

*And be it further enacted by the authority aforesaid*, That the Act entitled, "An Act for laying out a district of land situate on the river Mississippi, and within the limits of this state, into a county to be called Bourbon," passed the seventh of February, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

*By Order of the House,*  
NATHAN BROWNSON, *Speaker.*

*Augusta, February 1, 1788.*

1. LT. [Acts of the General Assembly in January and February, 1788 (Augusta, 1788)], 13-14.

**Governor George Handley to Governor John Sevier**  
**Augusta, 19 February<sup>1</sup>**

Your very friendly and polite letter of the 2 December last came before us some time since. We should have acknowledged the contents ere this, but the legislature was then in session, before whom we laid your letter and which has been referred to the Executive to take order thereon.

We now, sir, inform you that we have a just sense of the good intentions of the people of Franklin towards this state, and we are well persuaded the information contained in your letter, when properly directed, is such as will tend to the mutual welfare and prosperity of both.

We have the satisfaction to assure you, sir, that great progress is made in our recruiting service, and we hope ere long to form such a line of connection as to add security to both countries from the hostile invasion of the Indians—in order to accomplish which the Executive have already formed a disposition by appropriating a certain proportion of the militia to do this duty. The regular troops will be marched into the Indian country, putting to death all who make opposition. Mercy will not be granted on any other terms than a total surrender of their country and themselves. Should they do this, the hand of mercy may be extended, but, on the contrary, should they obstinately persevere in their fruitless endeavors to continue the war against us, we shall make their towns smoke with fire and their streets run with blood—the whole will be consumed in one general conflagration. All this we assure you would have happened had not Congress, agreeably to their act of 26 October 1787, ordered one commissioner to be appointed from each of the states of North Carolina, South Carolina, and Georgia to hold a treaty with the Indians, and we now only suspend our operations till their determinations are known. The Executive have appointed the Rock Landing on the Oconee River to be the place for holding the treaty, and the commissioners are to meet on the first Monday in May next. Conformable to the resolve of Congress the Honorable Geo. Mathews, Esquire is appointed the commissioner for this state. In him we trust to find the accomplishment of all our endeavors strictly complied with. The period of our military operations [shall?] be timely communicated, so as to enable you to act in conjunction with the forces of this state against our common enemy.

We are happy now, sir, in the opportunity of testifying to you, and the people of Franklin, our warm attachments, and hope ere long the interest of both people will be lastingly cemented with the strict bond of amity and peace by a federal convention.

P.S. Enclosed we forward copies of the resolve of Congress as well as the order of the Executive respecting appointing the time and place of treaty, for your further information.

1. FC, Governors' Letterbooks, 1786-89, G-Ar.

**Chief Justice Henry Osborne's Charge to the  
Chatham County Grand Jury, 4 March (excerpt)<sup>1</sup>**

Gentlemen of the Grand Jury, It must afford a pleasing satisfaction to every worthy member of the community when, by a due execution of the laws, offenses of a public nature become less frequent. This county has experienced a reform as awful to the evil-minded as it is honorable to the citizens, and on your conduct as grand inquest will in a great measure depend the continuance of so inestimable a blessing.

I cannot help regretting that our paper currency should still continue depreciated to one-third its nominal value. The small sum of 30,000 l. could increase the circulating medium very little (if any) beyond the real demand, and as the paper is receivable at the treasury in all cases whatsoever, under the plighted faith of the state, no doubt can, with any degree of justice, be entertained that it will not be redeemed and cancelled within the time<sup>(a)</sup> limited by law. The Federal Constitution has wisely taken away from each of the states the power of emitting a paper money; therefore no further emission (happily for us) can ever be made by the state. The fear of that power being again exercised was, I firmly believe, the primary cause of the depreciation.

To heal the wounded credit of the state, and to prevent the consequent injury to innocent creditors, whether public or private, is the duty of every good citizen. In some of our sister states laudable exertions have been made with success in favor of their currency. We (in my opinion) are bound by every principle of honor and justice to follow the example. If the mercantile and landed interests will join in a solemn covenant to receive and support the bills of credit at the nominal value, and to reject the mutilated silver, which has been cut for dishonest purposes, and let me add, by dishonest men, they will entail honor on themselves and restore the character of the republic to the level of justice. If this sentiment should meet your approbation, I shall hold it my duty to urge the necessity and utility of the measure, by every means in my power, in the other counties. As the legislature have not thought it proper to redeem the paper immediately, it depends on the people, and they have it in their power to make it answer all the purposes of gold or silver.

(a) 4 years from the 14th August, 1786–14th August, 1790. 2 years and 5 months.

1. *Gazette of the State of Georgia*, 20 March. Reprinted in the *Charleston City Gazette* on 28 March. A mutilated manuscript of the charge is in the Chatham County Superior Court Minutes, Vol. I (1782–1789), G-Ar.

**Gazette of the State of Georgia, 20 March (excerpt)<sup>1</sup>**

Extract of a letter from the Honorable William Pierce, Esquire to St. George Tucker, Esquire<sup>2</sup> dated New York, September 28, 1787.

. . . . .

A defect is found by some people in this new Constitution, because it has not provided, except in criminal cases, for trial by jury. I ask if the trial by jury in civil cases is really and substantially of any security to the liberties of a people. In my idea the opinion of its utility is founded more in prejudice than in reason. I cannot but think that an able judge is better qualified to decide between man and man than any twelve men possibly can be. The trial by jury appears to me to have been introduced originally to soften some of the rigors of the feudal system, as in all the countries where that strange policy prevailed, they had, according to Blackstone, "a tribunal composed of twelve good men, true *boni homines*, usually the vassals or tenants of the lord, being the equals or peers of the parties litigant." This style of trial was evidently meant to give the tenants a check upon the enormous power and influence of their respective lords; and, considered in that point of view, it may be said to be a wise scheme of juridical polity; but applied to us in America, where every man stands upon a footing of independence, and where there is not, and I trust never will be, such an odious inequality between lord and tenant as marked the times of a Regner or an Egbert is useless, and I think altogether unnecessary; and, if I was not in the habit of respecting some of the *prejudices* of very sensible men, I should declare it ridiculous. An Englishman, to be sure, will talk of it in raptures; it is a virtue in him to do so, because it is insisted on in Magna Charta (that favorite instrument of English liberty) as the great bulwark of the nation's happiness. But we in America never were in a situation to feel the same benefits from it that the English nation have. We never had anything like the Norman trial by battle, nor great lords presiding at the heads of numerous tribes of tenants whose influence and power we wished to set bounds to.

As to trial by jury in criminal cases, it is right, it is just, perhaps it is indispensable; the life of a citizen ought not to depend on the fiat of a single person. Prejudice, resentment, and partiality are

among the weaknesses of human nature and are apt to pervert the judgment of the greatest and best of men. The solemnity of the trial by jury is suited to the nature of criminal cases, because, before a man is brought to answer the indictment, the fact or truth of every accusation is inquired into by the grand jury, composed of his fellow citizens, and the same truth or fact afterwards (should the grand jury find the accusation well founded) is to be confirmed by the unanimous suffrage of twelve good men, "superior to all suspicion." I do not think there can be a greater guard to the liberties of a people than such a mode of trial on the affairs of life and death. But here let it rest.

1. For the entire "Extract" of the letter, see Mfm:Ga. 13. For a response to the letter, see "A Planter," 3 April 1788 (V below).

2. Tucker, a Williamsburg, Virginia, lawyer and former delegate to the Annapolis Convention, was appointed to the General Court of Virginia in 1788.

**Governor George Handley to Abraham Baldwin**  
**Augusta, 24 March<sup>1</sup>**

Since I have been in office I have had the honor of receiving four letters from you, viz., one without a date; the others of the 28 December 1787 and the 18th and 29th January 1788, which have been laid before the Executive. I should have acknowledged the receipt of the same ere this but no opportunity offering. Colonel [William] Few will leave this place in a few days on his way to New York. He has in charge some official papers to lay before Congress, to whom for politics and news I beg to refer you.

The Creek Indians are yet very troublesome on our frontiers, almost daily murdering our citizens, driving away their stock, burning of houses, and doing other cruel depredations. Such is the situation of this state, the want of provisions and other causes, that scarcely a sufficiency can be obtained to act on the defensive.

General [Andrew] Pickens,<sup>2</sup> the commissioner appointed on the part of the State of South Carolina, and General [George] Mathews, on the part of this state to treat with the Southern tribes of Indians, agreeably to a resolution of Congress of the 26th of October last, are only come forward on that business. They were to meet, to proceed on the same about the 10th or 12th instant at Seneca on the Keowee River in South Carolina. Nothing as yet has transpired of the business of their meeting. If they should effect a treaty with the Creek Indians, which is much doubted, I shall take the earliest opportunity to inform you of their determination. It is generally supposed that the sum voted by Congress for this purpose is inadequate thereto; however, the commissioners will judge and report thereof. If the

Indians should refuse to treat with the commissioners, it would be necessary that every exertion be made to Congress to procure sufficient supplies for the immediate defense and support of this state.

The Executive have directed Major [Robert] Forsyth, the state agent, to remit you one thousand dollars together with 1000 dollars more to Colonel Few.

Enclosed you will receive a copy of the Journal and proceedings of this state's Convention on the proposed Federal Constitution. The original Ratification of the same has been transmitted by Mr. [John] Wreath, President thereof, to the President of Congress some-time ago, which I presume has been received.

1. FC, Governors' Letterbooks, 1786-89, G-Ar.

2. Pickens, a brigadier general in the South Carolina militia, represented Ninety-Six District in that state's House of Representatives.

## A Planter

### Gazette of the State of Georgia, 3 April

In a letter published in your paper of the 20th ultimo from a gentleman of this state to his friend in Virginia,<sup>1</sup> on the subject of the new Federal Constitution, I observe a train of reasoning tending to prove that *this* Constitution is the best system that can be formed for the present situation of the United States. The sentiments, generally, of this letter I think just and patriotic, and many of the arguments I am much pleased with; but, when they are taken in the detail, some of them prove, in my opinion, the justice of the old observation which the author has, by his own objections, tacitly applied to some parts of the Constitution—"that perfection is not reasonably to be expected in the productions of human wisdom." His doctrine of juries struck me most forcibly in this sense. He supposes that juries are not necessary in civil, though indispensably so in criminal cases. As I do not possess those sources of knowledge which would enable me to make a satisfactory inquiry into the principles or movements of that extraordinary machine, the feudal system, I will not contend with Mr. P[ierce] as to the origin of juries; yet, had not he given us direct authority for his position, I should have supposed that juries, as we now have them, rather had their origin in the fall, than in the rise or the meridian, of the feudal system; and that it was more to guard against the corruption, the partiality, or the weakness of the judges, than the tyranny of feudal lords; that they were instituted because, under the complete feudal system, the distance between lord and vassal, or lord and slave, which were synonymous, appears to have been too great to have admitted of a legal equality of condition between the two ranks, which equality the very nature of a jury most fully

implies; and because, in that rude and semi-barbarous age which immediately succeeded the abolition of the feudal system, the minds of the most enlightened were not sufficiently expanded by education, nor corrected by the moral principle, to withstand pecuniary temptations, nor to guard against the private biases of the heart. Mr. P. thinks that juries in civil cases derive their respectability from that prejudice which generally gives a weight to ancient customs, but that they are in the eye of reason rather *ridiculous* than necessary in such cases; and that a judge would be more equal to a just determination of all matters between neighbors litigant than any jury of the vicinage could be, but that in criminal cases they are *indispensably necessary*. In criminal cases, where the life of a human being is immediately concerned, that a jury should be more eminently expedient than it might and ought to be in civil cases, I will readily grant; but yet, I do not think that there is that infinite distance between their expedience that he thinks there is. For the history of all free nations, and particularly those of England and America, evince that liberty and property are as dear, or nearly so, to human nature, as life itself; else, why, we might justly inquire, should so many myriads of lives, and millions of money, have been in both countries sacrificed at their shrine?

The superior advantage that a criminal case has of a civil one, in being investigated as it were by a double jury, or, if I may be allowed to speak figuratively, of being passed twice through the fire, fixes a very sufficient distinction between the importance of the two cases, but is by no means an argument against the expediency of a single jury in the civil case. A judge, who has probably resided only in one particular part of a country, and whose knowledge of the individuals who compose the collected community must be very confined, cannot possibly be so well acquainted with the causes and motives of action of *those individuals* as their neighbors who reside in their vicinity, and are personally acquainted with "the parties litigant," must be. He, therefore, in equity, is not competent to so fair a judgment between them as a jury of the vicinage. Besides, a judge, being the servant of the whole community, and a character of high public responsibility, might be so much under the influence of political considerations as to engraft them, perhaps insensibly, on his judicial decisions between individuals, which ought to be abstracted from every principle except those founded on the direct merits of the particular case. Another argument in favor of the necessity of juries in civil cases is the influence of party and faction in all governments, but more particularly in a republican one, where they often rage with such fury as to subvert every idea of reason and justice. Can, then, any one member of such government be so disinterested and uninfluenced by the views



or the passions of such parties and factions as to administer justice with equal impartiality with a jury of twelve men drawn indiscriminately out of the body of a county, and consequently composed, if not of uninfluenced persons, at least of such whose different passions or prejudices will serve as a counterpoise to the views and designs of each other? Surely not.

But after all, who will say that, even in our enlightened age, when the principles of moral rectitude are so well established, and the ideas of true honor so clearly defined, the frail constitution of human nature may not, even in the most exalted characters, be, in particular cases, subject to the baleful influence of self-interest? And if so, then a jury in civil cases is, without any manner of doubt, the only sure palladium of the rights, the liberties, and the property of society.

With respect to the tacit rejection of juries in particular cases in the new Constitution, the foregoing arguments do not generally apply, as some of those cases, whenever they occur, will, I conceive, be ruled by the laws and customs of nations, and others are so defined as to make a trial by a jury of the vicinage impossible; yet I think that this ought not to lessen our respect and attachment to the established doctrine of juries in all cases where they prevail under the British constitution, of which they are, in my opinion, the great principle of life and energy.

1. See *Gazette of the State of Georgia*, 20 March (V above).

## Tullius

### *Gazette of the State of Georgia*, 5 June<sup>1</sup>

The period is now fast approaching when, from the limited authority left in each individual state by the new Constitution, we shall be deprived of the power and opportunity, which now present themselves, of doing an act which will at once be an important piece of justice to many of our best citizens and, at the same time, bring the most extensive advantages to the state at large.

I allude to what has been lately talked of in conversation—the calling a House of Assembly to consider of the propriety of passing a law for the payment of debts by installments.

In the first place, I consider this as the only point of time we shall ever have again to deliberate on this subject. Eight states have already adopted the Constitution, and as soon as the ninth has done it, no possible situation of public distress on the one hand or prospect of advantage on the other will justify any state legislature in an interference between debtor and creditor so as to “impair the obligation

of contracts." The Convention of Virginia meets in a very short time, and, from the best accounts that have come from that state, it will be adopted there; so that whether it be wise and politic to convene the Assembly or not on this matter is a question that will admit of no delay. This depends upon the measure itself, for, if it was not to attain some object of great magnitude to the public, this would not be a proper season to assemble them; but I conceive such a measure would produce the greatest good consequences to this state, considering it in two general points of view—as an act of necessary justice and as a wise and beneficial measure of policy.

Nothing can be more obvious if we consider it as an act of necessary justice. Those of the citizens of this state who were attached to the cause of their country, when it fell into the hands of the enemy, were obliged to fly from the rage of the conquerors. They could take only a small part of their property with them; the rest was considered as captured and was either destroyed or carried away by the enemy when they were driven from the country. While they were in a state of exile, they were compelled to contract new debts for their subsistence. Upon the restoration of peace, when they returned to their country, they found their lands so impoverished and out of order as to have lost nearly half their value, and they had been deprived of the means of improving and rendering them productive. Their old debts were accumulating, and they must contract new ones before they could proceed to plant. Since the peace, there has been an almost universal failure in crops, which has thrown the balance of trade against us in favor of Great Britain, that commercial usurer, who has drained us of all our money and left us not the means to pay our debts. This is the true state of the matter, and now is the time to consider whether some relief is not necessary.

If every man who has a claim upon another could compel immediate payment in gold and silver, where is the gold and silver that would answer the amount? Money is the representative of property, but where shall we find money enough to represent the immense property that would be seized to pay those demands? A property bought ten years ago would not now sell for as much money as would pay the interest, leaving the whole principal unpaid—a circumstance which would be an injury to the creditor himself. The cause of these things is that a great and unforeseen event, a civil war, a revolution, the establishment of a great empire, has happened in which, I think it would be a moderate computation to say that, one-third part of the effects of the people of this state was lost or destroyed, and the rest depreciated a third more. Where a man voluntarily wastes, or wantonly destroys, the fund out of which his creditors ought to re-

ceive their debts, he has no claim to either pity or assistance; but, when that fund has been destroyed by a great, unforeseen, and inevitable misfortune, which no human prudence could guard against, nor the most upright conduct and active industry prevent, in such a case every principle of humanity, natural justice, and equity requires both compassion and relief. Many great chancellors have declared that, according to the principles of equity, which operate *secundum aequo et bono*, the estate of a debtor ought to be looked on as the property of his creditor till the debt is paid. If this is a just idea (and I have heard it strongly contended for by some of those who are friends to these states in words, but of Britain in their hearts), the loss of the debtor's property is an extinction of the debt, by extinguishing the fund out of which the creditor claimed his payment. According to which idea, two-thirds of our foreign debt is paid. But this, though not contended for, shows the justice of an interference by law to prevent the consequences that would follow. The cause of the destruction of property originated in the policy of that king, whose subjects are our principal foreign creditors, and from the virtuous conduct of our own citizens. Those who temporized with the enemy, and such as have been made citizens since the peace, are alone able to become the purchasers of property for ready money; the necessary consequence of which will, in a few years, transfer the principal property of this state to those who, to say no worse of them, are entitled to no extraordinary favor; and it will be taken from those to whom we owe the blessings of our Independence, our government, our laws, and our properties. Those persons who are but newly wedded to the principles of a republican form of government will, no doubt, exclaim, as they have done already, against the injustice of depriving the creditor of his immediate remedy. But let it be remembered that, while the law bids us to do justice, it requires also that it should be done in mercy. The interests of the few must not prevail against the interests of the many; nor must the advantage of those who refused us a helping hand, in the hour of our danger and distress, be pursued in opposition to those by whose exertions we are enabled to deliberate at all upon the interests, the glory, the safety of our country. Yet justice ought to be done. Let the creditor be permitted to ascertain his debt by a judgment; let that judgment bind the debtor's property, and the federal government being a security against future alterations will insure payment according to the time mentioned. A reasonable allowance of interest will compensate for the delay; and, in such case, I venture to affirm, a five years' installment would be for the mutual benefit of both debtor and creditor.

Some policy of this kind has been adopted by almost every people who have retained any share in the government of their own country after a great revolution or a civil war. The Romans, that enlightened people, in the most virtuous period of their republic, and on a less pressing occasion, reduced the weight of a certain coin one-half, by which, retaining the same nominal value, they paid the public creditors with one-half the real value of their debts. After the civil wars, Caesar adopted another method, by ordaining that debtors might give their lands to their creditors in payment at the value they were of before the war. France has done the same thing on occasions less pressing than the present, and England must do it, at some future day, when she becomes unable to find resources to pay her annual expenses, and at the same time pay the interest of her national debt.

Reasons of state and policy sometimes will justify a slight deviation from the rigid and unalterable rules of justice, when such rules would favor one class of citizens to the detriment or ruin of another class—especially in such a case as this where the former have merited nothing from the public except pardon for their offenses, while the latter merit all things that are due to zeal, perseverance, and courage exerted in defense of the noblest privileges of human kind. I do not wish to revive the memory of party distinctions, but I think I may be allowed this observation at this time when there is so great reason to apprehend that those who have been the most active, most forward, and the most zealous defenders of our independence are likely to become the first victims of its rigid justice.

In every view, therefore, I think some law should be passed to soften the rigor of the rule which will be established by the new government against debtors. If it is necessary at all, it is necessary *immediately*, because in a very short time our most ardent wishes for such a measure will be ineffectual. The curtain will drop; the consequences will follow, and, though we may complain, we must submit. The Executive Council are the body with whom the power of convening the legislature is entrusted by the constitution, and it seems clear to me they ought to be immediately convened to deliberate upon this important subject.

Considering it as an act of justice, I have said what the shortness of the time, and the limits of your paper, will permit. I shall add some observations to show the good effects that would flow from it, as a wise and political conduct, in your next paper. In the meantime, I take this occasion to declare my own personal interest, could it prevail against the good of my fellow citizens, would lead me into contrary opinions; but I think it the duty of an honest man to speak his

opinion with truth and candor when he speaks on public affairs. I have done it with sincerity, and I hope without offense, on this occasion.

1. The essay is dated "Savannah, 3d June 1788." "Tullius" reiterated the argument in this essay in another essay in the *Gazette of the State of Georgia* on 19 June (Mfm:Ga. 42).

### A Planter

#### **Gazette of the State of Georgia, 3 July (excerpt)<sup>1</sup>**

On presumption that the Federal Constitution will be ratified by nine states, permit me, through the channel of your paper, to submit to the public attention the several following questions which offer themselves on this soon to be expected and very important event.

1. At what point of time will the Federal Constitution take effect and govern in this state?

This interesting question can only be resolved by the Constitution itself, to which let us turn. It says that "the ratification of the Convention of nine states shall be sufficient for the establishment of it between the states so ratifying the same." But then, from the very nature of the case, there are certain steps, prescribed by the Constitution, which must necessarily be taken previous to its complete establishment so that it can operate with full force; as official information from Congress, with direction and orders to appoint Electors and Senators, and choose Representatives, and to qualify the judges of our several courts by oath to support this Constitution. That day, whenever it shall happen, whereon our judges shall be thus qualified, will give full force and effect to federal government; and that it cannot operate before that time is evident, if we consider that, should any question on any case come before them, whilst they are under oath to give judgment according to the laws and constitution of this state, they will, they must, conform and decide accordingly; but, as soon as they are sworn to support the Federal Constitution, even if it be the next day, if the law and rule of the Federal Constitution, on the same case, be different from the state law, they must and they will give a different judgment.

That day cannot be far distant and naturally brings us to the 2d question, viz., How far will the Federal Constitution affect the constitution and laws of this state?

The answer to this question is fully and precisely expressed in the Constitution in this determinate language: "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." If this be the case, what will be the decision, for instance, on the law of tender? Shall the paper medium of this state be a *tender* in payment of debts? Our state law says it shall; but the supreme law of the land, which the judges are sworn to observe, says expressly that "nothing but *gold and silver coin* shall be a tender in payment of debts," and I believe you cannot find a set of judges hardy enough to say that paper is either gold or silver coin. Unavoidably, therefore, the tender must be insufficient, and the law of the state, no matter when enacted, making it a tender, void to all intents and purposes. A similar fate, we know, will attend our laws of trade, and for the same reason, because the Federal Constitution will be the supreme law of the land; and I will add, even Congress, should they earnestly wish to give relief against the operation of any article of the Constitution, will not have it in their power. 'Tis easy also to foresee what would be the fate of an installment law, should one be made. The Federal Constitution says that "no state shall pass any bill of attainder, &c. or law impairing the obligation of contracts." By the expression *impairing* the obligation of contracts must be meant lessening in some way the value of debts or contracts by altering in some way the obligation, which may be done, in the first place, by altering the time of fulfilling or paying the contract, for the time of payment is certainly part of the obligation, which an installment law is designed to impair, and indeed wholly to set aside; and, in the next place, small partial payments will lessen the value of the whole, if collected at different and distinct periods. To make the case plain, suppose, for instance, this state should, by a law now made, say that the debtor shall have 50 years to pay his debt of 50 £. in equal parts, that is 20s. a year, and also 5 percent interest (for it is plain, if they can install for 5 years, they can for 50). Would not such a law impair or lessen the obligation or value of the debt? It certainly would; must therefore, no matter when made, when it comes in competition with the supreme law of the land, be set aside, otherwise we might immediately emit a million in paper, and, by a law now made, say that such paper shall be received in all payments whatsoever according to the nominal value. Would such a law, because made previous to the establishment of the federal government, continue in force? The answer is obvious, and has been given already.

However we may flatter ourselves, we may depend on it, that the federal government, framed on principles of strictest justice, designed to give full confidence to foreign nations, to regulate and fix commerce on a solid basis, to provide for external and internal safety,

and, in one *grand scale*, by one rule, one measure, and one weight, to deal out the fate of millions, will not be defeated by any local laws or constitutions of particular states. Nor will there be left a subterfuge for any chicanery or evasion whatsoever. But we will suppose, for the present, though not by any means grant, that an installment law, now made, may take effect for years, after the federal government is adopted. I am sorry to observe that, in this case, such a law, according to the present prevailing disposition of mankind, would, instead of being a spur to industry, have a direct contrary effect. It would be the means of lulling the debtor into a sleepy security. He would say, I now have time enough on hand to pay my debt, and, in imagination, he would dream that when this installment expires, if he has not paid the debt, some other contrivance, equally flattering and equally delusive will be adopted, and, in fact, at the end of the term of installment, will be in a much more embarrassed situation than at present. Witness the case in point, in a neighboring state, where sad experience, under an installment law, fully proves the truth of the preceding observation.

[At this point "A Planter" presented a hypothetical case. Planter *A*, whose property is valued at £5,000, has a prewar debt of £1,000. The annual net profit from *A*'s plantation was estimated to be about £50, not even enough to pay the interest on the prewar debt. Thus "A Planter" maintained that an installment act would be of little use because the principal of the debt would never be paid.]

But why dwell on installment when we know that it will not answer the purpose, and, if it possibly could give relief, is inconsistent with the principles of the Federal Constitution, and of course would come to nothing? This naturally brings us to the 3d question. If installment will not answer the purpose of relieving the debtor, and at the same time of doing justice to the creditor, what measure will? I answer, not hastily, but on the maturest deliberation I am capable of, that *Allotment* is the only remedy I can think of that will answer the purpose. Keep the case before stated in view. *A*, the debtor, is worth, in possession, 5000 £. in specie. By a law to be made for that purpose, and to be carried into execution before the federal government takes place, let there be allotted to *B*, the creditor, the full and just amount of *A*'s debt out of his real estate, say 1000 £., which being done, let *A*, by the same law, be discharged from any future demand of *B* whatsoever on account of that debt. This will disburthen *A*, who has saved his active property, and so much of his real estate, that he is now worth, clear estate, 4000 £. *This* will give a spring to his spirits, animate his industry, and, having escaped the *gulf*, make him, for the future, keep at a cautious distance. This law would, at the same time, do the greatest possible justice to the creditor *B*, for, should sheriffs'

sales take place, property, real or personal, for want of specie, would sell for a trifle only, so that the real value of 1000 £. would not fetch 100 £. and so on. A law, framed for the purpose of allotment, would, I imagine, extend only to debts contracted previous to the war, to certain judgments already obtained, and to a few other cases, but to such only as come within a particular description. Such a law ought to be restricted to debts of a certain magnitude; small sums should be paid in the common way. If the creditor is a foreigner, let him, in justice, be admitted to all the rights of citizenship, except only voting for and holding places of public trust in government, which partial disability might also in time, for good reasons, be taken off. In framing such a law, within the lines of our constitution, I presume a superior court would be appointed to be held in each county on the same day, suppose the last Tuesday in August; a special jury being summoned, let the creditor or debtor be authorized, by petition, stating the amount of debt, to apply for three referees to be appointed agreeable to the mutual nomination of the court, jury, and party, to take the whole circumstances of the case into consideration, and, on oath, award the sum equitably due, and the allotment proposed to the amount thereof, and make a return to another special court, to be held by adjournment, suppose on the last Tuesday of September, which court should be authorized to confirm the allotment and discharge the debtor. Such a law will be made with proper provisos, many of which occur, but I have not room to mention them. I only mean to show that such a law may be made with propriety, and constitutionally, and I will venture to say, that unless a law of this complexion is made, and put into execution immediately, the opportunity will be forever lost, and then, in spite of paper emissions, in spite of installment laws, and in spite of Congress, the debtor *A* (referring to the case above cited) will lie at the mercy of his creditor *B*, and the chain of bondage will soon be riveted.

1. Reprinted in the *Georgia State Gazette* on 9 August. Edward Telfair was the author of "A Planter." See letter to Edward Telfair, 5 January 1789, Telfair Papers, Duke University Library.



## Biographical Gazetteer

The following sketches outline the political careers of the principal Georgia leaders. When known, their political positions are indicated (1) in state politics prior to 1787; (2) on the Constitution in 1787; (3) in national politics after 1787.

### BALDWIN, ABRAHAM (1754-1807)

Upcountry/Federalist/Democratic-Republican

Born Guilford, Conn. Yale B.A. 1772. Licensed to preach, 1775. Tutor at Yale, 1775-79. Brigade chaplain in Continental Army, 1778-83. Declined professorship of divinity at Yale, 1781. Admitted to Fairfield County, Conn., bar, 1783. Member Connecticut and Georgia Cincinnati. Moved to Georgia and admitted to bar, 1784. Wilkes County delegate to Assembly, 1785. Delegate to Congress, 1785-89 (attended, 1785, 1787-88). Member Augusta board of commissioners, 1787. Delegate to Constitutional Convention, signed Constitution, 1787. Member U. S. House of Representatives, 1789-99. U. S. Senator, 1799-1807 (president *pro tempore* of Senate, 1801-2). A founder of the University of Georgia.

### FEW, WILLIAM (1748-1828)

Upcountry/Federalist/Democratic-Republican?

Born Baltimore County, Md. Moved to North Carolina, 1758. Moved to Richmond County, Ga., 1776. Militia officer. Member provincial congress, 1776-77. Richmond County member of Council, 1777, 1779. Surveyor general, 1778. Commissioner of confiscated estates, 1778. Richmond County assistant justice, 1778-81, 1783-84. Indian commissioner, 1779, 1783. Delegate to Congress, 1780-88 (attended, 1780-82, 1786-88). Richmond County delegate to Assembly, 1782-84, 1786. Admitted to Georgia bar, 1783. Delegate to Constitutional Convention, signed Constitution, 1787. Delegate to state Convention, voted to ratify, 1787-88. Delegate to state constitutional convention, November 1788. U. S. Senator, 1789-93. Columbia County justice of peace, 1795-96. Columbia County delegate to House, 1796. Justice Georgia Court, Middle Circuit, 1796-99. Moved to New York. Delegate to New York Assembly from the City and County of New York, 1802-5. Inspector of New York prisons, 1802-10. U.S. commissioner of loans, 1804-16. Director of Manhattan Bank, 1804-14. New York City alderman, 1814-15. President of City Bank, 1814-16.

### HABERSHAM, JOSEPH (1751-1815)

Lowcountry/Federalist/Federalist

Born Savannah. Member provincial congress, 1775. Member council of safety, 1775-76. Continental Army officer, 1776-83. Chatham County member of Council, 1779. Chatham County justice of peace, 1781. Chatham County delegate to Assembly, 1782, 1784-85, 1786 (declined), 1787-90 (speaker, 1785, 1790). Member Georgia Cincinnati (president, 1794-95). Delegate to Congress, 1783, 1784, but did

not attend. Appointed Chatham County assistant justice, 1786, but declined. Indian commissioner, 1787. Delegate to state Convention, voted to ratify, 1787-88. Savannah alderman, 1790-91. Mayor of Savannah, 1792-93. U. S. Postmaster General, 1795-1801. President Savannah Branch Bank of the United States, 1802-15.

**HANDLEY, GEORGE (1752-1793)**

Uppcountry/Federalist/ ?

Born England. Moved to Savannah, Ga., 1775. Continental Army officer, 1776-82. Member Georgia Cincinnati. Moved to Augusta, 1783. Richmond County justice of peace, 1783-87. Liberty, Glynn, and Camden counties justice of peace, 1784-87. Council secretary, 1785-86. Appointed inspector general of militia, 1787. Glynn County assistant justice, 1787-88. Delegate to state Convention, voted to ratify, 1787-88. Glynn County member of Council, 1788. Governor, 1788-89. Delegate to state constitutional conventions, November 1788, January 1789 (president, 1788). Glynn County delegate to Assembly, 1789. Presidential Elector, 1789. Collector of port of Brunswick, 1789-93. Richmond County sheriff, 1790-93.

**HOUSTOUN, WILLIAM (c. 1757-1812)**

Lowcountry/Federalist/ ?

Born Savannah. Son of Sir Patrick Houstoun; brother of Governor John Houstoun. Studied law Inner Temple, London, 1776. Admitted to Georgia bar, 1782. Chatham County delegate to Assembly, 1783, 1787-88. Delegate to Congress, 1783-86 (attended, 1784-86). Delegate to Constitutional Convention, 1787. Married Mary Bayard of New York, 1788, and moved to New York. Admitted to bar of U. S. Supreme Court, 1790.

**MATHEWS, GEORGE (1739-1812)**

Uppcountry/Federalist/Democratic-Republican

Born Augusta County, Va. Augusta County offices (surveyor of roads, justice of peace, tax collector, 1768-75). Continental Army officer, 1776-83. Member Virginia and Georgia Cincinnati. Moved to Georgia, 1785. Became brigadier general of militia. Wilkes County justice of peace, 1785-90. Member town of Washington board of commissioners, 1785. Wilkes County delegate to Assembly, 1787, 1788, 1789, 1793. Governor, 1787-88, 1793-96. Delegate to state Convention, voted to ratify, 1787-88. Indian commissioner, 1788, 1789. Delegate to state constitutional convention, January 1789. Member U. S. House of Representatives, 1789-91. Justice Wilkes County Inferior Court, 1792-93. Moved to Mississippi Territory, 1797. Nominated governor of Mississippi Territory, but nomination withdrawn, 1798. Agent of Madison administration to stir up insurrection in the Floridas, 1810-12. Repudiated by administration for filibustering activities in East Florida, 1812.

**OSBORNE, HENRY (1751-1800)**

Lowcountry/Federalist/Federalist

Born County Lemardy, Ireland. Glynn and Camden counties justice of peace, 1785-86. Indian commissioner, 1786, 1789. Glynn County delegate to Assembly, 1786. Glynn and Camden counties assistant justice, 1786-87. Delegate to Congress, 1786, but did not attend. Camden County delegate to Assembly, 1787, 1788. Chief Justice, 1787-89. Delegate to state Convention, voted to ratify, 1787-88. Delegate to state constitutional conventions, November 1788, January 1789 (president, 1789). Camden County member of Senate, 1789. Presidential Elector, 1789. Justice Camden County Inferior Court, 1789. Justice Georgia Court, Eastern Circuit, 1789-91. Impeached for and convicted of election fraud, 1791. Fined \$600, disbarred, and banned from holding public office for thirty years. Civil rights restored, 1798.

PENDLETON, NATHANIEL (1756-1821)

Lowcountry/Federalist/Federalist

Born Virginia. Nephew of Edmund Pendleton. Continental Army officer, 1776-83 (aide-de-camp to General Nathanael Greene). Member Virginia, South Carolina, Georgia (president, 1793-94; vice president, 1795), and New York Cincinnati. Studied law with Charles Cotesworth Pinckney in Charleston. Moved to Georgia, 1785. Glynn County delegate to Assembly, 1786. Attorney general, 1786. Compiled digest of Georgia laws, 1786-88. Elected Chief Justice, 1787, but declined. Delegate to Constitutional Convention, 1787, but did not attend. Delegate to Congress, 1788-89, but did not attend. Chief Justice of Georgia, 1789. U.S. district judge for Georgia, 1789-96. Involved in Yazoo land frauds, 1796. Moved to New York, 1796. Dutchess County delegate to New York Assembly, 1816-17. Judge Dutchess County Court of Common Pleas, c. 1817-21.

PIERCE, WILLIAM (c. 1740-1789)

Lowcountry/Federalist/

Born Virginia. Continental Army officer, 1776-83 (aide-de-camp to generals John Sullivan and Nathanael Greene). Member Georgia Cincinnati (vice president, 1789). Chatham County member of Assembly, 1786. Commissioner of pilotage for Savannah, 1786. Delegate to Congress, 1786-87 (attended, 1787). Delegate to Constitutional Convention, 1787.

TELFAIR, EDWARD (c. 1735-1807)

Upcountry/Federalist/Democratic-Republican

Born Scotland. Emigrated to Virginia, c. 1758. Moved to Savannah, Ga., 1766. Delegate to Assembly, 1768. Member provincial congress, 1775-76. Member council of safety, 1775-76. Delegate to Congress, 1777-83, 1784-86, 1787-89 (attended, 1778, 1780-82); signed Articles of Confederation, 1778. Burke County assistant justice, 1778-83. Indian commissioner, 1783, 1785. Agent to settle boundary with South Carolina, 1783. Burke County delegate to Assembly, 1783, 1785, 1787. Member Waynesborough board of commissioners, 1783. Chatham County justice of peace, 1784. Governor, 1786-87, 1789-93. Member Augusta board of commissioners, 1787. Delegate to state Convention, voted to ratify, 1787-88. Delegate to state constitutional convention, November 1788. Burke County justice of peace, 1788. Richmond County delegate to Assembly, 1789. Received one electoral vote for U. S. President, 1789. Justice Chatham County Inferior Court, 1799-1807. Chatham County member of and president of state Senate, 1806.

WALTON, GEORGE (1741?-1804)

Upcountry/Federalist/Democratic-Republican

Born Prince Edward County, Va. Moved to Savannah, Ga., 1769. Admitted to Georgia bar, 1774. Militia officer. Member and secretary of provincial congress, 1775. Member and president of council of safety, 1775-76. Delegate to Congress, 1776-81, 1787-88 (attended, 1776-77, 1780-81); signed Declaration of Independence, 1776. Governor, 1779-80, 1789. Wilkes County delegate to Assembly, 1781. Indian commissioner, 1783. Chief Justice, 1783-86. Wilkes County member of Council, 1784. Chatham County delegate to Assembly, 1787. Member Augusta board of commissioners, 1787. Delegate to Constitutional Convention, 1787, but did not attend. Delegate to state Convention, 1787-88, but did not attend. Delegate to state constitutional convention, November 1788. Presidential Elector, 1789. Justice Georgia Court, Western Circuit, 1789-92, 1793-95. U. S. Senator, 1795-96. Justice Georgia Court, Middle Circuit, 1799-1804.

WEREAT, JOHN (c. 1730-1799)

Lowcountry/Federalist/ ?

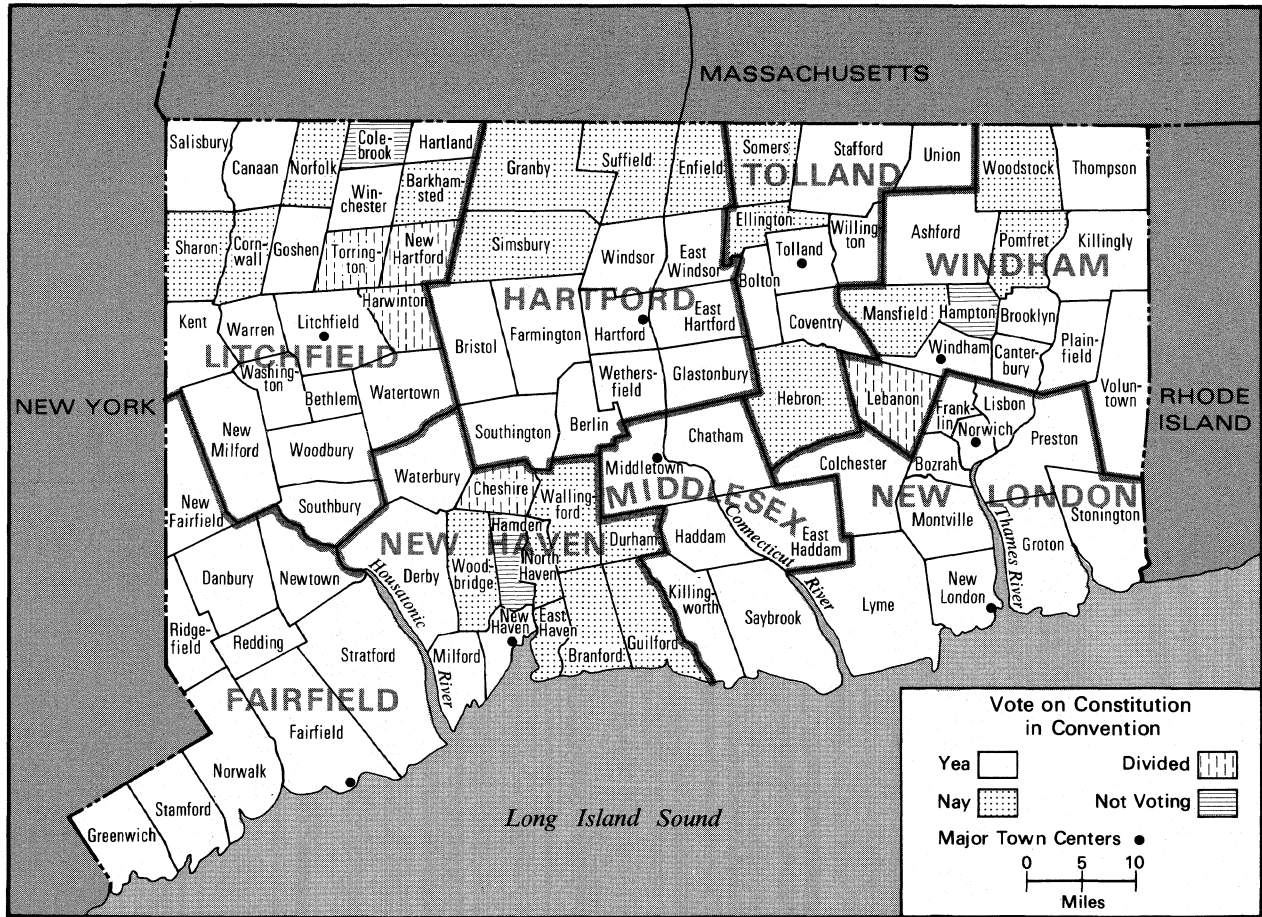
Born England. Member provincial congresses, 1775-76 (speaker, 1776). Member council of safety, 1776. Commissioner of confiscated estates, 1776-77. Commissioner of public trade, 1778. President of Council (acting governor), 1779-80. Chief Justice, 1781-82. Chatham County assistant justice, 1782. Commissioner of pilotage for Savannah, 1782. Elected Chatham County member of Assembly, 1782, but denied seat. Richmond County member of Assembly, 1782. Auditor general, 1782-92. President of state Convention, voted to ratify, 1787-88. Delegate to state constitutional convention, January 1789. Agent to adjust and advocate claims of state against Union, 1790. Delegate to state constitutional convention, 1795.



# The Ratification of the Constitution by Connecticut

- I. The Constitution to the Calling of the State Convention  
on 17 October 1787
  - II. The General Assembly Calls the State Convention  
16–17 October 1787
  - III. Commentaries on the Constitution  
17 October–12 November 1787
  - IV. The Election of Convention Delegates  
12 November 1787
  - V. Commentaries on the Constitution  
13 November 1787–7 January 1788
  - VI. The Connecticut Convention  
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  - VII. The Aftermath of Ratification
  - VIII. Connecticut Ratification and Other States  
9 January–5 February 1788
- Biographical Gazetteer

# CONNECTICUT, 1787



Map prepared by Cartographic Laboratory, University of Wisconsin — Madison  
 Based on the United States Constitution Sesquicentennial Commission map of Connecticut, Washington, D.C., 1937.

## Introduction

The "constitution" of Connecticut until 1818, when the state wrote its first constitution, was the charter granted by King Charles II in 1662. The charter was similar to those granted to companies of sixteenth century English merchants trading overseas. It created a "Body Politick and Corporate" with a governor, deputy governor, and twelve assistants chosen annually from among the "freemen" of the "company," and provided that they should meet twice a year in a "General Assembly" with not more than two deputies from each town.

The outline thus provided was filled out by the legislature during the next century. Unlike the royal colonies where governors, upper houses, and supreme courts, and local judicial and militia officials were appointed by the king or the governor, every official in Connecticut was elected by the voters or by the legislature. The governor, deputy governor, the twelve members of the Council (assistants), the secretary, and the treasurer were elected annually in colony-wide elections. When candidates for governor and deputy governor did not receive a majority of votes, the legislature elected them.

Only freemen could vote in colony-wide elections. Freemanship was granted by the selectmen of the towns on petition from individuals, and had to be approved by "the Authority," a justice of the peace representing the state. Freemen had to be twenty-one years of age, own a freehold estate worth forty shillings annually or personal property worth £40, and be "of a quiet and peaceable behavior, and civil conversation. . . ."

Freemen's meetings elected delegates to the House of Representatives every six months. They nominated twenty men for governor, deputy governor, and the Council every fall, and elected twelve councillors and the governor and deputy governor every spring. The legislature annually elected the judges of the superior court, judges of the county courts, and justices of the peace, of whom there were nearly three hundred and fifty by 1776.

The towns annually elected a variety of local officials ranging from selectmen to fence viewers. Voters in town meetings had to own land worth fifty shillings a year, or personal property worth £40. Freemen could also vote in town meetings even if they did not meet the higher land-value qualification.

\* \* \* \*



In 1776 Connecticut was a self-governing republic whose powers were limited only by the occasional royal veto of laws and the occasional appeal of cases from the colony's courts to the King's Privy Council. Independence removed those restraints. Otherwise there was no constitutional change, much less a revolution. In October 1776 the legislature resolved to continue the charter of 1662 as the "constitution" of the new state.

So far as there was a political revolution, it occurred ten years before the Declaration of Independence. In the 1750s the eastern part of the colony was a center of discontent, and there was a scarcity of good land for a growing farm population. Eastern leaders developed the argument that the upper Susquehanna Valley in Pennsylvania was within the boundaries of Connecticut's "sea to sea" charter. In 1753 they organized the Susquehanna Company and sent settlers to the Wyoming Valley of the Susquehanna River despite the protests of the Pennsylvania proprietors and the opposition of western Connecticut leaders, including Thomas Fitch of Norwalk who became governor in 1754.

After 1763 easterners were the "popular leaders" of opposition to British measures. Their opportunity to win control of the colony came when Governor Fitch took an oath to enforce the Stamp Act, and a leading citizen of New Haven, Jared Ingersoll, was appointed stamp distributor. In the elections in the spring of 1766, Governor Fitch was defeated and replaced by Deputy Governor William Pitkin of Hartford. After Pitkin's death in 1769, eastern leader Jonathan Trumbull, Sr. of Lebanon became governor. The easterners who won control in 1766, and their allies in the west, led the colony into the War for Independence without the political upheaval that took place in other colonies.

Some writers since the Revolutionary era have pictured Connecticut as a "town meeting democracy," but contemporaries did not. When lawyer David Daggett delivered the Fourth of July oration in New Haven in 1787, he described Connecticut's government before 1776 as "a most perfect aristocracy" because "the minister, with two or three principal characters were supreme in each town. Hence the body of the clergy, with a few families of distinction, . . . in effect, ruled the whole state" (Mfm:Conn. 14). In 1808 John Adams said much the same. Connecticut, he wrote, "has always been governed by an aristocracy. . . . Half a dozen, or, at most, a dozen families, have controlled that country when a colony, as well as since it has been a state" (Adams, *Works*, VI, 530).

Connecticut politics were indeed controlled by a small group of men who were quite literally "elder statesmen." In the sixty years

between 1724 and 1784, Connecticut had six governors, all of whom first served as deputy governors. Three of them died in office at ages seventy-two, seventy-six, and seventy-five; two were defeated for reelection at ages seventy-five and sixty-six; and Jonathan Trumbull, Sr., elected in 1769, refused to run for reelection in 1784 at age seventy-three. Long tenure was also characteristic in lesser offices. Hezekiah Wyllys, his son, and grandson held the office of secretary of the colony and of the state for ninety-eight years—from 1712 to 1810.

The patterns established before 1776 remained unchanged afterwards. William Williams (1731–1811) of Lebanon was but one example. He was town clerk, 1752–1796; selectman, 1760–1785; delegate to the House of Representatives, 1757–1776, 1780–1784, and Speaker of the House, 1774–1775, 1781–1784; judge of the Windham County Court, 1775–1805 and of Windham District Probate Court, 1775–1809; member of the Council, 1776–1780, 1784–1803; delegate to Congress and signer of the Declaration of Independence, 1776–1777; and delegate to the state Convention, 1788.

Leaders such as Williams often quarrelled with one another, but as a group they controlled the legislature, and through it and the courts—with the legislature itself as the final court of appeals—they controlled every facet of life in the state.

Discontented voters might elect new men to the House every six months, but the method of electing the Council guaranteed stability most of the time. Each voter could nominate twenty men in the fall elections. A legislative committee then prepared a ticket containing the names of the twenty men receiving the most nominating votes. But the ticket was not arranged according to the number of votes. The governor and deputy governor were placed first, with councillors and ex-councillors following in order of seniority. Thus in 1790, William Williams, the senior councillor, ranked twentieth in the number of nominating votes, whereas a newcomer was first. The committee placed Williams third on the ticket, and the newcomer last. Williams was reelected and the newcomer was defeated.

In the spring elections as each name was called off, beginning with the head of the ticket, voters handed in a ballot. Few voters seem to have had the courage to withhold ballots in order to vote for someone at the bottom of the ticket. As the Reverend Timothy Dwight explained in his *Travels*, the method of election enabled “senior councillors” to “continue in office until they resign or die.” They, he said, “are literally representatives of the wisdom and worth of the community” (I, 189–90).

A government designed to maintain continuity in office and political stability, and one in which the all-powerful legislature was accustomed to make the most minute decisions, was not equipped to meet demands imposed by the War for Independence. The legislature was reluctant to delegate authority, but in the end it was forced to allow the governor, the Council of Safety, judges of the courts, and town officials to carry on much of the business of providing men and supplies, and to take care of such matters as the needs of soldiers' families. However, the legislature always made it clear that the delegation of authority was temporary.

Connecticut became a remarkably dependable source of war supplies, particularly of food, and the providing of them brought about a revolution in the economy of the state. The demand for food gave farmers markets such as they had never had before. Supplies were sent by safe inland roads to American forces, and some of it to the British in New York as well. The farmers made money, but the merchants who bought and transported goods to the armies made far more. By 1783 Connecticut contained a group of men far wealthier than the wealthiest men before the war. Outstanding among them was Jeremiah Wadsworth, the orphaned son of a minister who had gone to sea as a common sailor and had become a ship captain by 1775. Between 1775 and 1783 he was successively commissary for Connecticut troops, commissary of purchases for Congress, and commissary for the French forces. After the war, he was one of the wealthiest men in America.

The economic revolution was accompanied by increasing conflict between what was called "the landed interest" and "the trading interest." Farmers charged merchants with profiteering, and the legislature passed laws fixing prices, forbidding trade with the enemy, and requiring that state and Continental paper money be accepted at face value. Furthermore, the legislature taxed merchants' profits, and cash and goods on hand.

Merchants denounced farmers as extortioners who were amassing wealth at the expense of widows and orphans and insisted that price-fixing was an example of despotic government. In 1780 they gained a measure of influence, and during that year the legislature made paper money payable at real value rather than face value, and lowered taxes on merchants.

After 1780 the conflict between the mercantile and agrarian interests continued, although neither group won complete control of the legislature. Governor Trumbull himself was accused of trading with the enemy and of taking bribes to favor Loyalists. In 1780, 1781, and 1783 he did not receive a majority of the popular votes, although the legislature reelected him each year. In October 1783 he

delivered a "farewell address" announcing that he would not run for reelection, and urging the legislature to grant the Confederation Congress more power, and in particular, the power to raise money to pay the debts of the late war.

The address came at a time when the state was in the midst of a political upheaval unmatched since the dispute over the Stamp Act. Much of it centered around pensions for Continental Army officers. Such pensions had been an issue since 1778 when Congress promised officers half-pay for seven years after the war. Then in 1780, while the British were winning one victory after another, the threat of mass resignations by American officers forced Congress to promise them what they demanded—half-pay for life as in European armies. The next year, Congress asked the states to amend the Articles of Confederation to give it the power to collect import duties (CDR, 140–41). Connecticut agreed, provided that the money collected would not be used to pay officer pensions (CSR, III, 314–15; IV, 153–54). Congress abandoned the proposed amendment in December 1782 because unanimous ratification by the states, as the Articles required, could not be obtained.

In the spring of 1783, three events outside the state created a storm of popular opposition within it. In March Congress "commuted" the promise of half-pay for life to full-pay for five years. In April Congress requested the power to collect import duties for twenty-five years (the "Impost"), and a grant of supplemental funds from the states (CDR, 146–48). Then in May a group of Continental Army officers created an hereditary organization, the Society of the Cincinnati, and some 250 Connecticut officers became members.

The creation of an hereditary order in the new republic, in which titles of nobility were forbidden, aroused alarm throughout the nation. "Commutation" aroused popular opposition, especially in New England, and above all in Connecticut whose congressional delegates voted for commutation. The Articles of Confederation required the votes of nine states for the passage of all important measures. On 10 March 1783 only eight states voted for commutation while Connecticut's vote was divided, with Oliver Wolcott, Sr. voting for and Eliphalet Dyer voting against the measure.

But Dyer, like some other members of Congress, was fearful of any army whose officers were threatening to mutiny over the pay issue. Therefore, a few days later, after writing a preamble declaring that commutation was preferable to lifetime pensions, Dyer switched his vote and Congress adopted commutation.

Dyer lost his seat in Congress and in the Connecticut Council as a result of his vote, but commutation had far wider consequences. Governor Trumbull and the Council supported commutation and

the Impost, as did Continental Army officers. And so too did merchants with large holdings of the national debt, particularly the "bonds" (i.e., Continental loan office certificates) which Congress had issued to borrow money and to buy military supplies. In 1783 the loan office debt was estimated at about eleven and a half million dollars, and over eleven percent of it was held in Connecticut.

Many people, including state militia officers and soldiers, who would not benefit from commutation, opposed the measures. One town charged that Congress was using the army to acquire powers contrary to the Articles of Confederation. Another charged that commutation would end in the creation of an aristocracy, and that the people would be excluded from any share in government which would be committed "to the great and powerful alone."

On 5 June 1783 the House responded to petitions from the towns by adopting a letter of protest to Congress, but the Council refused to agree. The opponents of commutation then called a convention at Middletown, and a majority of towns sent delegates to the second session on 30 September. The Convention sent the legislature a petition denouncing "the GRATUITY made by the honorable American Congress to the officers of the army for services not to be performed. . . ." Connecticut had compensated its Continental officers for their actual services "far beyond their fellow citizens" and "the extra gratuity aforesaid is unconscionable [and] not warranted by the federal constitution. . . ."

The petition also demanded political reforms that were—for Connecticut—revolutionary. The public accounts of the state should be settled and public defaulters brought to justice. Expenditures of public money should be made public. Unnecessary public officials should be fired. The constitution of the state should be revised. The votes of the legislature should be published and the "House of Assembly" should be opened to the public (*Connecticut Courant*, 4 November 1783).

More than sixty percent of the representatives lost their seats in the fall election, and when the new House met in October, agrarian leaders James Wadsworth, Erastus Wolcott, Joseph Hopkins, William Hillhouse, and others proposed an address to Congress. The Council refused to agree, whereupon the House adopted an "Address & Remonstrance" and ordered Speaker William Williams to send it to Congress.

The Address noted that Congress had asked for the power to collect import duties, and then noted that five million dollars for Continental Army officers was included in a statement of the public debt. The Address then declared that the House was not satisfied that the

grant to the officers was "warranted by the Articles of Confederation, or that the power to make such a grant was ever delegated to Congress. This is generally disgusting and is considered as an unnecessary exercise, if not an unwarrantable stretch of power. . . ."

The House reminded Congress of political reality. After reviewing what the state had done for its Continental officers at the request of Congress, the Address concluded that "these considerations have made such deep impressions on the minds of this House and the people of this state that it seems impracticable to execute any measure for raising its quota of the debt stated" (PCC, Item 66, Connecticut State Papers, 1775-89, Vol. II, pp. 248-51, 252-55, DNA). The House backed up the threat, for in January 1784, when the Council voted to approve the Impost of 1783, the House rejected it by a vote of 69 to 37.

The results of the elections in the spring of 1784 were mixed. Half the House members were not reelected, including more than half of those who had voted against the Impost in January. On the other hand, agrarian William Williams, who had been Speaker of the House since 1781, was elected to the Council. Lieutenant Governor Matthew Griswold, who had been associated with Governor Trumbull ever since they were first elected in 1769, neither received enough nominating votes to be placed on the official ticket, nor a majority of the popular votes in the spring of 1784. However, the legislature followed tradition and elected him to replace Trumbull as governor.

The results of the legislative sessions during the rest of the year were as mixed as the elections, with both the mercantile and agrarian factions achieving something of what they wanted. The first recorded act of the spring session of 1784 was a triumph for the agrarians. The act excluded, after May 1785, judges of the Superior Court from seats in the legislature and in Congress. Since the Lieutenant Governor, who presided over the Council, was elected Chief Judge of the court each year, and the other four judges were usually members of the Council, the act was a clear blow at the power of the Council which supported commutation and increased power for Congress. The blow was softened, in appearance at least, by establishing the Council as the Supreme Court of Errors to hear appeals from the Superior Court, and by substituting tenure during the pleasure of the Assembly for annual elections. That provision was ignored, and the Assembly continued to elect Superior Court judges annually even though the Council blocked repeal of the provision in 1785.

The mercantile faction was able to win approval of the Impost of 1783 by a vote of 93 to 42 (CSR, V, 326-27). The *Connecticut Courant* greeted the act with a declaration of the need for congressional power that far outdid Governor Trumbull's farewell address

of the previous autumn. The *Courant* declared: "Never did people in general feel more satisfaction at any public measure than in consequence of this act. Every well wisher to a *Continental* Union must feel every hour, the necessity of a *Continental* head—the necessity of harmonious concert in *Continental* measures—the absolute necessity of *unanimity* and *vigor* in all our federal operations" (25 May 1784).

The *Courant* did not mention that the foes of commutation had forced the supporters of the Impost to pay a price. The act approving the Impost contained a "*Provided always*" section which quoted a resolution of Congress of 16 December 1782. In that resolution, Congress promised Rhode Island, which had refused to ratify the Impost of 1781, that the money raised would be used solely to pay the interest on and principal of the national debt, "and shall on no account be diverted to any other use" (JCC, XXIII, 809). Connecticut thus made it clear that Congress could not pay any of the money collected to former Continental Army officers.

Merchant arguments for commercial development were more persuasive. During 1784 the legislature adopted such measures as an act levying higher duties on foreign goods imported by way of other states than when brought directly into Connecticut ports from overseas. Another measure was the establishment of two free ports to attract trade to the state. The legislature also responded to appeals from growing urban centers and their merchant inhabitants by incorporating New Haven, New London, Hartford, Middletown, and Norwich. Merchants argued that city governments would benefit commerce. And, not incidentally, incorporation freed merchants from having to cope with farmers from the surrounding countryside in town meetings.

In 1785 the legislature granted Congress' request for the power to regulate trade for a period of fifteen years (CDR, 153–54; CSR, VI, 10). All but the most recalcitrant agrarians agreed with merchants on measures to free the state from its economic dependence on other states. Two years later one of the major arguments for the Constitution was that the regulation of trade and the collection of import duties by Congress would lower taxes on Connecticut farmers and save the state from paying a "tribute" of as much as £50,000 a year on foreign goods brought in from New York. Paradoxically, such arguments were often coupled with assertions that the commerce of Connecticut, and of the country as a whole, was in a state of utter collapse.

The adoption of such measures did not mean that the merchant faction was gaining control. The reverse was true. After the fall

elections in 1784, James Wadsworth, the aggressive agrarian and future Antifederalist leader, was elected Speaker of the House, and he was reelected Speaker after the spring elections in 1785.

In those elections William Williams and Joseph Platt Cooke were reelected to the Council, and another agrarian, William Hillhouse, was elected for the first time. The act barring Superior Court judges from seats in the legislature went into effect, and the agrarians made further gains. Judges William Pitkin, Roger Sherman, and Richard Law, who had been reelected to the Council, resigned as councillors in order to be reelected to the Superior Court, along with Eliphalet Dyer. Two of the replacements on the Council were agrarians Erastus Wolcott and Jonathan Sturges who had helped prepare the address to Congress against commutation in the fall of 1783. And then when Oliver Ellsworth was elected the fifth judge of the court, the House elected its Speaker, James Wadsworth, to take Ellsworth's place on the Council.

The agrarians increased their strength in the House during the next two years by creating eighteen new and predominantly agrarian towns, and the legislature adopted and continued policies which benefited farmers. Taxes were made payable in soldiers' notes, which the state had used to pay its militia, and in other forms of state debt. This measure, which had been defeated by the Council in January 1784, was passed in May 1784 and made more generous in May 1785. It helped taxpayers and made it possible to reduce the state debt from nearly four million dollars in 1783 to under two million by 1789. In 1785 the towns were allowed to abate part or all of the taxes of individuals who could not pay, provided the amount did not exceed five percent of a town's total tax. Measures were also adopted to help farmers directly. In 1784 yearling cattle and all swine were removed from the list of taxable property, and in 1786 farmers were allowed to deduct a portion of their sheep from the tax list. However, there was one means of relief the legislature refused to adopt—an issue of paper money.

In addition to specific tax-relief measures, some agrarian leaders hoped to "reform" the tax structure. Councillor Erastus Wolcott, in signed newspaper articles early in 1787, proposed that the share of taxes paid by farmers be lessened and that a greater share be paid by those best able to pay—merchants and professional men.

The result of the attitude of agrarian leaders, and of their legislative policies, was that Connecticut was able to relieve enough of the economic distress of its citizens to avoid the violent farmer rebellion that took place in Massachusetts during the fall and winter of 1786-87.



As for Congress, the legislature made it clear during 1785 and 1786 that it could not expect help. In October 1784 the legislature had levied additional duties on foreign goods, with the money to be used to help pay the state's quota of the interest on the national debt (CSR, V, 432-33). A year later, however, the legislature ignored a committee report which stated that a tax on polls and estates would have to be levied to meet a congressional requisition (CSR, VI, 102). At the same time, it ordered the delegates in Congress to provide the legislature with an accurate list of the number of officials employed by Congress and the salaries paid to them (CSR, VI, 100). Then, in October 1786, the legislature bluntly ordered the Governor to tell the President of Congress, "in a summary manner," that Connecticut had no money to pay congressional requisitions, but to assure him "of the hearty attachment of the good people of this state to the Union" (CSR, VI, 232).

The political alignment in Connecticut by the autumn of 1786 was summed in the *Connecticut Courant* in November (Mfm:Conn. 3). "There are two parties in the state—jealous of each other; *federal men and anti-federal*. The federal men suppose the anti-federal to be knaves, designing artful demagogues. The anti-federal suppose the federal to be ambitious tyrannical men, who are aiming at power and office at the expense of people at large." The writer predicted that "the system of measures now pursuing by the majority of the legislature would, if carried through, inevitably bring disgrace, poverty, and ruin upon this state. . . ."

The author, Noah Webster, went on to declare: "For my own part, I confess, I was once as strong a republican as any man in America. *Now* a republican is among the last kinds of governments I should choose. I should infinitely prefer a limited monarchy, for I would sooner be subject to the caprice of one man, than to the ignorance and passions of a multitude."

Webster reflected, in more temperate language than many, the feelings of "federal" men in Connecticut. They were frightened by Shays's Rebellion in Massachusetts, horrified by Rhode Island's economic measures, and outraged by such "anti-federal" proposals as the one that men should be taxed according to their wealth.

During the fall and winter of 1786-87 "anti-federal" leaders in Connecticut and in other states were vilified and denounced for their domestic policies and for their opposition to the increase of congressional power. The scurrilous verses of the *Anarchiad*, which were published in the *New Haven Gazette* between 26 October 1786 and 13 September 1787, pictured such men as leaders of "the young DEMOCRACY of *Hell*," as men bent on destroying the Union and

on establishing "Chaos" in its place. Those leaders were also satirized in a rare political cartoon, "The Looking Glass for 1787," which was published as a broadside some time before the meeting of the legislature in May 1787 (Mfm:Conn. 7-A).

Among the individuals attacked was Councillor William Williams who opposed the Society of the Cincinnati. He suspected that the Society and land speculators were seeking control of the Western Reserve on the southern shore of Lake Erie, which Congress had guaranteed to Connecticut in exchange for the cession of its other claims to western lands. His suspicions were published, and he was at once nicknamed "William Wimble" and made the butt of newspaper satires. And after Williams closed the Windham County Court in December 1786, Samuel Holden Parsons, president of the Connecticut Cincinnati, attacked him as a follower of Daniel Shays and a supporter of Shays's Rebellion in Massachusetts. The bitter newspaper exchanges between the two men that followed led to the brawl between them in the Connecticut Convention in January 1788.

Above all, "federal" writers sought to destroy the political career and influence of James Wadsworth. They labelled him "Wronghead" and accused him of using his position on the Council to destroy the Union, of cowardice during the War for Independence, and of being a follower of Daniel Shays.

There were of course more serious essays on the subject of government, and on a far different level. Perhaps the best summation of Connecticut arguments for constitutional change, the kind to be hoped for from the Convention then meeting in Philadelphia, was David Daggett's oration in New Haven on 4 July 1787 (Mfm:Conn. 14).

Personal attacks in prose and poetry, and serious essays arguing for a stronger central government which could pay the debts of the United States may have had some effect on Connecticut voters. Shays's Rebellion in neighboring Massachusetts had far more by the spring of 1787.

But in the fall of 1786 the legislature ignored the recommendation of the Annapolis Convention that a constitutional convention meet in the spring of 1787 (CDR, 181-85). The report of the Annapolis meeting was published in the *New Haven Gazette* on 5 October, and the Assembly met in New Haven on the 12th. Presumably the report, which had been sent to the executives of the states, was among the "public letters" read in the Assembly, but no action followed. David Humphreys later reported that some opposed a convention because the freemen had not been consulted and had not authorized the election of delegates, that others believed a convention would be an interference with or a usurpation of the powers of Congress, and that

any proposed changes should originate with Congress. Furthermore, the "perfectly federal" members of the Assembly did not bring the matter up because they were convinced that if the Assembly elected delegates, they would be "some of the most antifederal men in the state who believe or act as if they believed that Congress is already possessed of too unlimited powers and who would wish apparently to see the Union dissolved." "These Demagogues," declared Humphreys, try to persuade the people of the "danger of having their liberties stolen away by an artful designing Aristocracy" (to George Washington, 20 January 1787, RC, Washington Papers, DLC).

Congress' resolution of 21 February 1787 calling the Constitutional Convention (CDR, 185-88) solved the question of legality. The resolution was printed in six Connecticut newspapers beginning with the *New Haven Connecticut Journal* on 28 February. The Council advised Governor Huntington that a special session of the Assembly would not be worth the trouble and expense, and that no disadvantage would result from putting off the matter of electing delegates to the regular May session (Governor Huntington, Speech to Assembly, 11 May, Mfm:Conn. 8-A). Late in March David Humphreys probably reflected the fears of other "federal men" when he warned George Washington not to attend the Constitutional Convention because it was almost certain to fail. "Connecticut," he said, "is under the influence of a few such miserable, narrow-minded, and I may say wicked politicians, that I question very much whether the legislature will choose members to appear in the Convention; and if they do, my apprehension is still greater that they will be sent on purpose to impede any salutary measures that might be proposed" (24 March 1787, RC, Washington Papers, DLC).

Such fears proved unfounded, for the new Assembly which met on 10 May did elect delegates, and the men elected did not "impede" the creation of a new government. But the election was preceded by a debate, the only such debate reported as occurring in any state legislature. In debating the wisdom of sending delegates and the necessity of a change in the central government, Connecticut legislators anticipated some of the central arguments that were used a few months later in the debate over the ratification of the Constitution.

One opponent of electing delegates feared the creation of an "arbitrary power" and "the destruction of the poor." The Articles of Confederation "were sufficient for every purpose," and a stronger constitution might lead to a "regal government" which would endanger "the liberties of the people."

Those who supported the election of delegates argued, as they had for years, that there was need for an "efficient general govern-

ment" with the power to pay the debts of the United States and the power to regulate trade. They reiterated the idea that "an alarming crisis" was at hand. "Is not," asked one speaker, "an efficient national government necessary to preserve peace between the states" with different interests? (See Mfm:Conn. 8-B and CC:25.)

After the debate the Assembly elected William Samuel Johnson, Oliver Ellsworth, and Erastus Wolcott as delegates (CDR, 215-16)—men who, so far as the Assembly knew, would not work for a radical change in government. Johnson was a cautious man who apparently had not taken a public stand in the debate over increasing the power of the central government, and as a member of Congress he had voted against the congressional resolution of 21 February calling the Constitutional Convention (CDR, 189). Nor, apparently, had Ellsworth taken a public stand, although in Congress between 1781 and 1783 he had worked with Alexander Hamilton, James Madison, and others to acquire more power for Congress (CDR, 64, 143-45). Wolcott, unlike his "federal" brother, Lieutenant Governor Oliver Wolcott, Sr., was an aggressive agrarian leader. But he refused to serve on the grounds of age and because he had never had small pox, which he might acquire in Philadelphia. He did not lose any support by refusing, for he stood ninth in nomination for the Council in the fall of 1787 and was reelected in May 1788. Wolcott was replaced by Roger Sherman. Sherman had consistently supported grants of power to Congress to collect an independent revenue and to regulate trade, but otherwise he was a staunch defender of the equality and sovereignty of the states.

While the three delegates were from the top leadership in the state, their backgrounds were remarkably diverse. Johnson, an Anglican, was born at Stratford, the son of the Reverend Samuel Johnson, the first president of King's College in New York. Johnson, a successful lawyer, was elected to the Council in 1766, but he lost that position in 1776 because he opposed independence. He retired to private life, and in 1779 he was arrested for corresponding with the enemy. He was released after taking the oath of loyalty to the state. From 1782 onward his principal role was that of representative of the state in the dispute with Pennsylvania over the Wyoming Valley, first as an attorney and then, after 1784, as a member of Congress. In 1787 he was still a member of Congress and on the point of becoming president of Columbia College (once King's) in New York.

Ellsworth was born at Windsor and graduated from the College of New Jersey. He studied theology, but turned to law and began to practice in Windsor in 1771. He could not make a living as a lawyer until he moved in 1775 to Hartford where he became an immediate

success. His rapid rise to top leadership was remarkable in a society dominated by seniority. He held various wartime posts in the state and was a member of Congress from 1778 to 1783. In 1787 he was a judge of the Superior Court.

At age sixty-six, Sherman was the second oldest delegate in the Constitutional Convention. The son of a Massachusetts farmer, and a shoemaker by trade, Sherman moved to Connecticut in 1743 and eventually became a lawyer and a merchant in New Haven. Since his first political appointment in 1745, he had probably held more state and national offices than any other man in the nation. He had been a member of Congress from 1774 to 1781 and in 1783-84. He had helped write the Declaration of Independence and had played a major role in writing the first constitution of the United States, the Articles of Confederation. In 1787 he was a judge of the Superior Court and the mayor of New Haven.

In the Convention, the Connecticut delegates took a middle position between the extreme "nationalists" who wanted to subordinate the states and their citizens to the absolute power of the central government, and the extreme "federalists" who wanted to strengthen the central government by adding specific amendments to the Articles of Confederation. On the whole, Johnson and Ellsworth leaned toward the nationalists on most issues, or were ready to compromise. Ellsworth was a member of the Committee of Detail which wrote the first draft of the Constitution, and Johnson was chairman of the Committee of Style which prepared the final draft.

Sherman was a leading opponent of the extreme nationalists. He helped defeat such nationalist proposals as the congressional veto of all state laws and argued that the executive should be elected by and controlled by Congress. He was a leader of the federalists and the small states' delegates who insisted that the states, as states, must be represented in the central government. This group succeeded in establishing the election of Senators by state legislatures and in guaranteeing that the states would have equal votes in the Senate. When Sherman moved on 11 June that each state should have one vote in the Senate, he explained that "as the states would remain possessed of certain individual rights, each state ought to be able to protect itself, otherwise a few large states will rule the rest" (Farrand, I, 193, 196).

At the end of June, Ellsworth, following Sherman's lead, moved that voting in the Senate should be the same as in the Articles of Confederation because "we were partly national; partly federal." Voting by population in one house would represent the national principle and "an equality of voices [in the Senate] was conformable

to the federal principle and was necessary to secure the small states against the large." This was the only ground for compromise, and if there were no compromise, the Convention "would not only be in vain, but worse than in vain" (Farrand, I, 468, 469).

The delegates from the large states and those who wanted to create a national government entirely free from state control were not convinced by the argument, but a majority of the Convention forced them to accept the integrity and equality of the states in the creation of the United States Senate.

The Connecticut delegates yielded on many provisions which effectively transferred sovereignty from the states to the central government, but Sherman either did not recognize or refused to face the fact. At the end of the Convention he opposed a bill of rights because "the state declarations of rights are not repealed by this Constitution; and being in force are sufficient." He did not reply to George Mason's rejoinder that "the laws of the United States are to be paramount to state bills of rights" (Farrand, II, 588).

Whatever their understanding of the nature of the Constitution, Sherman and Ellsworth returned to Connecticut and argued that the Constitution did not provide for any fundamental change. In their report to the legislature (26 September, I below), they stated that Connecticut would be entitled to the same number of representatives in the new Congress as in the old, and that while Congress was given some additional powers, they were "specially defined so that the particular states retain their *Sovereignty* in all other matters."

In addition, Sherman and Ellsworth wrote for the newspapers. Sherman's five "Countryman" essays continued the argument that the Constitution would not mean any essential change, that in essence Congress would be no different than the Connecticut legislature except that Congress would govern a far larger territory and many more people, and that the members of Congress would serve longer terms. Sherman also argued that a bill of rights would not guarantee the rights of the people. The only security for their rights, he said, was the nature of the government and the character of the men the people elected to office. Ellsworth's "Landholder" essays covered a variety of topics all the way from an attempt to persuade farmers of the economic benefits they would derive from the Constitution to attacks on opponents of the Constitution in other states.

The Connecticut newspapers were filled with these and other writings by supporters of the Constitution, to the virtual exclusion of anything written against it. Hence there was no public debate in Connecticut. Only one Connecticut article criticizing the Constitution was published, and then only in one newspaper (*Middlesex*

*Gazette*, 10 December, V below). There were debates in some of the town meetings that elected delegates to the state Convention, and one newspaper reported that there might be "Judases" in the Convention (*Connecticut Courant*, 26 November, IV below). But, not until after the Convention met, did a newspaper report that several towns had voted to reject the Constitution (*Connecticut Courant*, 7 January 1788, V below). The record of the towns' actions is published for the first time in this volume (IV below).

During the fall and winter of 1786-87, Connecticut newspapers had repeatedly attacked various "anti-federal" men in the state. In the fall of 1787 the newspapers continued to attack such men for their role in state politics, but, with the sole exceptions of Joseph Hopkins and James Wadsworth, did not mention that several of them opposed the Constitution.

The private sources that have been found are only a little more revealing than the newspapers. The eighteen letters written by Federalists published in this volume contain comments about the opposition and the prospects of ratification but do not discuss the Constitution. The Antifederalist sources do, but they consist only of a letter, three drafts of a speech and a newspaper essay written by Dr. Benjamin Gale, and a letter written by Hugh Ledlie. It is possible that the speech was not given at the Killingworth town meeting on 12 November 1787, the newspaper essay was never published, and the two letters were written to Federalist William Samuel Johnson.

The public debate in other states was known in Connecticut since publishers throughout the nation exchanged newspapers. Connecticut papers reprinted large amounts of out-of-state Federalist material, but between the first printing of the Constitution and the meeting of the state Convention, they reprinted only five out-of-state Antifederalist pieces. Three of them were ignored but two of them were reprinted so they could be answered.

In contrast to the virtual blackout of news about opposition to the Constitution within the state, Connecticut newspapers attacked the opposition in other states. Elbridge Gerry of Massachusetts and George Mason of Virginia were denounced for their refusal to sign the Constitution and for publishing their objections to it. Richard Henry Lee of Virginia was attacked for his opposition, as was Governor George Clinton and other New Yorkers. Connecticut Federalists were infuriated by John Lamb of New York, who sent the *Letters of a Federal Farmer* and Samuel Bryan's "Centinel" into the state to encourage opponents of the Constitution, who could not read such Antifederalist material in their own newspapers.

In contrast to the winter of 1786-87, when the debate over government was carried on by Connecticut writers, there was an extra-

ordinary dependence on out-of-state Federalist material during the fall of 1787. The newspapers in the state's twin capitals illustrate the point. Aside from Roger Sherman's "Countryman" essays, which the *New Haven Gazette* began publishing on 15 November, and a few other items, most of the material on the Constitution was reprinted from newspapers in other states. The *Connecticut Courant* and the *American Mercury* were published in Hartford, the state's other capital. Aside from Oliver Ellsworth's "Landholder" essays, which both papers began publishing on 5 November, they were as dependent on out-of-state Federalists as the *New Haven Gazette*. But while Connecticut newspapers depended heavily on contributions from other states, they made a major contribution in return, for the essays of Sherman and Ellsworth were reprinted in other states and became an integral part of the national debate over the Constitution.

One cannot measure with any finality the effectiveness of the newspapers in preparing the "minds of the citizens" which David Humphreys and other Federalists set out to do before the Constitution was printed in the state. Nor are there any sources to measure the effectiveness of other forms of political persuasion. Humphreys told George Washington in September 1787 that there would be opposition, but that "all the different classes in the liberal professions will be in favor of the proposed Constitution. The clergy, lawyers, physicians, and merchants will have considerable influence on society. Nor will the officers of the late army be backward in expressing their approbation." As for the newspapers, he said, "judicious and well-timed publications have great efficacy in ripening the judgment of men in this quarter of the continent" (28 September, I below).

Whatever the relative effectiveness of the forces involved, a political transformation had taken place by the end of 1787. The legislature which in October 1786 refused to vote funds for Congress and ignored the call for a constitutional convention, had become, by October 1787, a legislature overwhelmingly in favor of the Constitution written by that convention. The transformation in the towns was equally overwhelming. In September 1783 a majority of the towns of the state in the Middletown Convention declared the congressional promise of full pay for five years to Continental Army officers a violation of the "federal constitution." In November 1787 a far greater majority of the towns elected enough delegates to the state Convention to ratify the Constitution by a vote of 128 to 40.

The impact of the political transformation can be seen too in the behavior of some of the agrarian leaders who had long opposed the increase of congressional power. Thus William Williams, Joseph Hopkins, Erastus Wolcott, and Eliphalet Dyer opposed the Constitution, and criticized or spoke against it in the state Convention. But what-



ever their inner convictions they voted to ratify, and in Williams' case at least, he voted contrary to the wishes of his home town of Lebanon. James Wadsworth, alone among the agrarian leaders, voted against ratification.

Ratification was followed by a total Federalist victory in the first federal elections. On 15 October 1788 the legislature elected Oliver Ellsworth and William Samuel Johnson as the state's first United States Senators; and, in a state-wide election on 22 December, Roger Sherman, Benjamin Huntington, Jonathan Sturges, Jonathan Trumbull, Jr., and Jeremiah Wadsworth were elected to the United States House of Representatives. The state, despite rising opposition, remained in the Federalist camp until the nineteenth century.

[The extended introduction above is provided because no published secondary account of Connecticut during this period provides an adequate description of the political context within which Connecticut considered and ratified the Constitution. Ed.]

## Note on Sources

### *Legislative Records*

The sources for the October 1787 session of the General Assembly are in the Connecticut State Library. They consist of three groups of manuscripts: the Journals of the House of Representatives, the Records of the State of Connecticut, and the Connecticut Archives. The House Journals are only a brief and incomplete record and were not published at the time. The Journals indicate the date of final action on the resolutions calling the state Convention. They also contain a roll of the members, with the attendance record of each representative. This roll has been used to compile the roster of the House which is printed below.

The Council met in secret, and no legislative journal is extant. Its executive journal contains no mention of the Constitution.

The manuscript Records of the State of Connecticut are bound volumes which include enrolled acts, resolutions, appointments, and private bills. Volume IV contains the enrolled resolutions calling the state Convention. The Records of the October 1787 session of the Assembly are printed in Leonard Woods Labaree, ed., *The Public Records of the State of Connecticut from May, 1785, through January, 1789*, VI (Hartford, 1945), 349-94.

In the Connecticut Archives, Revolutionary War, 1st Series, XXXVII, is a draft of the resolutions calling the state Convention. Some of the endorsements on the draft are the only record of the Council's action on the resolutions. (For this document, see II below.)

The *Connecticut Courant* and the *New Haven Gazette* published extensive notes of the debates in the October 1786 and May 1787 sessions, but they did not print notes of the debates for the October 1787 session.

### *Executive Records*

The official correspondence of Governor Samuel Huntington, in 1787 and 1788, is scattered in libraries throughout the United States: the Massachusetts Historical Society, the Connecticut Historical So-

ciety, the New York Public Library, the Columbia University Library, the Rutgers University Library, the Historical Society of Pennsylvania, the Independence National Historical Park library, the Virginia State Library, the University of North Carolina Library, and the Henry E. Huntington Library, San Marino, California.

The largest number of Governor Huntington's official letters is in the Papers of the Continental Congress, Item 66, Connecticut State Papers, in the National Archives. These are the letters that Huntington wrote to the President and to the Secretary of the Confederation Congress. However, official communications to Huntington from these men are virtually non-existent.

#### *Town Records*

The minute books of the Connecticut towns are a valuable source. Most minute books have been preserved and are still in the possession of the town clerks, although some towns have deposited their records in the Connecticut State Library. The minute books contain reports of the election of delegates to the state Convention. In addition, a few of the minute books record the votes of towns for and against the Constitution and contain instructions to the Convention delegates.

#### *Personal Papers*

There are several collections of letters and other documents, although they are not as extensive as those for such states as Massachusetts, New York, and Virginia. Moreover, the collections are largely those of men who supported the Constitution.

The Connecticut Historical Society has some of the most valuable material including the papers of such prominent supporters of the Constitution as Jeremiah Wadsworth, Oliver Wolcott, Sr., and William Samuel Johnson. Wolcott's correspondence, in the Oliver Wolcott Papers, provides information on Litchfield County politics.

The division of Manuscripts & Archives in the Yale University Library has the papers of David Daggett and Roger Sherman, both supporters of the Constitution. The Sherman Papers contain drafts which identify Sherman as the author of newspaper essays signed "A Citizen of New Haven." The Simeon E. Baldwin Collection contains letters of Enoch Perkins, whose notes of debates in the Connecticut Convention were published in both Hartford newspapers.

The Bienecke Library at Yale University has the papers of Ezra Stiles, including his literary diary, and the papers of Benjamin Gale. The Gale Papers are the best single source for Antifederalist opinion in Connecticut.

Among the John Lawrence Papers in the Connecticut State Library are two Robert Charles Johnson letters describing the election of state Convention delegates in Stratford. The Wadsworth Atheneum in Hartford has a small collection of Jeremiah Wadsworth papers. The Cushing Papers and the Robert Treat Paine Papers in the Massachusetts Historical Society include letters about the Connecticut Convention written by Samuel Holden Parsons. The Society's collection of Henry Knox Papers contains several Jeremiah Wadsworth letters about Connecticut politics. Other letters on Connecticut politics can be found in the papers of George Washington and James Madison in the Library of Congress and in the Rufus King Papers in the New-York Historical Society. The papers of John Lamb in the New-York Historical Society contain two important letters of Hugh Ledlie, a Connecticut Antifederalist. Ledlie's letter of 15 January 1788 is an attack on the Constitution and the methods of its supporters.

### *Newspapers*

The best sources for the Federalist response to the Constitution are the state's nine weekly newspapers. They were so overwhelmingly Federalist that they printed only a handful of Antifederalist items.

Two newspapers were published in New Haven, one of the state's two capitals. They were Josiah Meigs's *The New-Haven Gazette*, and *the Connecticut Magazine* and Thomas and Samuel Green's *The Connecticut Journal*. The *New Haven Gazette* published Roger Sherman's five essays signed "A Countryman." A third southwestern newspaper was Francis Fogue and Peter Bulkeley's *The Fairfield Gazette; or, the Independent Intelligencer*, but only a few issues are extant.

Two newspapers were published in Hartford, the state's other capital. They were Barzillai Hudson and George Goodwin's *The Connecticut Courant*, and *Weekly Intelligencer* and Elisha Babcock's *The American Mercury*. Their principal original material consisted of the "Landholder" essays by Oliver Ellsworth.

The *Courant* probably had the largest circulation of any Connecticut newspaper, and items from it were often reprinted in other states. A third Connecticut River newspaper was published in Middletown by Moses H. Woodward and Thomas Green. It was called *The Middlesex Gazette* until 5 November 1787, when it became *The Middlesex Gazette, or, Foederal Adviser*.

Two newspapers were printed in eastern Connecticut: Timothy Green's *The Connecticut Gazette* in New London and John Trumbull's *The Norwich Packet, And the Country Journal* in Norwich. Both papers reprinted a great deal from other Connecticut newspapers.

The ninth Connecticut newspaper was published by Thomas Collier in the northwestern town of Litchfield. It was called *The Weekly Monitor* until 31 December 1787, after which it became *Collier's (Litchfield) Weekly Monitor*.

#### *Convention Records*

There is no evidence that there was a convention journal. If one was kept, it is not extant. The Convention's major actions were reported in the *Connecticut Courant* and in the *American Mercury* on 7 and 14 January 1788, and in the *Weekly Monitor* on 14 January. The most complete reports of proceedings are for 3 January, the first day of the Convention, and for 9 January, the day the Convention ratified the Constitution. The *Monitor* also published a roster of delegates, indicating which delegates were present and how they voted on the Constitution. The vote on ratification was also printed in the *Courant*, the *Mercury*, and in *Glorious News*, a broadside published by Josiah Meigs of the *New Haven Gazette*.

The *Connecticut Courant* and the *American Mercury* commissioned Enoch Perkins, a young Hartford lawyer, to take notes of the debates. Perkins' notes were published in the *Courant* on 7 and 14 January and in the *Mercury* on the same days, and were reprinted throughout the country. With the exception of a short paragraph outlining a speech by Antifederalist James Wadsworth, the *Courant* and the *Mercury* published only Federalist speeches: two by Oliver Ellsworth and one each by William Samuel Johnson, Samuel Huntington, Oliver Wolcott, Sr., and Richard Law.

It is unknown if Perkins took more notes of the debates than were published, but his Federalist bias is evident in his statement: "Suffice it to say that all the objections to the Constitution vanished before the learning and eloquence of a Johnson, the genuine good sense and discernment of a Sherman, and the Demosthenian energy of an Ellsworth."

A version of the debates, combining the reports in the *Connecticut Courant* and in the *Weekly Monitor*, is published in Leonard Woods Labaree, ed., *The Public Records of the State of Connecticut from May, 1785, through January, 1789*, VI (Hartford, 1945), 548-73.

#### *Secondary Accounts*

The three major accounts of ratification are Bernard C. Steiner, "Connecticut's Ratification of the Federal Constitution," *Proceedings of the American Antiquarian Society*, new series, XXV (1915), 70-127; Philip Harding Jordan, Jr. "Connecticut During the Revolution and Confederation, 1776-1789" (Ph.D. dissertation, Yale University,

1962); and Harvey Milton Wachtell, "The Conflict between Localism and Nationalism in Connecticut, 1783-1788" (Ph.D. dissertation, University of Missouri, Columbia, 1971).

A detailed account of the structure of Connecticut politics at the beginning of the war, and of the impact of the war upon it, is in Rupert Charles Loucks, "Connecticut in the American Revolution" (Master's thesis, University of Wisconsin, 1959). The impact of the war upon Connecticut economic life is set forth in Gaspare John Saladino, "The Economic Revolution in Late Eighteenth Century Connecticut" (Ph.D. dissertation, University of Wisconsin, 1964). Richard J. Purcell, *Connecticut in Transition, 1775-1818* (1918; reprint ed., Middletown, Conn., 1963) is useful for the structure of politics, but concentrates on the years after 1790. Leon Howard, *The Connecticut Wits* (Chicago, 1943) contains a detailed account of the political battles carried on in the newspapers during the fall and winter of 1786-87 prior to the meeting of the Constitutional Convention.

There is no adequate biography of Oliver Ellsworth. George C. Groce, Jr., *William Samuel Johnson: A Maker of the Constitution* (New York, 1937) is brief. Christopher Collier, *Roger Sherman's Connecticut: Yankee Politics and the American Revolution* (Middletown, Conn., 1971), in addition to being a biography of Sherman, contains much valuable information about state politics. For sketches of Connecticut leaders who graduated from Yale College, see Franklin Bowditch Dexter, *Biographical Sketches of the Graduates of Yale College . . .* (6 vols., New York and New Haven, 1885-1912).

## Note on Microfiche Supplement

The microfiche supplement contains transcripts or photographic copies of official documents, newspaper items, and private letters. The principal official documents are the colonial charter of 1662, "An Act containing an Abstract and Declaration of Rights and Privileges of the People of this State, and securing the same," the draft resolutions calling the state Convention, the Form of Ratification sent to the Confederation Congress, and Governor Samuel Huntington's letters to the governors of New Jersey and Virginia informing them of Connecticut's ratification.

Included also are newspaper items and private letters which contain additional reports and brief comments upon the calling of the state Convention, the election of Convention delegates, the prospects of ratification, the proceedings of the Convention, and ratification by the Convention.

Among the individual items are two 4 July 1787 orations; a newspaper report of the 12 May 1787 legislative debate on electing delegates to the Constitutional Convention; two drafts of a speech prepared by Dr. Benjamin Gale for delivery at the Killingworth town meeting on 12 November 1787; the broadside *Glorious News* which contains a list of Convention delegates and their votes on ratification; some additional newspaper essays written after Connecticut ratification; and James Wadsworth's letter of 15 October 1789 declining appointment as a county judge because of his refusal to take an oath to support the Constitution.

An appendix to the microfiche supplement lists major items published in Connecticut newspapers that are printed elsewhere in *The Documentary History of the Ratification of the Constitution*.

## Connecticut Chronology, 1786–1788

### 1786

- 21 January–  
23 February Virginia calls for commercial convention to meet at Annapolis.
- 11 May–  
9 June Legislative session; does not elect delegates to Annapolis.
- 11–14 September Annapolis Convention: Calls for convention to meet in Philadelphia in May 1787.
- 5 October *New Haven Gazette* prints report of Annapolis Convention.

### 1787

- 21 February Confederation Congress calls Constitutional Convention to meet in Philadelphia in May to amend Articles of Confederation.
- 12 May Legislature debates sending delegates to Constitutional Convention.
- 14–17 May Legislature elects Oliver Ellsworth, William Samuel Johnson, and Roger Sherman delegates to Constitutional Convention.
- 25 May–  
17 September Constitutional Convention, Philadelphia.
- 11 September Semi-annual election for state House of Representatives in New London, Windham, and Tolland counties.
- 17 September Constitutional Convention adjourns *sine die*.



- 18 September      Semi-annual election for state House of Representatives in Hartford, New Haven, Fairfield, Litchfield, and Middlesex counties.
- 26 September      Constitution printed in *Connecticut Journal*.
- 11 October–  
1 November      Legislative session.
- 16–17 October      Legislature adopts resolutions calling state Convention.
- 1 November      Legislature adjourns.
- 12 November      Election of delegates to state Convention.

### 1788

- 3–9 January      State Convention meets in Hartford.
- 9 January      Convention ratifies Constitution 128 to 40. Form of Ratification signed.
- 22 January      Form of Ratification read to Confederation Congress.

# Connecticut Officeholders, 1787–1788

## GOVERNOR

Samuel Huntington

## COMPTROLLER

James Wadsworth

## LIEUTENANT GOVERNOR

Oliver Wolcott, Sr.

## SECRETARY OF STATE

George Wyllys

## TREASURER

John Lawrence

## SUPERIOR COURT

Richard Law (Chief Judge), Eliphalet Dyer, Oliver Ellsworth, William Pitkin, Roger Sherman

## MEMBERS OF CONGRESS

(May–October 1787): Joseph Platt Cooke, James Hillhouse, William Samuel Johnson, Stephen Mix Mitchell, Jonathan Sturges, John Treadwell, Erastus Wolcott; (from October 1787): John Chester, Joseph Platt Cooke, Pierpont Edwards, Benjamin Huntington, Stephen Mix Mitchell, John Treadwell, Jeremiah Wadsworth

## DELEGATES TO CONSTITUTIONAL CONVENTION

Oliver Ellsworth, William Samuel Johnson, Roger Sherman, Erastus Wolcott (resigned)

## COUNCIL

Samuel Huntington, Governor

Oliver Wolcott, Sr., Lieutenant Governor

William Samuel Johnson

Stephen Mix Mitchell, Clerk

Joseph Spencer

William Hillhouse

William Williams

Erastus Wolcott

Andrew Adams

John Treadwell

Benjamin Huntington

Jonathan Sturges

Joseph Platt Cooke

James Wadsworth

## HOUSE OF REPRESENTATIVES

October–November 1787

### HARTFORD COUNTY

Hartford

Jeremiah Wadsworth

Jonathan Bull

Berlin

Gad Stanley

Selah Hart

Bristol

Zebulon Peck

East Hartford

Jonathan Wells

Ashbel Pitkin

East Windsor

Lemuel Stoughton

Roswell Grant

Enfield

Daniel Perkins<sup>(a)</sup>

Ephraim Pease

Farmington  
     Hezekiah Wadsworth  
     James Lusk  
 Glastonbury  
     Joseph Mosely  
     John Wells  
 Granby  
     Hezekiah Holcomb  
 Southington  
     John Curtiss  
     Asa Barns  
 Suffield  
     Abraham Granger  
     Amos Granger  
 Simsbury  
     Noah Phelps  
     Jonathan Pettibone  
 Wethersfield  
     John Chester, Speaker  
     Joseph Bulkley  
 Windsor  
     Henry Allyn  
     Solomon Griswold  
 NEW HAVEN COUNTY  
   New Haven  
     Pierpont Edwards  
     Charles Chauncey  
   Branford  
     Edward Russell  
     Timothy Hoadley  
   Cheshire  
     Samuel Beach  
     Reuben Atwater  
   Derby  
     John Wooster  
     Samuel Hull  
   Durham  
     Simeon Parsons  
     Benjamin Picket  
   East Haven  
     Samuel Davenport  
   Guilford  
     John Burgis  
     John Elliott  
   Hamden  
     John Hubbard  
   Milford  
     Stephen Gunn  
     Gideon Buckingham

North Haven  
     Daniel Bassett  
 Wallingford  
     Street Hall  
     Samuel Whiting  
 Waterbury  
     Joseph Hopkins  
     John Welton  
 Woodbridge  
     Thomas Darling  
     David French  
 NEW LONDON COUNTY  
   New London  
     Amasa Learned  
     John Deshon  
   Norwich  
     Elijah Backus  
     Jared Tracy  
   Bozrah  
     Isaac Huntington  
   Colchester  
     John Watrous  
     Joseph Isham  
   Franklin  
     Joseph Barker  
   Groton  
     Thomas N. Niles  
     Stephen Billings  
   Lisbon  
     John Perkins  
   Lyme  
     Mansfield Parsons  
     Ezra Selden  
   Montville  
     John G. Hillhouse  
   Preston  
     Oliver Crary  
     John Tyler  
   Stonington  
     Charles Phelps  
     Elisha Denison  
 FAIRFIELD COUNTY  
   Fairfield  
     Andrew Rowland  
     Elijah Abel  
   Danbury  
     Eli Mygatt  
     Daniel Taylor

- Greenwich  
 John Mead<sup>(a)</sup>  
 Amos Mead  
 New Fairfield  
 Nehemiah Beardsley  
 James Potter  
 Newtown  
 John Beach  
 Abijah Curtiss  
 Norwalk  
 Samuel C. Silliman  
 Hezekiah Rogers  
 Redding  
 William Heron  
 Lemuel Sanford<sup>(a)</sup>  
 Ridgefield  
 Philip Burr Bradley  
 David Olmsted  
 Stamford  
 James Davenport, Ass't. Clerk  
 Charles Weed  
 Stratford  
 Joseph Walker  
 Abraham Brinsmade
- WINDHAM COUNTY  
 Windham  
 Zephaniah Swift  
 Hezekiah Ripley  
 Ashford  
 William Walker  
 Isaac Perkins  
 Brooklyn  
 Joseph Baker  
 Canterbury  
 Moses Cleaveland  
 Benjamin Bacon  
 Hampton  
 James Stedman  
 Killingly  
 Sampson Howe  
 Zadock Spalding<sup>(a)</sup>  
 Lebanon  
 Daniel Tilden  
 Ephraim Carpenter  
 Mansfield  
 Constant Southworth  
 Nathaniel Atwood  
 Plainfield  
 Ephraim Wheeler  
 Anthony Bradford
- Pomfret  
 Josiah Sabin  
 Ebenezer Kingsbury  
 Thompson  
 Jonathan Nichols  
 Voluntown  
 John Wiley  
 Benjamin Gallop  
 Woodstock  
 Stephen Paine  
 Charles Child
- LITCHFIELD COUNTY  
 Litchfield  
 Ebenezer Marsh  
 Jedidiah Strong, Clerk  
 Bethlehem [Bethlehem]<sup>(b)</sup>  
 David Ambler  
 Canaan  
 Charles Burrall  
 Nathan Hale  
 Cornwall  
 Hezekiah Gold  
 John Cornwell  
 Goshen  
 Daniel Miles  
 Adino Hale<sup>(a)</sup>  
 Hartland  
 Isaac Burnham  
 John Wilder  
 Harwinton  
 Abner Wilson  
 Josiah Phelps  
 Kent  
 Nathan Elliott  
 New Hartford  
 Seth Smith  
 John Henderson  
 New Milford  
 Sherman Boardman  
 Samuel Canfield  
 Norfolk  
 Asahel Humphrey  
 Hosea Humphrey  
 Salisbury  
 Lemuel Wheeler  
 Hezekiah Fitch  
 Sharon  
 Simeon Smith<sup>(a)</sup>  
 Jonathan Gillett  
 Southbury  
 Benjamin Hinman

Torrington	Killingworth
Amos Willson	Hezekiah Lane
Shubael Griswold	George Eliot
Warren	Saybrook
Nathaniel Swift	William Hart
Washington	William Mitchell
John Whittlesey	TOLLAND COUNTY
Nathan Hickox	Tolland <sup>(c)</sup>
Watertown	Samuel Chapman
Thomas Fenn	Bolton
Daniel Potter	Samuel Carver
Winchester	David Taylor
Benjamin Benedict	Coventry
Woodbury <sup>(c)</sup>	Jeremiah Ripley
Daniel Sherman	Daniel White
MIDDLESEX COUNTY	Ellington
Middletown	Matthew Hyde
George Phillips	Hebron
Elijah Hubbard	Daniel Ingham
Chatham [East Hampton] <sup>(b)</sup>	Sylvester Gilbert
John Penfield	Somers
James Bill	Reuben Sikes
East Haddam	Joshua Pomeroy
Eliphalet Holmes	Stafford
Israel Spencer	John Phelps
Haddam	Isaac Foot
David Brainerd	Union
Edward Selden	John Sessions
	Willington
	Seth Crocker
	Elisha Johnson

(a) Did not attend the October 1787 session.

(b) The name of Bethlem was changed to Bethlehem; the name of Chatham was changed to East Hampton.

(c) Woodbury and Tolland each were permitted two representatives, but only one delegate attended from each town.

## I

## THE CONSTITUTION TO THE CALLING OF THE STATE CONVENTION ON 17 OCTOBER 1787

The Connecticut response to the Constitution was immediate and overwhelmingly favorable. By 5 October, the Constitution had been printed in seven state newspapers and as a broadside by Thomas Collier (Mfm:Conn. 21). By 15 October, six newspapers also reprinted or reported news of the congressional resolution of 28 September transmitting the Constitution to the states.

The newspapers gave no hint of opposition within the state, although the private letters of Federalists reveal that there was opposition and that it worried them. On 28 September, two days after the first publication of the Constitution in Connecticut, David Humphreys wrote George Washington that the "well affected" had been preparing the "minds of the citizens" for "whatever might be the result of your proceedings," and that he had "no inconsiderable agency in the superintendence of two presses."

The preparation of the "minds of the citizens" was essentially a continuation of the campaign for a stronger central government which had begun long before the meeting of the Constitutional Convention, and which had reached a peak during the winter of 1786-87.

Before the calling of the state Convention on 17 October, Connecticut newspapers published few original articles on the Constitution. The *New Haven Gazette* published three lengthy essays supporting ratification ("Observer" V, 20, 27 September; "Social Compact," 4 October; and "The People," 11 October), while the *American Mercury* printed one short Federalist essay ("A Traveller," 8 October).

More significant were the items reprinted from out-of-state newspapers—particularly from Pennsylvania—all of which supported the Constitution. Three of Connecticut's newspapers reprinted the proceedings of the Pennsylvania Assembly of 28 September and five reprinted the Assembly resolutions calling the state Convention (Mfm: Pa. 74, 80). Other out-of-state articles reprinted included a satire signed "Daniel Shays" from the Philadelphia *Independent Gazetteer*, 25 September (CC:94); "A True American" from the *Massachusetts Centinel*, 29 September (CC:110); "Curtius" I from the New York *Daily Advertiser*, 29 September (CC:111); and an unsigned essay from

the Poughkeepsie *Country Journal*, 3 October (CC:129). An "Extract of a Letter from a Member of Congress, New York, 23 September," from the Philadelphia *Independent Gazetteer*, 26 September (CC:99) was reprinted in Hartford, New Haven, New London, and Litchfield.

In addition to these items, the newspapers were filled with "squibs," mostly reprinted from Philadelphia. Some squibs asserted that the Constitution would create a balanced government, protect the liberties of the people, and restore national honor and prestige. Others praised prominent supporters of the Constitution such as George Washington and Benjamin Franklin, while still others claimed that opponents of the Constitution sought to destroy the Union. And a number of them asserted that ratification was a certainty in Delaware, New Jersey, and New York. (For examples, see CC:74, 77-A, 79, 86, 87, 88, 96, 101, 104; and CC:Vol. I, Appendix, *passim*.)

Except where another location is indicated, the documents referred to in this introduction are printed in this section.



**Stephen Mix Mitchell to William Samuel Johnson**  
**Wethersfield, 18 September<sup>1</sup>**

Your favor of the 6th of July I must with gratitude acknowledge the receipt of. Soon after, I wrote you a long letter upon politics, etc., which I sent to the post office. This would have discovered my weakness to you in good earnest, but O fortunate! before the mail was closed at Hartford, an account of your recess from Convention and arrival at Stratford came to hand, when I sent to the office and remanded my letter.

This evening I am again honored by your favor of the 10th instant in which you urge my speedy attendance at Congress, where I suppose you now are and hope you have found Messrs. [Joseph Platt] Cook<sup>2</sup> and [Jonathan] Sturgis<sup>3</sup> attending.

I was to have proceeded with Colonel Cook to New York, but the want of supplies from the treasury prevented. At present tis extremely difficult to leave my family; Mrs. Mitchell's health and situation is such, that absence from her would savor of inattention, if not of cruelty; and the necessary supplies of money are still wanting.

Our good Governor [Samuel Huntington] called on me last week, as he was journeying to commencement, when he engaged to use his endeavors to prevail on Mr. J[ames] Hilhouse<sup>4</sup> to take a tour to New York. On his return, I found him unsuccessful; yet to my great relief he told me he had wrote Mr. Sturgis to join Colonel Cook if possible, but had not received his answer.

I am not insensible of the propriety of a full representation in Congress, when the momentous business you mention shall be under consideration; yet do not wish to be one of the number who should then be attending. My opposition to conventions in general, and particularly to the resolve recommending the present one, would ever render any opposition made by me to any of the proceedings or recommendations of that honorable body, suspected. Had I been silent on that occasion, any objection from me to any part of the system would have had more weight. On this account, I think, I am a very exceptionable member at this time.<sup>5</sup>

Tis my wish that you may have agreed and concluded on such measures as will conduce to the general welfare and establishment of our nation, and that Congress and the people may acquiesce therein.

The Governor has made such arrangements relative to a representation from this state that to us who are here, it seems unnecessary for me to think of attending. He expects you will attend until the end of the year, as I suppose you are informed by letter from him.

If you are able to devise such measures as this people, in a time of profound peace within and without, will cheerfully adopt and yet have energy in them, and give us respectability at home and abroad, you will deserve great credit.

Part of the U[nited] Netherlands thought it best to return to their old master rather than bear the fatigues and troubles they foresaw would attend the establishment of a new and efficient government. The Jews, even under a theocracy, would never be brought to such a pitch of resolution as to encounter the hardships of conquering the Canaanites and subduing the good land until all those who had marched out of Egypt were dead, Joshua and Caleb excepted.

Tis doubtful in my mind whether those indomitable spirits, who have stood forth in the foremost ranks in this Revolution, will ever give up so much of their natural or acquired liberty as is absolutely necessary in order to form a strong and efficient federal government. Perhaps when this generation is passed away, and the remembrance of the leeks and onions of British Egypt and the toils of marching thro the Red Sea of a bloody war is no more, something may easily and efficaciously be done in and for our new republic. You will be so kind as to present my most respectful compliments to our congressional friends, and your colleague in particular. I pray you in my name and behalf to call our old friend Mr. King<sup>6</sup> some very bad names. He promised to write me and has forgot his promise.

1. RC, Johnson Papers, CtHi. Mitchell, a member of the Council, had been re-elected to Congress in May 1787.



2. Cooke, a trader, represented Danbury in the House of Representatives most of the time from 1763 to 1784, and served in the Council from 1784 to 1803. He had been reelected to Congress in May 1787, and on 28 September he and Johnson voted for the resolution transmitting the Constitution to the states.

3. Sturges, a lawyer, represented Fairfield in the House of Representatives almost continuously from 1772 to 1785 and served in the Council from 1785 to 1789. He had been reelected to Congress in May 1787, and later represented Fairfield in the state Convention where he voted to ratify.

4. Hillhouse, a lawyer, represented New Haven in the House of Representatives from 1780 to 1786. He had been reelected to Congress in May 1787.

5. Mitchell and Johnson both voted against the congressional resolution of 21 February 1787 calling the Constitutional Convention (CDR, 186, 189).

6. Presumably Rufus King, a Massachusetts delegate to Congress and to the Constitutional Convention.

### Observer V

New Haven Gazette, 20, 27 September (excerpt)<sup>1</sup>

The Necessity of adopting the Reform which may be recommended by the FEDERAL CONVENTION.

[20 September] By the experience of a few years' practice, it was found that the federal system was defective. Every state holding an independent, consolidated sovereignty, the system could not embrace the general interests of the Confederation in the manner it was intended. It was found necessary, therefore, to remedy these defects by adopting a more perfect system of government; or, as it was expressed by Congress, to revise the federal system. In this case, how do the people proceed? Do they obstinately persist in holding that degree of absolute sovereignty which the present system grants each state? Do they, on this pretext, renounce all pretensions to a union, and each state set up an undissembled, separate government? Or, do any of the states form a scheme of government, consistent with their own local views, and attempt to enforce it on the rest? No, none of these things. They proceed in the most reasonable way that reasonable men could suggest. The language of their whole conduct in this affair is this: we are sensible there is a defect in the federal system, and that it does not and, in the nature of things, cannot answer the purposes it was intended. We are willing and desirous to give up every local and partial advantage, and harmonize with our brethren throughout the states, by sharing equally with them the burthens of the Union and participating with them the advantages which may be derived from national resources. We are not ambitious to obtain a preeminence one over another, but are content to be established on an equal footing. In short, we are willing that a system of government be devised on the principles of a solid union and equal benefit.

This is apparently a part of the genuine language of the body of the citizens of America, so far as they have proceeded in this business. And to show their sincerity and how desirous they were to have their views accomplished, they selected men of the most distinguished characters for wisdom, knowledge, integrity, and patriotism to meet in a General Convention for the purpose of considering the whole political interest and state of the nation, and devising a form of government suitably adapted to the situation and circumstances of the United States. From the days of Noah to the present times, history cannot produce an instance of a people, so great in numbers, so far separated and extended as to situation and territory, and so different as to their local interests, ever taking so rational measures to unite their wealth and power, and to establish a permanent government.

[27 September] On the whole, therefore, it is indisputably manifest that the body of the citizens of the United States, in their various ranks, characters, situations, and circumstances, have, on all occasions of moment, shown a disposition, singularly characteristic, to be governed by reason and not to be duped by the intrigues of designing men, or to be unwarrantably influenced by distinguished characters, or frightened into obedience by threats nor compelled by force.

One thing only remains to complete and establish a character which no other nation can pretend to, and that is to adopt the system of government which will in a few days be proposed to the people by the Convention. To be determined to adopt this system before it is made public and the people have time to consider it will be inconsistent with what I have been observing, and therefore shall not propose it; and shall only observe that, independent of the merits of the form of government to be proposed, there are some special reasons for adopting it which have occurred most likely to many, perhaps not everyone, for which reason I take the liberty to mention some of them.

1. The members of the Federal Convention are, confessedly, men of the first character in this country for wisdom, knowledge, integrity, and patriotism. We may, therefore, be assured that the subject they are convened upon will be thoroughly investigated, examined, and maturely considered; that there will be as little partiality and selfishness, in the deliberations and determinations of this council, as in any body of men the country could select; and, that the particular interest of the individual states and the general interest of the whole are, and necessarily must be, better known and understood by the present Convention than by any individual on the continent or by the assembly of either of the states. From these circumstances, we have every reason to conclude that the form of government to be

proposed by the Convention will be the best calculated to promote the equal benefit of the whole nation and the best adapted to the circumstances of the states of any form which the states (by any method they can possibly propose) could devise.

2. If the form of government prescribed by the Convention be rejected, it is by no means probable the states can ever convene another body of men on the same business; and, even if it were possible, another convention in all respects equal to the present cannot be found.

3. Although I sincerely believe the body of the citizens of the United States honestly wish to adopt and further such measures as appear to them well calculated to promote the general good, yet, if by any means, or for any reason, they should be induced to reject the proposals of the Convention, there are in this country, like all others, ambitious, aspiring, and intriguing men who stand ready to avail themselves of the advantages which the confusion naturally and unavoidably resulting from such a rejection would put in their hands. The variety of evils that would necessarily be produced by such an event, it were in vain to attempt to describe. Imagination can better suggest them.

The reasons, therefore, for accepting the form of government soon to be proposed by the Convention, independent of its merit, are many and great; so great that if there be reasons sufficient to reject it, they must be weighty indeed.

But it is presumed that no great need be said in order to prepossess the minds of people in favor of the proposed federal system on account of any excellency we may now suppose it to possess. It will undoubtedly carry its own recommendation.

Without doubt, opposition will be made to it and many engines set to work to influence the people to reject it, but this is no argument why it should be rejected. Should a form of government be sent down from Heaven, it would be opposed because it would oppose the views of some individuals. Let the prescribed form be what it may, it will interfere with the views, designs, and interest of many individuals, all of whom will oppose it and, by every argument that can be made use of, will try to prevent its adoption. A man who aspires to a dukedom or earldom will oppose it because, by this, the prospect of establishing a monarchy in this country will be destroyed, and, consequently, his ambitious views cut off. A governor may oppose it because the federal system, if established, may place him in a subordinate sphere whereby his dignity and importance may be eclipsed. An assemblyman may oppose it because the importance of the state assemblies may be diminished, whereby he might lose some of his importance among his neighbors, and many occasions of "*uttering his*

*wise sayings*" in the assembly on political subjects. And a custom-house officer will oppose it because he may think himself in danger of losing his salary and perquisites. But among all the losses that individuals may apprehend will fall upon them by the adoption of the proposed form of government, I do not believe (from what hath ever yet appeared) that the great body of the citizens of the United States WILL LOSE THEIR REASON.

1. The first portion of "Observer" V printed on 20 September, but omitted here, praises the virtuous, rational, and enlightened behavior of the American people since the beginning of the Revolution. For the complete item, see Mfm:Conn. 18.

**Jeremiah Wadsworth to Henry Knox**  
Hartford, 23 September (excerpt)<sup>1</sup>

There is a strong party forming against the Convention and much reason to fear the new government will not go down. If the Massachusetts rebellion had continued,<sup>2</sup> we might hope. There is many of our leading men who dread the lessening [of] their own power and they will, joined with the little politicians, form a great majority in this state, but if Massachusetts adopt it, I shall still hope for its adoption here in time.

1. RC, Knox Papers, MHi. Wadsworth, a merchant, represented Hartford in the House of Representatives. Knox was Secretary at War for the Confederation Congress. For a rumor that Wadsworth objected to the Constitution because it was not "sufficiently energetic," see Gouverneur Morris to Jeremiah Wadsworth, 26 October, Mfm:Conn. 31.

2. Shays's Rebellion.

**Meeting of New Haven County Congregational Clergy**  
25 September<sup>1</sup>

At the annual meeting of the association of clergy in this county last week, the subject of the Constitution proposed by the Convention was discussed in conversation; and we are assured that every gentleman present expressed his approbation of it.

1. *New Haven Gazette*, 4 October. This item was reprinted in the two Hartford newspapers and in seven other newspapers from Maine to Maryland by 23 October.

**Roger Sherman and Oliver Ellsworth to Governor Huntington**  
New London, 26 September<sup>1</sup>

The Connecticut act of 17 May 1787 appointing delegates to the Constitutional Convention required the delegates to report to the General Assembly (CDR, 215-16). Sherman and Ellsworth, judges of the Superior Court, were attending a session of the court which began in New London on 25 September. The third delegate, William Samuel Johnson, was in New York as a Connecticut delegate to Congress.

Governor Samuel Huntington presumably submitted the Sherman-Ellsworth letter to the General Assembly with other "public letters" on 11 October. The letter was published in the *New Haven Gazette* on 25 October and reprinted in seven other Connecticut newspapers by 16 November. (See CC:192 for national circulation.)

We have the honor to transmit to Your Excellency a printed copy of the Constitution formed by the Federal Convention, to be laid before the legislature of the state.

The general principles which governed the Convention in their deliberations on the subject are stated in their letter addressed to Congress.

We think it may be of use to make some further observations on particular parts of the Constitution.

The *Congress* is differently organized; yet the whole number of members, and this state's proportion of suffrage, remain the same as before.<sup>2</sup>

The equal representation of the states in the Senate and the voice of that branch in the appointment to offices will secure the rights of the lesser as well as the greater states.

Some additional powers are vested in Congress, which was a principal object that the states had in view in appointing the Convention; those powers extend only to matters respecting the common interests of the Union and are specially defined, so that the particular states retain their *Sovereignty* in all other matters.

The objects for which Congress may apply monies are the same mentioned in the eighth Article of the Confederation, viz., for the common defense and general welfare, and for payment of the debts incurred for those purposes. It is probable that the principal branch of revenue will be duties on imports; what may be necessary to be raised by direct taxation is to be apportioned on the several states according to the numbers of their inhabitants, and altho Congress may raise the money by their own authority, if necessary, yet that authority need not be exercised if each state will furnish its quota.

The restraint on the legislatures of the several states respecting emitting bills of credit, making anything but money a tender in payment of debts, or impairing the obligation of contracts by *ex post facto* laws was thought necessary as a security to commerce, in which the interest of foreigners as well as the citizens of different states may be affected.

The Convention endeavored to provide for the energy of government on the one hand and suitable checks on the other hand to secure the rights of the particular states, and the liberties and properties of the citizens. We wish it may meet the approbation of the several states and be a mean of securing their rights and lengthening out their tranquility.

1. *New Haven Gazette*, 25 October. The manuscript letter has not been located. The letter, in Sherman's handwriting, was part of the collection of Frederick S. Peck of Rhode Island and was offered for sale in February 1947 by Samuel T. Freeman and Company, auctioneers in Philadelphia. (For a facsimile of the second page of the letter in Freeman's catalog, see Mfm:Conn. 22.)

For the drafts of two Sherman letters in which he amplified his position on the Constitution, see CC:331 and Sherman to Floyd, immediately below.

2. Under the Articles of Confederation, each state could elect as many as seven delegates, making a possible total of ninety-one. The Constitution provided for sixty-five members of the House of Representatives and twenty-six members of the Senate—also a total of ninety-one. Connecticut therefore, with five Representatives and two Senators, was entitled to the same number and percentage of representation under both constitutions.

### Roger Sherman to William Floyd<sup>1</sup>

Perhaps a better [constitution] could not be made upon mere speculation. It was consented to by all the states present in Convention, which is a circumstance in its favor so far as any respect is due to this. If, upon experience, it should be found deficient, it provides an easy and peaceable mode of making amendments. If it should not be adopted, I think we shall be in deplorable circumstances. Our credit as a nation is sinking. The resources of the country could not be drawn out to defend against a foreign invasion nor the forces of the Union to prevent a civil war; but if the Constitution should be adopted and the several states choose some of their wisest and best men from time to time to administer the government, I believe it will not want any amendment. I hope that Kind Providence, that guarded these states thro a dangerous and distressing war to peace and liberty, will still watch over them and guide them in the way of safety.

1. FC, Autograph Collection of the Historical Society of Pennsylvania, Phi. Sherman endorsed this letter: "Copy of the Substance of a Letter to General Floyd" but did not indicate where or when it was written. Floyd was a member of the New York Senate.

### Henry Channing to David Daggett Lyme, 28 September (excerpt)<sup>1</sup>

A word on politics. What say you to the result of Convention? Mr. [Pierpont] Edwards, I perceive, is enthusiastic in its favor and sanguine in his expectations of its adoption. He tells me your good friend [Charles] Chauncey is as he was. He is representative.<sup>2</sup> I cannot think that he is really the representative of the influential. The representation in general is good and I hope that we shall yet see the reestablishment of government.

Rhode Island will reject the proposed Constitution for the D[evi]l hath great wrath knowing that his time is short. They are a truly

wretched people and have no prospect of speedy relief, unless there be a union of the other states. In this case I should hope to see them *governed*. You know that I have always been a friend to government. The paper money gentry considered me as greatly reprehensible because, when at Newport, I publicly prayed for and pitied them. I don't know that they considered themselves political apostates for whom prayer ought not to be made. I pity the minority; their situation is truly unhappy. They keep up their spirits and lash with satire. The [*Newport*] *Herald* you doubtless read. The majority call it the scourge. It indeed makes them bleed and groan.<sup>3</sup> I expect to visit Newport the next week. I intend to go as far in boldness of speech as will consist with the dignity of the pulpit and the spirit of the Gospel, which is undaunted as well as meek.

1. RC, Daggett Papers, CtY. Channing, formerly of Newport, Rhode Island, was minister of the First Church of New London. He was in Lyme courting Sally McCurdy, whom he married in October. Daggett was a New Haven lawyer.

2. Edwards and Chauncey were elected to represent New Haven in the House of Representatives on 18 September. For their instructions concerning the Constitution, see New Haven Town Meeting, 1 October, I below. Edwards represented New Haven in the state Convention and voted to ratify.

3. The *Newport Herald* was founded in March 1787 to combat the paper money forces in the state. It supported a stronger central government.

### David Humphreys to George Washington New Haven, 28 September (excerpt)<sup>1</sup>

I would not trespass on your attention while you was occupied in such momentous affairs as the revival of the Confederation. The last time I had the honor of addressing a letter to you was, I believe, in the beginning of June, from this place. In that letter was enclosed the sketch of an answer to Mr. Jefferson. I hope it came safe to your hands.<sup>2</sup>

We have been, a few days since, gratified with the publication of the proceedings of the Convention.<sup>3</sup> I must acknowledge myself to have been favorably disappointed and highly pleased with the general tenor of them. Altho it is impossible in so short a time to collect the sentiments of the public with certainty, and altho attempts to prevent the adoption must be expected, yet, I cannot but hope, from what I hear, that the opposition will be less than was apprehended. All the different classes in the liberal professions will be in favor of the proposed Constitution. The clergy, lawyers, physicians, and merchants will have considerable influence on society. Nor will the officers of the late army be backward in expressing their approbation. Indeed the well affected have not been wanting in efforts to prepare the minds of the citizens for the favorable reception of whatever

might be the result of your proceedings. I have had no inconsiderable agency in the superintendence of two presses from which more newspapers are circulated, I imagine, than from any others in New England.<sup>4</sup> Judicious and well-timed publications have great efficacy in ripening the judgment of men in this quarter of the continent. In case that everything succeeds in the best manner, I shall certainly be the first to rejoice in finding that my apprehensions were not verified; as well as to felicitate you upon having contributed your assistance on so interesting and important an occasion. Your good Angel, I am persuaded, will not desert you. What will tend, perhaps, more than anything to the adoption of the new system will be an universal opinion of your being elected President of the United States, and an expectation that you will accept it for a while.<sup>5</sup>

Since I had the honor of seeing you in Philadelphia,<sup>6</sup> I have made the tour of the New England States as far as Portsmouth. I was happy to find in Massachusetts the spirit of insurrection pretty generally subsided and an impression left on the minds of people, in most of the states, that something energetic must be adopted respecting the national government or we shall be a ruined nation.

1. RC, Washington Papers, DLC. Printed: Frank Landon Humphreys, *Life and Times of David Humphreys* . . . (2 vols., New York and London, 1917), I, 423-25. Humphreys had been an aide to Washington during the War for Independence. In November 1787 he went to Mount Vernon where he remained until 1789, serving for a time as Washington's secretary.

2. On 14 November 1786, Thomas Jefferson, minister to France, wrote to Washington expressing his opposition to the Society of the Cincinnati. Humphreys drafted the portion of Washington's reply of 30 May 1787 concerning the Society (Boyd, X, 531-35; XI, 385-91).

3. The *Connecticut Journal* published the Constitution on 26 September, and the *New Haven Gazette* the next day.

4. One newspaper was probably the *New Haven Gazette*.

5. For the public discussion of George Washington as the first President under the Constitution, see *Commentaries on the Constitution*, *passim*.

6. Humphreys was a delegate from the Connecticut Society of the Cincinnati to a national meeting of the Cincinnati in Philadelphia in May 1787, and was among those who escorted Washington from Chester to Philadelphia on 13 May.

### New Haven Town Meeting, 1 October<sup>1</sup>

At a town meeting holden in New Haven upon the first day of October 1788 [1787] by adjournment.

Voted that this town do request their representatives at the next General Assembly to use their influence to obtain a convention as speedily as possible for the purpose of taking into consideration the Constitution recommended by the Convention of the states.

This meeting adjourned without day.



1. MS, New Haven Town Meetings, Vol. 5, pp. 163-64, Town Clerk's Office. The proceedings were printed in the *Connecticut Journal* on 3 October and in the *New Haven Gazette* on the 4th. Both newspapers commented: "We are informed the above was passed by a very full vote." The proceedings were reprinted five more times in Connecticut and twenty-one other times from Maine to Maryland by 1 November.

### Social Compact

New Haven Gazette, 4 October<sup>1</sup>

I cannot but congratulate you, as well as every real friend to the interest of the United States, on the great and promising prospects which the new and, I may say, perfect system of government promises to the Federal Union. I call it perfect because it is perfectly adapted to our national distress. It is calculated to deliver us from that impotent and ignominious state of political wretchedness to which we are reduced by restoring to us the rights of a free people, as these rights respect our internal policy, or the claims we have upon foreign nations. We are totally destitute of the rights which a free commercial and enterprising people ought to claim. View that indigent and begging situation to which our commerce is reduced in every part of the globe. Where is the port worth visiting from whence we are not utterly excluded or loaded with duties and customs sufficient to absorb the whole? Where is the port in the British dominions which deigns to receive a wandering American? Wandering I say, because full of enterprise and yet unable to find an asylum from the storm of bankruptcy. Have we fought and bled, have we conquered and loaded ourselves with the trophies of this potent king, and yet shall we be by him condemned to beg our bread; while his subjects, in full sail, are entering every port, choosing their own market, and carrying away the fat of the land? They are growing rich by our industry, and we poor, because unable to withstand their power. But why this depressed situation, so widely different from the promises of our former conquests? *Is it not because we have been divided?* Though weak when separate and jarring among ourselves, yet I trust we shall, when united in this national plan, become a thirteen fold cord not easily to be broken. Did not Lord Sheffield<sup>2</sup> long since say that we were not and should not be, for a long time, either to be feared or regarded as a nation? I am sorry to say that his prediction has proved too true. How have our enemies triumphed at our disappointment! How have they cast the fruits of exploits in our teeth! Have we not been obliged to bear it? Have we not been obliged to crouch under every burthen and, like the stupid ass, submit to the strokes of an insulting driver. But why so?

Are those that conquer accustomed to bear the yoke? Why then are we duped to the pleasure of every power, not half so mighty as we? Is it not because we have been divided in our national capacity? No doubt it is. But now in view of this rising star, we may hail the auspicious day. Welcome happy morn, auspicious to our national happiness and peace. Farewell to clashing interests, to jarring councils, and impotence of laws. Farewell to the domineering brow of our conquered foes; to the insults of sister states and the jealousy of all. Now we may shake hands in peace and enjoy the rights which the God of nature hath given us. None have cause to fear but the enemies of the United States at home or abroad. None have cause to fear but those who trample on our rights, because we are incapable of defense.

Observe the caption of the Constitution; every sentence is full of meaning and of such import that none but the violent and dishonest can oppose. It carries the marks of piety as well as policy. No good man will wish to oppose it, and I hope no wicked man will dare to do it. It is calculated to answer the exigencies of the times and to unite in one federal body the interests of all. A mighty empire may be formed upon this basis which shall make its enemies to tremble. While it gently detracts from the liberties of each, it provides for the security of all. If any imagine that it detracts from an individual state more than from another, let it be remembered, it is but to bestow the benefit upon a sister, or a brother, who have an equal claim to the benefit with themselves. Why should members of one and the same family clash, while the interests of the family are the same?

The plainest principles of right and wrong justify and insure a most cordial reception of the plan, and I hope none will be so abandoned and lost to every principle of social compact as to militate against it. This Constitution stands upon its own bottom and needs no encomiums: it justifies itself upon the surest, plainest, and most approved principles of unerring wisdom. It ministers no fraud, it threatens no dangers, but promises ample and lasting reward to all its advocates. It holds out the olive branch. It is calculated to hush every hostile intention of designing men and to secure to every honest man the blessings and privileges of freedom and the rights of an independent nation.

The characters which devised the new empire of government add weight to its precepts; but in no degree is this system established as it is by the authority of *Common Sense*.

1. The *American Mercury*, 8 October, and the *Massachusetts Gazette*, 9 October, reprinted this item. The second paragraph was reprinted fifteen times from New Hampshire to Georgia by 1 November (CC:130).

2. Lord John Sheffield, *Observations on the Commerce of the American States* . . . (London, 1783). This book went through several editions and was widely read in the United States.

### Derby Town Meeting, 8 October<sup>1</sup>

At a lawful town meeting held in Derby, October 8th 1787 by adjournment from September 18th 1787.

Captain Joseph Osborn chosen moderator of said meeting.

Voted this meeting be adjourned for half an hour to this place.

The meeting met and opened agreeable to said adjournment and proceeded to business.

Resolved that this town will instruct, and that it does hereby instruct its representatives in the General Assembly to use their influence to have a convention called as speedily as possible for the purpose of taking into consideration the Constitution proposed by the Federal Convention, agreeable to the recommendation of Congress; in hopes that the business may be entered upon at an early period by the legislature.

Voted and passed unanimously.

1. MS, Derby Town Clerk's Office. A report of these proceedings was printed in the *New Haven Gazette* on 11 October (Mfm:Conn. 24), reprinted four times in Connecticut, and reprinted or summarized eight other times from Maine to Pennsylvania by 27 October.

### Oliver Wolcott, Sr. to Oliver Wolcott, Jr.

Litchfield, 8 October (excerpt)<sup>1</sup>

I have examined the Constitution proposed by the Convention, and I find that they have attended to the great objects of rendering government efficient, yet capable of having its errors corrected without public disturbance, and to guard it both in the constitution of its officers and in its operations against the impressions of faction. These important objects have never yet been effectually combined in any system of national government which I have ever had the knowledge of. If these points have been fully obtained by this system, it may be considered as a high improvement upon all former constitutions of government. Upon the whole, I think that there is much to be admired in this Constitution, and that perhaps it is as perfect as could be devised. It is the production of the wisest and the best of men, and I hope that it will be so considered. So far as the pecuniary part of the plan can affect this state, I mean relative to commerce and its consequences, it is altogether in our favor; yet what will be its fate can be only a subject of doubtful conjecture. The General Assembly of this

state will, I apprehend, submit the subject to a convention chosen by the state at large, in some proper manner. The subject, as it is of the highest importance, I hope it will therefore receive the most candid discussion.

I have heard that it has been proposed to send out subscription papers to be signed by those who may be for and against the Constitution.<sup>2</sup> I hope such a measure will not be carried into execution. I am very sure that this is no time, for those who wish to have our affairs properly established, to excite the human passions. There are a class of men, however deserving, *whose zeal* will not be of any service in this affair.

I shall probably go to New Haven on Wednesday and shall hope to see you there in the course of the sessions.

1. RC, Oliver Wolcott Papers, CtHi. Wolcott, Sr. was Lieutenant Governor, and his son, a Hartford lawyer, had been appointed state commissioner to settle accounts with the United States in May 1787.

2. No petitions have been located, although "Brutus, Junior" charged that "papers" were circulated for the people of Connecticut to sign in support of the Constitution and that those who refused to sign were put on a "blacklist" (*New York Journal*, 8 November, CC:239).

## A Traveller

### American Mercury, 8 October<sup>1</sup>

Mr. Printer, Publish or burn the following, as best suits you.

I have lately traveled from Pennsylvania, via New Jersey and New York, to this place [Hartford]. The doings of the Convention being everywhere the subject of conversation, I was pleased to find them everywhere approved. Detained here, by accident, I rode out this morning to enjoy the extensive and delightful prospect at Wethersfield, near Robbins' Tavern, which on my way here I imperfectly saw, it being in the evening. On my return, near the two-milestone, I fell in with a man of good appearance, very well mounted, and very inquisitive. He asked me the news, whence I came, and how far I was riding, etc., to all which I readily answered; and in my turn asked the news. We have none here, said he, but the doings of the Convention. I find, said I, they are generally approved here. "Yes," said he, "but there are very sensible and influential men here who do not like them; for, if this system of national government is adopted, these states will never be again connected with Great Britain, which is the only road to happiness and safety." I made no reply to this patriotic speech, but rode off abruptly. I enclose you a description of the man, and his horse, by which you will be able to present him to the public.

1. This item was dated "Hartford, Oct. 4th 1787."

**The People**  
**New Haven Gazette, 11 October<sup>1</sup>**

To the Honorable the Representatives of the State of Connecticut, in General Assembly convened.

Respected Sirs: We your constituents, confiding in your wisdom and integrity, are happy that the consideration of the national, as well as separate interests, falls at a period when so much unanimity and harmony prevail in our councils, as we have good reason to hope we are blessed within this present instance. Nothing gives us at all times so much inward joy as to hear that unanimity of sentiment is stamped upon every important act. It adds weight to your authority and dignifies the precept. We have not chosen you to stand in our stead that you might the more conspicuously display the talents you severally possess of combating the sentiments of each other upon the maxims of Cicero, or at blacking the visage of the man who has the misfortune to oppose you. However fashionable these exploits may have been, they do not constitute the errand on which you were sent. And as there is and ever has been a constant revolution in all manners, habits, and customs, either ancient or modern, some in quicker and others in a more dull succession, we hope upon this principle the time is come for the passing away of this baneful usage, a custom not less barbarous in society than the hideous daubings of the tawny tribes. It has carried many a shaft to the heart; it has caused many wounds in the bosoms of men, perhaps more worthy than him who drew the bow. Some have a talent at one exercise and some at another. Some are skilled at the use of one weapon and some at another. This being the established order of human life, no one *can* be branded because he doth not possess every talent; and that man must be barbarous in ethics, who, expert with a sword, would gash his brother to show the keenness of its edge. But from the last sessions, we are happy to learn that milder days are now begun, and that all unite in discarding the acrimony of former times.

Your constituents will not wish to see their political interest more secure than they are confident they will be, when in oneness of sentiment and pursuit, they observe their rulers studying those methods of national security which, according to the integrity of their hearts, appear to be the ordinance of Heaven. In this, they are willing to confide, trusting that the same power, which hath placed their feet upon dry land, will not suffer them to perish while following the pointings of His Providence.

To determine what are the positive pointings of Providence in regard to the duties of men, either in a national or single capacity, requires, perhaps, a stretch of wisdom more than we can always

fathom. In such an uncertain case, we can only determine the will of Heaven by comparing our present situation with some former one similar in kind, in which we followed the dictates of our own wisdom with a conscious dependence on infinite wisdom for further direction, and thus resting the event. If there are any such instances wherein the God of Heaven hath, either in a public or private capacity, crowned our pious endeavors and amply rewarded the confidence we placed in His supremacy, need we fear again to follow the same path which He hath thus sanctified with His blessing? Unless infinite wisdom errs, or under the same circumstances, follows different steps, or lastly, unless the arm of the Almighty is shortened that He cannot save, we may receive this method of instruction as an infallible guide. This gives us a key to the movings of Providence, which in every other view look dark and mysterious. Experience is allowed to be the most infallible teacher. And if in any subsequent transactions we are confident that the same genuine principles of integrity direct our steps, as in former times, we may no doubt expect the same favorable answer from above. Though the Almighty may order events different at different times, even when the outward circumstances of a people are the same; yet we are warranted to say that sameness of genuine principles, under the same circumstances, will warrant sameness of success. In the present state of political uncertainty, would it not be wise to search for some similar instance in which following the steps of our own wisdom, with a pious dependence and solemn appeal to Heaven, we have received the reward of our hopes? Is there no such instance? Are there not many instances parallel to the present by which we may, by a serious and unprejudiced attention, learn our present duty? Did not our Revolution commence? Hath it not been continued ever since upon the same plan? Have we not encountered dangerous scenes, the issue of which our own wisdom could not fathom, but which, being recommended by those entrusted with our political concerns, we have encountered and, in a dependence on the divine blessing, have found our labor crowned with ample success? We trust there are none of you so ignorant of the movings of our political system, during the present Revolution, as to say *that we have never trusted Providence in the dark*, and if you remember such instances, you cannot say that we were in any instance disappointed. Our Revolution is yet but half completed; we have escaped the evils which threatened us from a foreign quarter, but we have not attained the positive blessings which we promised ourselves from the establishment of a free and independent empire. The truth is, such an empire is not yet established. In vain have we, for four years, pursued a phantom, a shadow without substance, an effect without a cause. We have sought the bless-

ings of freedom without being free. No matter whether we are shackled at home or abroad; so be our feeble efforts are always frustrated and our fetters so riveted that we cannot use our strength in our own defense. We are, in a national capacity, shackled both at home and abroad. And the propensities of designing men wait only to be loosed, and we should become an easy prey. But this Revolution is still to be pushed—it must be perfected—the prospects which warmed our breasts, while pursuing this Revolution through the field of Mars, must be brought home to our quiet possession. Until this is done, our object is but half attained; our hopes are but half fulfilled; and we are but too moderately grateful for the deliverance which hath been already wrought in our behalf. We will not grate your understandings so much as to recite the thousand inconveniencies, losses, and disappointments we sustain through want of a perfection of this mighty fabric. The God of Heaven hath crowned our labors and rewarded our enterprise thus far. If Canaan's rest is to bound our march, shall we, who have done mighty deeds, be affrighted back because it is reported giants and Anakims dwell there? We choose not to stand aghast and be affrighted from our right because of ill reports. Are we, the people who have thrown down the walls of Jericho, to be afraid of giants? If such there are, they are but images of our own forming, and if, on nearer view, they prove too mighty, the same that made them can make them less. We have thrown down one mighty form of gigantic force; and it is a task too hard for man to say, when a creature of our own forming can arise to equal height. 'Tis children's play to be affrighted in the dark with images which imagination only paints.

Was there a voice from Heaven forbidding to go forward, well might we, trembling, retire; but when that voice, which has ever to us interpreted the will of Heaven, gently bids us go forward, may we not pursue?

1. It is possible that Joel Barlow, one of the Connecticut Wits, wrote this essay, since it resembles his oration before the Connecticut Society of the Cincinnati on 4 July 1787 (*Mfm:Conn.* 13).

II  
**THE GENERAL ASSEMBLY  
 CALLS THE STATE CONVENTION  
 16-17 October 1787**

The Connecticut legislature met in New Haven from 11 October to 1 November 1787. On the 11th, the House of Representatives read "public letters" (Mfm:Conn. 26-A), which probably included the Constitution, the congressional resolution of 28 September forwarding the Constitution to the states (CDR, 340), and the Sherman-Ellsworth letter of 26 September reporting on the Constitutional Convention (I above). On 12 October, the House agreed to consider the Constitution on the 16th (Mfm:Conn. 26-B).

On the morning of the 16th, the House adopted resolutions providing that town meetings should elect delegates on 12 November to meet in convention at Hartford on 3 January 1788. Each town was assigned the same number of delegates that it had in the House of Representatives. The Council concurred with the House's resolutions.

The provision for the election of Convention delegates by town meetings was unusual. Normally the towns' representatives in the legislature were elected by freemen's meetings which were required to complete the election on the day set by the legislature. There is no evidence to indicate why the legislature provided for the election of delegates in town meetings, but this made it possible for the towns to hold adjourned meetings at which instructions to the delegates could be considered.

On the morning of the 17th, the House sent the Council an alteration to permit the towns of Barkhamsted and Colebrook (not represented in the House) to elect delegates to the state Convention. The Council agreed.

The legislature ordered two hundred copies of the resolutions printed and distributed throughout the state (Mfm:Conn. 29). News of the passage of the resolutions was published in about fifty newspapers throughout the United States.



On 1 November, the legislature took a further action relating to the state Convention. It provided that the inhabitants of the newly-incorporated town of Weston could vote for delegates to the state Convention in the towns of Fairfield and Stratford, to which they had belonged before incorporation (Mfm:Conn. 26-D).

At the end of the session, Jedidiah Strong, clerk of the House, prepared a "Roll of Representatives" (Mfm:Conn. 26-F). He concluded that seventy-seven towns were eligible to send two representatives to the House, nineteen could send one member, and two could not send any. Since the towns of Barkhamsted and Colebrook, which could not send representatives to the House, were allowed one delegate each, ninety-eight towns could elect a total of 175 delegates to the state Convention.

It was estimated at the time that at least four-fifths of the members of the House supported the Constitution. Joseph Hopkins of Waterbury was the only member of the House publicly attacked for opposing it (see "Casca," *New Haven Gazette*, 18 October). Several members of the Council were thought to be opposed to the Constitution, and James Wadsworth was clearly so. However, the fear that the Council would block the calling of a convention was unfounded.

Except where another location is indicated, the documents referred to in this introduction are printed in this section.

## The General Assembly Tuesday and Wednesday 16-17 October 1787

There are only two official sources for the passage of the resolutions calling the state Convention: the House Journals for the mornings of 16 and 17 October and the manuscript of the resolutions the House adopted on the morning of the 16th and sent to the Council. The manuscript contains, in addition to the resolutions: (1) the Council's approval of the resolutions; (2) the Council's approval of the alteration proposed by the House on the morning of the 17th; and (3) the final attestation by the clerk of the House which reads "On reconsideration concurred in the Lower House, Test, Jedidiah Strong, clerk."

The records of the Council's actions on the manuscript do not indicate either the day or the time of the actions.

### House Proceedings, A.M., 16 October<sup>1</sup>

Met and, after prayers and roll call, agreeable to the order of the day, the House assumed the consideration of the Constitution trans-

mitted from Congress as reported by the Convention, etc., and the same being read, together with the resolutions accompanying the same,

On motion the question was proposed and resolved in the affirmative to submit the said Constitution to a convention of delegates to be chosen by the people agreeably to recommendation and passed a bill accordingly prefixing said election to be on 2nd Monday November and the Convention on the 1st Thursday January [1788]. Adjourned till two o'clock in the afternoon.

[The Resolutions]<sup>2</sup>

“Whereas the Convention of Delegates from the United States lately assembled in the City of Philadelphia have reported a Constitution for said States to be submitted to a Convention of Delegates chosen in each State by the people thereof under the recommendation of its Legislature for their Assent and Ratification,—and that each Convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled,—and whereas the United States in Congress assembled have unanimously resolved that said Constitution with the Resolution 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—

“Resolved by this Assembly that it be and hereby is recommended to the people of the several Towns of this State who are qualified by Law to vote in Town meetings to meet on the second Monday of November next (at their usual place of holding Town Meetings) and choose Delegates to meet in a Convention for the purposes mentioned in the aforesaid Resolves of Convention & Congress—

“And that each Town in this State choose by ballot the same number of Delegates to attend the Convention aforesaid, which they have now a right by Law to choose for Representatives in the General Assembly,—and that the said Delegates who attend the said Convention shall be allowed the same sum for their travel to and attendance in said Convention as the Representatives in the General Assembly are entitled to & may make up their debenture and receive the same from the Treasurer accordingly—

“And it is further resolved that the Delegates so chosen assemble on the first Thursday in January next in the City of Hartford,—and when so assembled that they choose a President & Secretary for the said Convention,—and it shall be the duty of the Selectmen in the sev-

eral Towns to warn the voters of their respective Towns to meet on the said second Monday of November next for the purpose of choosing such Delegates—and that such meeting shall be under the same regulations as other Town meetings are by Law,—and that the Certificates of the choice of Delegates in the Respective Towns shall be made by the Town Clerks in such Towns—

“And that the Sheriff of the County of Hartford be & he is hereby directed to make provision for the said Convention in the same manner as for the General Assembly when sitting—And his account being allowed by said Convention shall be paid by the Treasurer of this State—

“passed in the Lower House

Test James Davenport Clerk”

#### **Council Proceedings, 16 October**

Concurred in the Upper House.

Test, George Wyllys, Secretary.

#### **House Proceedings, A.M., 17 October<sup>3</sup>**

On reconsideration concurred in an alteration in the bill for submitting to a convention of delegates to be chosen by the people, the Constitution, etc. viz., allowing the towns of Barkhamsted and Colebrook each to send one delegate.<sup>4</sup>

#### **Council Proceedings, 17 October**

On a message from the Lower House, and on reconsideration, concurred with addition “next” after the word “Assembly,” in the 5h line of the 2d page of the bill, of the words following, viz., “And the Towns of Colebrook and Barkhempstead, which are not represented in the general Assembly, choose each of them one Delegate to attend said Convention.”

Test, George Wyllys, Secretary

1. MS, Journal of the House of Representatives, Ct.

2. MS, Connecticut Archives, Revolutionary War, 1st Series, XXXVII, document 279, Ct. For a photographic copy of the document, see Mfm:Conn. 27. The resolutions have been transcribed literally. Some of the words in this manuscript are illegible. These words have been supplied from the enrolled resolutions.

3. MS, Journal of the House of Representatives, Ct.

4. Colebrook and Barkhamsted in Litchfield County had been incorporated in 1779 without representation and remained unrepresented until 1796 (CSR, II, 416; VIII, 432). Barkhamsted sent a delegate to the state Covention, while Colebrook refused to elect one.

**Resolutions Calling the State Convention  
17 October<sup>1</sup>**

Whereas the Convention of Delegates from the United States, lately Assembled in the City of Philadelphia have reported a Constitution for said States to be submitted to a Convention of Delegates Chosen in each State by the People thereof under the recommendation of its Legislature for their Assent and ratification, And that each Convention assenting to and ratifying the same should give Notice thereof to the United States in Congress Assembled, And whereas the United States in Congress Assembled, have unanimously Resolved that said Constitution with the Resolution, and Letters 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. Resolved by this Assembly, That it be and hereby is recommended to the People of the several Towns of this State who are qualified by Law to Vote in Town Meetings, to meet on the second Monday of November next, at their usual Place of holding Town Meetings, and Choose Delegates to meet in a Convention for the purposes mentioned in the aforesaid Resolves of Convention and Congress. And that each Town in this State Choose by Ballott, the same numbers of Delegates to attend the Convention aforesaid, which they have now a right by Law to Choose for Representatives in the General Assembly, And the Towns of Colebrook and Barkhempsted, which are not represented in the General Assembly, Choose each of them one Delegate to attend said Convention; And that the said Delegates who attend the said Convention, shall be allowed the same Sum for their travel to and attendance in said Convention, as the Representatives in the General Assembly are entitled to and may make up their Debenture, and receive the same from the Treasurer accordingly. And it is further Resolved that the Delegates so Chosen Assemble on the first Thursday in January next in the City of Hartford, and when so Assembled that they Choose a President and Secretary for the said Convention; And it shall be the Duty of the Select Men in the several Towns to warn the Voters of their respective Towns to meet on the said second Monday of November next for the purpose of Choosing such Delegates, and that such Meeting shall be under the same regulations as other Town Meetings are by Law, And that the Certificates of the Choice of Delegates in the respective Towns shall be made by the Town Clerks in such Towns and that the Sheriff of the County of Hartford be and he is hereby directed to make Provision for the said Convention in the same manner as for the General Assembly when

sitting, And his Account being allowed by said Convention shall be paid by the Treasurer of this State—

1. Enrolled Resolutions (LT), Records of the State of Connecticut, IV, 7, Ct. The secretary immediately sent the resolutions to the printer, and the next day Josiah Meigs of the *New Haven Gazette* submitted a bill for paper and printing 200 copies (Mfm:Conn. 29). Meigs printed Congress' resolution of 28 September in the same broadside. For a photographic reproduction of the broadside, see Mfm:Conn. 28. Between 22 October and 5 November, seven Connecticut newspapers printed the Assembly's resolutions, while outside the state six newspapers from Rhode Island to Pennsylvania printed them by 2 November.

### Commentaries on the Calling of the Convention

*Jeremiah Wadsworth to Peter Colt*  
*New Haven, 16 October (excerpt)*<sup>1</sup>

The Lower House of Assembly have taken steps this day which are agreeable to the resolutions of the [Constitutional] Convention. We have the Upper House to fear yet, but our hopes are more than our fears.

*Oliver Wolcott, Sr. to Mrs. Oliver Wolcott*  
*New Haven, 17 October (excerpt)*<sup>2</sup>

I have no other material news but that the Assembly have recommended to the towns to choose delegates to attend a Convention to consider and adopt, if they think proper, the new Constitution—the delegates to be chosen the 2d Monday in November and to meet at Hartford the 1st Thursday of January. The House of Assembly, I understand, were almost unanimous in this measure, and the gentlemen of that House inform me that four-fifths at least of their members would adopt the new Constitution, if it was in their power. Indeed, by what I have heard, the doings of the Convention are very generally quite agreeable.

*Connecticut Journal, 17 October*<sup>3</sup>

Thursday last the General Assembly of the state convened in this city [New Haven]; and yesterday they passed a resolve appointing Monday the 12th day of November next for the several towns to meet, for the purpose of choosing delegates to represent them in a state Convention, to be holden at Hartford on the first Thursday of January next, to take into consideration the doings of the late Federal Convention, at Philadelphia, as recommended by Congress. The delegates from the several towns are to be chosen in the same manner that the representatives to the General Assembly are chosen.

*Extract of a Letter from a Member of the Connecticut  
Legislature, New Haven, 17 October<sup>4</sup>*

I have the pleasure to inform you that on Tuesday last [16 October] the doings and recommendation of the Convention of the United States was laid before the House of Assembly of this state. After being read, a bill was prepared, taken into consideration, and passed by a full vote, appointing the second Tuesday of November next to be the day for the several towns in this state to choose their delegates to the state Convention which is to meet at Hartford on the first Thursday of January next, to take up, advise, and determine whether this state approve and accept of the new system of federal government. Thus far, the new government has met with general approbation in Connecticut; and from the prevailing disposition of the people to support order and good government, there is no doubt but it will be adopted by this state.<sup>5</sup>

*Casca to Joseph Hopkins, Esquire  
New Haven Gazette, 18 October<sup>6</sup>*

I have been informed from indisputable authority that you, sir, in the presence of several gentlemen, had the audacity to assert—"that the *New Haven Gazette* was a mercenary paper and that no man of sense would read it."

This declaration reflects on a man, whose honor has never suffered a stain. I call on you in this public manner to avow and support the charge or confess its falsehood. The latter part of the assertion only affords an additional proof of your ignorance and folly. The former points to a base and flagrant abuse of the noblest of privileges. You, sir, have had reason to hate and to dread the *New Haven Gazette*. You have there beheld, as in a glass, the vices of yourself and your associates, reflected in the flash of conviction. Your character has been there displayed in all its hideous deformity. But know, sir, whatever pangs the picture may have excited in your bosom, conscious guilt shall not push you, with impunity, to such a misdirected re-creation. The people have been accustomed to your falsehoods; but they have usually seen them attended with that sly oracular duplicity which has frequently subserved your designs with the vulgar, although it excites the unmingled detestation of honest men. They have been ready to conclude, that if a finished insensibility did not render you impregnable to the assaults of misfortune, you had at least the art to disguise the single sentiments, as well as the complicated mischiefs of a rotten and unprincipled heart.

A tolerable experience of human frailty, however, will convince us that when dexterity is driven from her last subterfuge, nature, with an indignant hand, will tear away the veil which invests the villain's face. Tired and jaded as you are, with a variety of evils, oppressed with the weight of public curses, and viewing with an eye of despair, in the blasting of your projects, the entire destruction of your fame, you will certainly at last resign all pretenses to prudence and give full scope to your spleen. Every day, sir, witnesses the rapidity of your fall. Even those who most approve your system look up to you no longer with reverence, since you are no longer able to lead and to protect them. In the debate of yesterday, when the cause of a large number of your fellow citizens came before you, with what humble insignificance did you shrink from before the commanding genius of Mr. E—, that genius, which, while it warmed others with admiration, for the first time warmed you with a blush.

How little, how despicable did you appear in the great question of this day. Detected in all your artifices, and blasted in every purpose, your villainy and your defeat were equally conspicuous. Unable to oppose the current of virtue and truth, you sat down with features covered with confusion and distorted into the grin of malice and conscious guilt.

You have filled up the measure of iniquity and have grown old in sin. It is time for you to retire. You have much to repent of—your days are few, and it is my sincere wish, as a Christian, that, in a future life, mercy may insure that happiness which justice would deny you.

Tuesday Afternoon [16 October 1787]

*Jeremiah Wadsworth to John Chaloner*  
*New Haven, 19 October (excerpt)*<sup>7</sup>

This Assembly have recommended the Convention's report to the consideration of the people—but our Democratic[s] and Tories conspire against any change.

*Parable, American Mercury, 22 October*<sup>8</sup>

Then shall the Council of C———t be likened unto ten virgins which took their votes and went in to meet the Constitution. And five of them were wise and five foolish. And they that were foolish took their votes and took no sense with them. But the wise took sense in their noddles with their votes. While the Constitution tarried, they all slumbered and slept. And at midday there was a cry

made, "behold the Constitution cometh; go ye in to pass it." Then all those virgins arose and offered their votes. And the foolish said unto the wise, "give us of your sense, for our votes are unpopular." But the wise answered, saying, "not so, lest there be not enough for us and you; but look ye rather to the situation of our country, and learn for yourselves." And while they went to learn, the Constitution came; and they that were ready supported it with their voice, and the question was carried. At the next election came also the other virgins, saying, "People, people, open to us." But the people answered and said, "verily we say unto you, we know you not." Watch therefore, or you will not discern which way the popular wind will blow.

1. RC, Wadsworth Papers, CtHi. Colt, a Hartford merchant, was one of Wadsworth's business associates.

2. RC, Wolcott Papers, CtHi.

3. This item was reprinted in the *Middlesex Gazette*, 22 October, and was reprinted or summarized in thirty-nine other newspapers from Maine to South Carolina by 26 November. For other newspaper reports of the calling of the state Convention, see Mfm:Conn. 30, 37.

4. New York *Daily Advertiser*, 19 October. This item was reprinted or summarized in six newspapers from New York to Maryland by 12 December.

5. On 25 October, the *Norwich Packet* reached the same conclusion when it stated: "The citizens of this state, as far as we can learn, seem disposed to embrace the proposed frame for a Continental government with an enthusiastic yet noble zeal."

6. Hopkins was a member of the House of Representatives from Waterbury. During the winter of 1786-87, he was attacked in the *New Haven Gazette* along with other "anti-federal" leaders such as James Wadsworth and William Williams. He was nicknamed "Joseph Copper" and "Mr. Copper" because in May 1785 he and three other men had been granted the right to mint copper coins (CSR:VI, 121-22). Hopkins was a Waterbury delegate to the state Convention where he opposed the Constitution, although he voted for ratification. For a comment on this item, see "A Metallurgist," 1 November, Mfm:Conn. 32.

7. RC, Chaloner and White Papers, PHi. Chaloner, a merchant, was Wadsworth's business agent in Philadelphia. On 26 October, this excerpt from Wadsworth's letter was printed in the *Pennsylvania Packet*. It was reprinted once each in New York, New Jersey, and Maryland by 20 November.

8. This item was reprinted twice in Boston and once in Lansingburgh, New York, by 13 November. For another version of what might have happened in the Council, see Oliver Wolcott, Sr. to Oliver Wolcott, Jr., 9 December, V below.



### III

## COMMENTARIES ON THE CONSTITUTION

### 17 October–12 November 1787

Between the calling of the state Convention and the election of delegates to it, newspapers continued to publish Connecticut articles supporting the Constitution. These included "A Farmer," 18 October, and Oliver Ellsworth's "Landholder" I and II published on 5 and 12 November. To win agrarian support of the Constitution, both writers outlined the economic benefits that farmers would derive from the Constitution. In so doing, each handled the longtime mercantile-agrarian conflict differently. "A Farmer" ignored the antagonism between the two groups. "Landholder" admitted it but argued that both groups had common interests and that each would benefit economically from the new Constitution.

A third Connecticut item was the Sherman-Ellsworth letter of 26 September to Governor Samuel Huntington (I above). The letter was printed in the *New Haven Gazette* on 25 October and reprinted in seven other Connecticut newspapers by 16 November. Sherman and Ellsworth, delegates to the Constitutional Convention, tried to convince the people of Connecticut that the Constitution did not make any fundamental change in the central government or in its relationship to the states.

More important during this period were the reprintings of articles supporting the Constitution from newspapers in Philadelphia, New York, and Boston. Among these were: Tench Coxe's "An American Citizen" I–III (CC: 100–A, 109, 112); "Foreign Spectator" (CC:124); "Federal Constitution" (CC:150–B); "Marcus" (CC:162); and "Ezekiel" (CC:194). James Wilson's State House Yard speech in Philadelphia on 6 October (CC:134) was reprinted in four newspapers and Governor John Hancock's speech to the Massachusetts General Court on 18 October (CC:177) was reprinted in five. (For other examples of out-of-state items reprinted, see CC:91, 135, 149, 154, 161, 189, 197–A, 198, 211, 218.)

The newspapers continued to ignore Antifederalist material from other states. The only exception was the proposal of "M.C." in Pennsylvania (CC:203) that "a meeting of the citizens be called, and a proper committee appointed to frame a bill of rights. . . . [to] be

transmitted to the several state conventions to be taken into consideration with the new Constitution." It was reprinted in the *New Haven Gazette* on 8 November.

On 17 and 24 October the *Connecticut Journal* published what purported to be an Antifederalist essay in the form of a "letter" dated "State of Massachusetts, Oct. 4th, A.D. 1787" written in reply to a 24 September letter from an unknown New Haven correspondent. On 24 and 31 October the *Journal* published another "letter" dated "State of New-York, 'Octo. 4, A. D. 1787,'" also purportedly written in reply to a "letter" of 24 September from a New Haven correspondent. The "letter" from New York quotes and paraphrases the "letter" from Massachusetts in replying to its arguments. It seems from the timing, style, and contents that both "letters" were Federalist productions rather than a legitimate debate.

Some of the arguments in the "letter" from Massachusetts were used by Connecticut Antifederalists. Dr. Benjamin Gale quoted from and paraphrased it in drafting a speech to be delivered at the Killingworth town meeting on 12 November (IV below). Apparently other Antifederalists also responded, for on 19 November, "Philanthrop" warned that similar arguments were having an effect on "weaker brethren" and should be attended to (*American Mercury*, V below).

Except where another location is indicated, the documents referred to in this introduction are printed in this section.



### Letter from Massachusetts and Letter from New York Connecticut Journal, 17, 24, 31 October

#### *Letter from Massachusetts, 17, 24 October*<sup>1</sup>

[17 October] Dear Sir, I received your favor of the 24th ultimo enclosing the doings of the Convention at *Philadelphia*, directed to His Excellency the President of Congress [in?] three days after the date, which favor I should have highly prized had you not, at the same time, enjoined it upon me to make my objections to them (if any I had), and likewise that I would point out any alterations that may be made in our present Articles of Confederation which will better secure the natural rights, privileges, and liberties of human nature, and at the same time effectually support the authority and dignity of the states, and public faith. I now sit down to perform the *first part* you have enjoined upon me, but with great reluctance, for reasons I shall assign in my next, which I esteem the most arduous task you have assigned me, which you claim [as?] a debt due both to the public and yourself.

My objections to the doings of our Honorable Convention are *many*. You must excuse me if I do not mention one-half of them. I must be concise—shall mention only those which I conceive are CAPITAL, and would first observe *generally*: The form of government prescribed is too COMPLEX, couched in terms of many instances *doubtful* as though there was some *art* used to cover the full extent of the powers delegated, to be easily understood by all who ought to accept or reject the same; and that the form of government recommended most probably will be attended with greater expense than can be supported by an infant country exhausted of her wealth by the late war and impoverished by our own follies and luxuries since the peace, and the loss of our trade, the recovery of which there is not the least prospect, as restraints are laid upon it by all the powers in *Europe*, which however I took upon [as] a circumstance much in our favor, as it will gradually serve to disconnect us from the nations of Europe, for I have no desire we should import either foreign LUXURIES or foreign VICIES.

A gradual decay of our trade must gradually increase our own manufacturers—which must increase industry, which will have a powerful influence to reform our morals. Nothing will promote *industry* so powerfully as *necessity*, unless it is cramped by an arbitrary sovereign and despotic government. No man will work with that cheerfulness for his *lord*, as he will when he knows his earnings are his own, nor do I think this *three-branched* government will sit easily [on?] the minds of the *people*, whose peace and quiet must be consulted, or we shall have trouble. The *populace* or *multitude* (as they are now called in *contempt*), when we first opposed British tyranny were complimented by the *patriots* of that day in *halls* and under liberty poles as being the fountain and origin from whence *all power* was derived, will not [sit?] easy under any government where they are deprived of *all power*, or so fettered in the exercise of what little power is left in their hands as will do them but little service. The chief agents in this new form of government planned out by *Convention* assume the *humble* title of *President*, *Senate*, and *Representatives*, but really are vested with the powers of *King*,  *Lords*, and  *Commons*; and although the government seems to be *elective*, their stations will be secured as amply, I humbly conceive, as though they were made *hereditary*, as the rights of the electors appear to be so much fettered, as to leave but little power in the hands of the people. My *particular objections* are first to the third paragraph in section 2, Article 1, which is in the following words: “Representatives and *direct taxes*, shall be apportioned among the several states, which *may be included in 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.*" Was not this form of words thus uncouthly used to avoid using the word *Negroes*? It certainly looks as though the word *Negroes* was omitted from the *design*. It cannot be from any fear of offending that nation of *Africans*. Why must that man that has 500 slaves in our Southern States, where slaves are looked upon only as *personal property*, have 300 of them exempted from *capitation*, while an inhabitant of the Northern States, possessed of the same number of horned cattle, horses, and hogs, be obliged to pay for the whole number? They are all considered as *chattels*. But to proceed, "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 permitted to chuse *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*." My objections to this part of the paragraph are that the representation is by far too small to transact the business of so large an empire. Our state assemblies may be annihilated, having nothing to do of importance; the power of taxation being vested in Congress, all other business may be transacted in our town meetings. A large representation has ever been esteemed by the best Whigs in Great Britain the best barrier against *bribery* and *corruption*, and yet we find a *British king*, having the disposition of all places, civil and military, and an immense *revenue*, SQUEEZED out of the very mouths of his wretched subjects, is able to corrupt the Parliament, to vote him any supplies he demands, to support armies, to defend the prerogatives of his crown, and carry fire and sword by his fleets and armies, to desolate whole provinces in the *Eastern World*, to aggrandize himself, and satisfy the avarice of his tyrannical subjects.

No wonder our American ambassador, struck with the *brilliancy* of the British Court where everything around St. James's wears the appearance of wealth, ease, and plenty, should imagine a *three-branched legislature* only can produce these effects and make the subjects happy, should write a book in favor of such a government and send it over for the *illumination* of this Western World.<sup>2</sup> If this is the sole fruit of his embassy, America will not *canonize* him for a saint on account of his services, when they have experienced the consequences of such a kind of government as he has planned out. In order to have formed a right judgment, he should have looked into the *ditches* which serve for graves for many of the human race—under *hedges* which serve as dreary habitations for the living—into the

*cottages* of the poor and miserable, and critically examine with how much parsimony the mechanics, the day laborers, cottagers, and villagers live in order to support their *high-pampered lords*, before he had wrote a *book* to persuade his country to pursue the same road to greatness, splendor, and glory, and have reflected in his own mind, whether he could wish to see that country which gave him birth reduced to the same situation. By this arrangement of representation it seems this large and extensive empire, which in half a century will probably be double in number to the inhabitants of Great Britain, will be governed by 68 Representatives, of which six of the Northern States will be represented by 27 ONLY, and the Southern States by 41. No marvel that three-fifths of the *slaves* are exempted from capitation in taxation.

The Commons of England, if my memory serves me, consists of 5 or 600 or upwards, yet the king of Great Britain, if we may believe their own writers, has it in his power by *places* and *pensions* to corrupt a majority of his *Commons*, that his ministers can carry any vote they think proper to propose to support the *dignity* of his crown and *rapaciousness* of his ministers.

Therefore, should Congress at any future period grow *haughty*, *insolent*, and *oppressive*, they will have it in their power by *places* and *pensions*, which they are amply enabled to establish by the sale of the western lands, which by this Constitution is wholly resigned into the hands of Congress, to be at their disposal, which will be sufficient to corrupt a house of representatives double in number to the Commons of Great Britain. I now would make my objection to section 4th which is in these words: "The *times*, *places*, and *manner* of holding election for *senators* and *representatives* shall be prescribed in each state by the legislature thereof; but the Congress may at any time alter or make such regulations, except as to the place of chusing senators." The plain meaning and understanding of which I take to be this, that Congress gives liberty to the assemblies of each state to make such regulations respecting the *time*, *place*, and *manner* of choosing *Senators* and *Representatives*. But if they do not improve it to their *liking*, they can alter it at pleasure, except the place of choosing. This is a most *liberal* and *extensive favor* granted to the assemblies of these states, which Congress can again at any time at pleasure revoke; therefore it will be prudent to use that liberty, and choose such *Senators* as shall be acceptable to Congress, or they may expect pretty soon to have such rules prescribed them, as to the *time* and *manner*, as will better comport with the views and designs of Congress, when modeled according to their NEW PLAN—prescribed by Convention. Passing over many lesser matters, I proceed to sec-

tion 7, which is in these words: "All bills for raising a *revenue* shall originate in the house of *representatives*; but the SENATE may propose or concur with amendments as on other bills." I would here only observe that the *Commons of Great Britain* will not suffer the House of *Lords* to make the least alteration in a money bill; however, the Crown has found means to corrupt a sufficient number of the *Commons* to draw forth the *blood* and *treasure* of the nation. I now proceed to section 8, in these words: "The Congress shall have power to lay and collect taxes, duties, and excises to pay the debts, and provide for the common defence and general welfare of the United States." And the second paragraph of the 3d section, Article 4th, contains these words: "The Congress shall have power to *dispose of*, and make all needful rules and regulations, respecting the *territory* and *other property* belonging to the United States." By the first recited paragraph, we vest Congress with full power to lay and collect, by their own authority, what *taxes*, *duties*, and *excises* they please; and by the second, we surrender into the hands of Congress all the western territory, of larger extent, I conceive, than the kingdoms of Great Britain and Ireland—the richness of the soil, let those who have seen it declare. But so concise, and so ample a conveyance of such an extent of territory, couched in such smooth and easy language I never before read. I was so struck with the elegance of the style, I never once thought of its being a conveyance of land until I had read it over three or four times.

Now I submit it to the good sense of the people of these states, whether it is prudent we should make so liberal and extensive a grant of *power* and *property* to any body of men in these United States, before they have ever informed the public the amount of the public debt, or what the annual expenses of the federal government is or will be. It is now almost five years since the peace; and Congress has employed thirteen commissioners, at 1500 dollars per annum, as I am informed, to settle the public accounts, and we know now no more what the national debt is than at the first moment of their appointment. Nor do we know any more what is the amount of the annual expenses of the federal government than we do of the empire of China. To grant therefore such an ample power of taxation, and the right of soil, to the amount of millions, upon the recommendation of this Honorable Convention, without either knowing the amount of the national debt or the annual expenses of government, would not argue, in my opinion, the highest degree of prudence.

[24 October] I also object to the 9th paragraph of section 8th, which is in these words: "To constitute tribunals, inferior to the Supreme Court." We have, I humbly conceive, law tribunals erected

already, which are sufficiently expensive to exhaust the wealth of our richest citizens, and humbly implore, *Convention, Congress, and the assemblies* of the states, not to constitute any more. The *shortest, the cheapest, and the most expeditious* method to obtain distributive justice, between man and man, is to be preferred in any state; and the sooner that matter is taken up, by the several legislatures of the states, to shorten law processes, the better, and unless *speedily* effected, we shall be *speedily* undone. My next objection is to the 12th paragraph of section 8th, in these words: "To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." A great deal of mischief may be done in two years, with *guns, swords, and bayonets*, and armies when once *raised*, it hath sometimes been found difficult to *disband*. I should therefore not think it prudent for Congress ever to raise an army merely to subdue *Wabash Indians* or any one single tribe. Should there be a general combination of all the tribes, or the states be invaded by a foreign enemy, Congress by our present Articles of Confederation are vested with full powers to draw out the military force of the states, nor have the states failed hitherto of compliance in this regard; but to limit them to two years is an affront offered to the dignity of Congress, and appears as tho we were afraid to trust the military force of the states in their hands, when there is just occasion. I take that to be one principal part of the business of Congress, to conduct the military arrangements of all the states, when judged necessary for the general safety. My next objection is to the 15th paragraph, which is in these words: "Congress shall have power to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions." This looks too much like Baron Stuben's *militia*, by which a *standing army* was meant and intended;<sup>3</sup> I would only observe, to take the military force of the states out of the hands of their respective governors is a manifest indignity offered to them, as they ever have had the sole and exclusive command of the militia of the respective states. I observe the expression used is: "To *execute the laws of the union*." In fact it means, to convert the *militia* of the states into a *standing army* under the entire command and control of Congress; and I would only observe further, *that government and those laws* which require a standing army to enforce them ought not to be supported in any nation under Heaven. My next objection is to the first paragraph of section 9th, in these words: "The *migration or importation* of such persons as any other states now existing shall think proper to admit, shall not be prohibited by Congress prior to the year of 1808. But a tax or duty may be imposed on such importation not exceeding ten dollars for each person." Why this

sentence should be couched in this *blind mysterious form of words*, unless again to avoid using the word *Negroes*, I must leave those that drew it to explain.

But should think we have no right to complain of the *Algerines*, who live on the coast of *Africa*, if they enslave the *Americans* whom they find sailing in those seas, if we will send our vessels across the *Atlantic*, of set design, to *purchase, kidnap, and decoy* the inhabitants of the more southern states of the globe.

That man that will give his vote to import *Africans* for the space of 21 years, to drag out a miserable life in *slavery*, will vote to enslave the *Americans* at the end of that period. The cry has been, *enlarge the powers of Congress*—enable them to *regulate trade*; but it seems this Convention will not permit Congress to prevent the importation of *slaves* for 21 years yet to come. The *seeming care* taken to cover the true intent and meaning of this and some other parts of the doings of that Convention will be sufficient reason, in my mind, not to vote for one single paragraph it contains.

I shall make one short remark more on the 8th paragraph of this section, viz.: “No title of NOBILITY shall be granted by the United States.” Congress, in our Articles of Confederation, have used the same precaution; nevertheless, the officers of the army have *incorporated themselves into a society* known by the name of the CINCINNATI. The views of which society have been fully laid open by the Honorable AEDANUS BURKE of *South Carolina*, which will, if neglected, finally terminate in NOBILITY.<sup>4</sup> It was no doubt founded with those views, and if permitted to have their annual meetings in the manner they have begun, once in a year or oftener, it will be found they will not fail of the original design of their *voluntary incorporation*. Not being able to pay the grant made to officers and army, we now pay the annual interest of their grant, being in the whole £99,000, which must, till we are able to discharge the principal, be considered as a *pension*. The principal, I presume, never can be paid, but by the sale of the lands ceded to the states by treaty. Nor do they fail to put themselves in the most respectable light upon all public occasions; I see they convened at New Haven, at your public commencement, walked in *procession* with his excellency your governor, president, corporation, and tutors of your college, and the clergy of the state, and I observe were DUBBED, *the honorable society of the CINCINNATI*.<sup>5</sup>

Omitting many other, perhaps very exceptionable, I will just make one observation on the 7th Article which says: “The ratification of *nine states* shall be sufficient for the establishment of this constitution, *between the states so ratifying the same*.” I would just recommend



it to the members of our honorable convention, to reconcile this 7th Article with the 13th Article of our Confederation, which says: "The articles of this Confederation shall be observed by every state, and the union be perpetual, nor shall any alteration at any time be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterward confirmed by the legislature of *each state*." It appears as tho the Convention wholly overlooked the 13th Article of our Confederation. Another thing is obvious by this 7th Article. It seems as tho the *nine Southern States* had prepared their matters in such a manner that they are ready prepared to dismiss the four *Northern States*, if they do not think fit to adopt the doings of this Convention, and be ready organized to proceed without them, as tho it was what they expected or desired. The third paragraph in the second section has a passage of the same complexion, in these words: "Representatives and direct taxes shall be apportioned among the several states, which MAY be *included* within this union." Thus I have only hinted at some of the doings of this Convention which I am able to understand; many other dark and mysterious parts of it, which are beyond my comprehension, I must leave to you and others to unfold. One thing more, however, is beyond me, which I must mention. The assemblies of the states, it seems, will not do to ratify or reject this new Constitution, but it must be done by a CONVENTION, chosen by the PEOPLE, under the recommendation of their legislatures. It is perhaps not so difficult to comprehend the meaning of this measure, as to explain it to the understanding of everyone. The other part you have assigned me, I shall attempt as soon as I can arrange my ideas properly. In the meantime, I am, etc., yours.

*Letter from New York, 24, 31 October<sup>6</sup>*

[24 October] "I received your favor of the 24th ultimo enclosing the doings of the Convention at Philadelphia, directed to His Excellency the President of Congress in three days after the date, which favor I should have highly prized had you not, at the same time, enjoined it upon me to make my objections to them (if any I had), and likewise that I would point out any alterations that may be made in our present Articles of Confederation which will better secure the natural rights, privileges, and liberties of human nature, and at the same time effectually support the authority and dignity of the states, and public faith" (if it were in my power to do it).

"I now sit down"<sup>7</sup> to comply with the first part of your requisition; the second part must defer to a future opportunity, being convinced that if it be in my power to devise a better form of government than

that proposed by the Convention, it will require some time to consider of it, and what strikes me forcibly at this time is that if I succeed, it will entitle me to an infinite deal of merit. Popular applause, you know, is a jewel of inestimable value.

I have considered the Federal Constitution attentively and, to tell the truth, under the influence of a prepossession against it, I was determined to object to it, if I could possibly find any objectionable parts, because I am in the horrors about losing my popularity and importance; and besides this, I had conceived the idea of framing a constitution myself, which I was convinced would do much better than anything the Convention could do. The Convention was composed of men who have high notions of grandeur, power, etc. These things you know are abominable in my mind; you have been long since acquainted with my extreme modesty in aspiring after places of honor, and accepting places of profit, even when they have been forced upon me. Notwithstanding all this, I am obliged to confess (which I do to you in confidence, for I would not wish such a confession should be publicly known) that the Federal Constitution contains a variety of peculiar *excellencies*. This declaration, I make with reluctance, for reasons which I shall assign in my next; you must excuse me if I do not mention one-half of them—I must be concise—shall mention only those which I conceive are capital, and would first observe generally the form of government prescribed appears to me to be so plain, simple, explicit, and easy to be understood, that none but idiots, the interested, and willfully blind can avoid seeing, understanding, and fully comprehending “the powers to be delegated” to the Congress of the United States. There does not appear to be in it any doubtful expression, any ambiguous terms, any double entendres. In fact, it does not appear to contain any snake in the grass. A child may easily understand it—may look at it, and handle it, without the least danger of being bit.

“The form of government recommended most probably will be attended with” less expense than any government in Europe—less than any other adequate form the states could devise, and much less than our present system of policy costs the people, and which can easily be supported, especially if the people are wise enough to retrench some of the unnecessary expense of the state governments, and prohibit the importation of “foreign luxuries and foreign *vices*,” which cannot be done, but by an energetic government capable of putting in execution prohibitory laws uniformly throughout the states.

A gradual increase of our manufactures will gradually diminish the *necessity* of importation, and a gradual diminution of importations will *lay* us under the necessity of manufacturing. The support therefore of our manufactures depends on a government capable

of restraining importations. Necessity may do something, but extremely necessitous indeed must that country be which has nothing to export! If it hath anything to export, it may import whatever luxuries it pleases, unless there be a government capable of laying a restraint. Idle, therefore, and vain must be the whims of those who would risk the manufacturing interest of this country on the necessities of the people.

The people, I conceive, who "first opposed British tyranny," and "were complimented by the patriots of that day in *halls* and under liberty poles as being the fountain and origin from whence all power was derived" will readily see that by the proposed Constitution they will lose no power, nor any right or privilege which they have ever held sacred and dear. There is not a single power granted to the Congress, by this Constitution, but what the people have ever granted to the assemblies of the states, and there is no privilege held by the people, with respect to the choice of their legislature and executive authority, but what is secured to them by this Constitution. The whole of the difference consists in this: part of the power granted by the people to the governor and assemblies of the states will be, by this Constitution, taken out of their hands and placed in the President of the United States and the Congress. The sole question, therefore, is which would answer the purposes of the people of the United States the best? No man can doubt here, nature and our own experience proves that without a national government, we can have no pretensions to the character or advantages of a national community. Without this, we are but a number of banditti, exposed to the craft and power of one another, and finally, will altogether fall a sacrifice to our own folly, and the power of foreign nations. So far therefore, I conceive, will the people consider themselves deprived of power, by the adoption of this Constitution, that they will acknowledge that it is the only plan in which they can delegate power with safety and to real advantage.

"The chief agents in this new-formed government, planned out by Convention," do not "assume the *humble* title of President, Senate, and Representatives." The Constitution plainly, openly, and without disguise tells us the titles, offices, powers, and privileges of these "chief agents," and the purposes of their appointment. What snake in the grass is there here? The legislative and executive powers prescribed by this Constitution are clearly defined, judiciously limited, and constitutionally settled. What reason have we therefore to be jealous that the Constitution, under the disguise of such *humble* appellations, aims at the dignity and powers of the King, Lords, and Commons of the British Parliament? There is no more resemblance

between this and the British government than there is between this and the government of the State of Connecticut. With equal propriety might the governor, upper and lower house of Assembly, be called King, Lords, and Commons, as the President, Senate, and Representatives in Congress. Such a whim could never have entered the noddle of any man of sense, unless it were for the purpose of frightening those who have been taught to start at the sound of "king." It is with the same design that nurses tell children many strange stories about raw-head and bloody-bones. But this is not all. These "chief agents" are to become hereditary. Why not as well the governor, upper and lower house of Assembly become hereditary? People had better be on their guard against it. It is impossible to tell what men may do with power in their hands. Those who now have a seat in the upper house may take it in their heads that, under the *humble* title of assistant, they will in "effect" become lords, and devise some method of making such a dignity hereditary. People ought to be jealous—extremely jealous of their liberties.

But some particular parts of the Constitution I will take notice of being singularly *excellent*. And first, the third paragraph, section 2, Article I. saith, that "representation and direct taxation, shall be apportioned among the several states, which may be included in this union, according to their respective numbers, &c." It is manifest that representation and direct taxation ought to be proportioned among the people alike; it was an evidence of the wisdom of the Convention to establish (constitutionally) a rule of proportion between the states for their representation and direct taxation. These points ought to be put out of dispute. The only question is, whether the rule is a just one? To this it may be observed that the Convention consisted of the best-informed men from each state, and, as it is evident, it was a point which engaged their particular attention, we cannot doubt of its being as just a rule as could be established. There being three-fifths of the slaves in the Southern States, added to make an equality among the states, makes it evident that it was a rule adopted not at random, but on mature deliberation and the clearest evidence of its justice. Had the Convention, in the establishment of this rule of proportion between the states, added three-fifths (not "two-fifths") of the "horned cattle, horses, and hogs" to the number of *free persons*, I should have considered it singularly hard on the Northern States that the Convention had paid no attention to the subject, and that in the article of representation and direct taxation, they had paid more regard to beasts than men. But to proceed. "The number of representatives shall not exceed *one* for every thirty thousand," etc. The annihilation of our state assemblies I do not think

will originate in the smallness of our representation in Congress, nor that bribery and corruption would be prevented merely on account of a larger representation. If bribery and corruption must necessarily take place in all kinds of government, except our state governments (which may be thought to be immaculate, by some members of these honorable bodies), this Constitution proposes certainly the lesser will by establishing a small representation, for it will cost about nine-tenths less to corrupt Congress than it does to corrupt a British House of Commons.

An overabundant representation is an evil which this country has long complained of. We have in these states between two and three thousand legislators;<sup>8</sup> seven-eighths of which might be conveniently spared as useless and burthensome on the public. It was with good reason therefore that the Convention fixed the representation to *one in thirty thousand*. Sixty-five (not "sixty-eight") Representatives is in all conscience enough to represent the present number of inhabitants; as much wisdom, integrity, knowledge, and patriotism may be found in that number as in sixty thousand, and certainly they can proceed with greater dispatch. When the country increases to "double the number of Great Britain and Ireland," representation will be increased accordingly and not confined to twenty-seven *only* for the Northern States and thirty-eight (not "forty-one") for the Southern. This particular has not been noticed by *everybody*, probably on account of its being lost in the "elegance of the style." I would recommend it to all such to "read it over three or four times," perhaps they will discover that if the proportion of representation had been fixed as the proportion now stands in the states, neither building, town, nor city could have contained the representatives of such a number of people.

Another excellency which I observe in this Constitution is the organization of the Congress; this is founded on so good principles, on the experience of ages, and is so agreeable to all the states that no objection can be made to it unless it be by those who are predetermined to object to the whole system.

"I would now make" some observations on section 4th, "which is in these words: '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 alter, or make such regulations, except as to the place of choosing senators.'" This clause appears to be extremely inoffensive in its nature and safe in its consequences. Let the time and manner of election be what they will, they can neither influence nor oblige the people to choose any other than such men as they please. The reason of this provisionary

clause is obvious. In the State of Connecticut, should the several towns regulate the election of their representatives as they should think proper, they might proceed so essentially various as to create great perplexity and inconvenience; the legislature therefore claim the right of regulating the elections in every town. For the same reasons and upon the same principles does the Constitution grant to Congress the power of regulating the elections in the several states, if they should proceed so diversely as to create perplexities. Marvellous, indeed, must be the sagacity of him who discovers art, design, and despotic power wrapped up in this very harmless clause!

"Passing over many lesser matters, I proceed to section 7 which is in these words: 'All bills for raising a revenue shall originate in the house of *Representatives*; but the *Senate* may propose, or concur with amendments, as on other bills.' I would here only observe" that this proves that the framers of the Constitution were no servile imitators of the British theory of government, nor under the special influence of Mr. [John] Adams's sentiments, for "the British House of Commons will not suffer the House of Lords to make the least alteration in a money bill."

"I now proceed to section 8, in these words: 'The Congress shall have power to lay and collect taxes, duties and excises to pay the debts, and provide for the common defence, and general welfare of the United States.' And the second paragraph of the 3d section, Article 4 contains these words: 'The Congress shall have power to dispose of, and make all needful rules and regulations respecting the *territory*, and other *property* belonging to the United States.' By the first recited paragraph we vest Congress with" those powers which, in reason and good policy, Congress always ought to have been invested with. By each of the states holding an absolute, independent sovereignty, the honor and credit of the United States is lost—their safety is endangered—their trade nearly annihilated—the resources of the country unapplied to public good purposes—their wealth squandered away, and in every way the people have been plagued, cheated, and bamboozled by the present system of policy. None but those, therefore, who fear losing the opportunity of fingering public money will lament a permanent, judicious union of the wealth of the nation. The body of the people must be convinced that the purse of the nation will be as safe in the hands of their Representatives in Congress, as of their representatives in the state assemblies. That Congress will lay heavier taxes, and use more despotic powers over the property of the people, than the assemblies have done, no rational man can believe. Direct taxation will be greatly lessened, because Congress can and will make use of such resources for the support of government

as the states, divided as they are, never could do. "By the second," Congress is enabled to manage the property the states have in the western lands for general benefit. Is this conveying away territory to foreign nations? Is this robbing the people of their property? Into whose hands could the people place the management of their property with so much propriety as into the hands of a government capable of securing and defending it—capable of increasing its value and disposing of it to the best advantage? Unreasonably jealous must that man be who suspects that the property of the United States will be applied by the Congress to the purposes of private emolument, or to the base purposes of bribery and corruption, any more than those who are jealous and suspicious of all men but themselves. What is the plain, simple language of such men to the people? Your liberties, privileges, and property will all be ruined if you grant power to anybody but to us. In our hands you are perfectly secure! Wonderful integrity and wisdom!

"Now I will submit to the good sense of the people of these states whether" in the present political situation of the country, the general interest and welfare of the states can be promoted? Whether a sufficient provision can be made for the national defense? Whether public justice can be administered? Whether private property is well secured? Or, whether the commerce of the states is not tending to a total annihilation and their manufactures withering in the blossom? Whether injustice and oppression does not openly appear in our land? Whether licentiousness, which advances nigh to a contempt of all order and subordination, and even to rebellion, does not dare to erect its demoniac head? Whether we are not falling a sacrifice to the artifice and ungenerous designs of one another? Whether our Union is anything more than nominal? And in short, whether we can much longer exist as a nation?

The Constitution of government proposed by the Convention I do not think will operate as a magical charm. I have no idea that it will, at its first establishment, drive every evil out of the country or conjure into it every kind of national benefit; but I believe that, by a wise administration under it, it will do all that a wise and good form of government can do. It will by degrees, and in due time, answer all the purposes expressed in the Preamble, viz.: "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." This is all we want by it, and all we have reason to expect from it, and so much as this it promises. To be so far influenced, therefore, by jealousies, by sinister motives, by partial advantages, by popular and ambitious

views, by the intrigues of designing men, or by dogmatical opinions, as to refuse the giving of it a fair trial, "would not argue, in my opinion the highest degree of prudence" or wisdom.

[31 October] Before I proceed to any further particular remarks on the Constitution, I would observe that it was manifestly the opinion of a majority of the citizens of America that a national government, of energy and efficiency, ought to be established over the United States for the better security and promotion of the interests of the individual, as well as the confederated states. Upon this opinion, they did proceed to the election of delegates to meet in Philadelphia for the express purpose of forming a system of government that should be the best calculated to answer these purposes. This Convention consisted of men in whom the people could place as great a degree of confidence as in any body of men they could have selected (perhaps if I should say the greatest, I should not say amiss). The interest of every individual state, and of the United States, was better known and understood than it was possible it should be by any individual on the continent, and without doubt, every article, section, and paragraph of the Constitution was fully debated, investigated, and maturely considered before it was agreed on and adopted. These things being so, I would ask, whether if any objections are made to the whole, or any part thereof, they ought not to be clearly stated and fully proved to be exceptionable? This I think is necessary to be done, in order to do justice to ourselves as well as to the Constitution itself. My being fearful of losing some importance among my fellow citizens, or a sinecure, or because I am friendly to a licentious state of government, or because I am jealous that other men will abuse their trust, or that I am enamored with my own notions, I do not think is a sufficient reason for objections, or a proof that such objections are founded in truth. Now all the objections I have heard, or read, or that have arose in my own mind, appear to me to be specious—destitute of reason and argument, and to have originated in selfish motives. They are uniformly calculated to excite jealousies, and raise parties, in order to prevent its adoption, which is an event (I presume to say) not wished for from a zeal to promote the public good.

Objecting to detached parts of the Constitution is by no means a fair and just method of treatment. In this way, the divine Constitution and administration might be made to appear, in the view of many, very exceptionable. In the present case, the most important, if not the only, question to be determined is whether all the parts form such a system of government as will answer the purposes of the people. Objections also, which are made on account of a jealousy



that the powers of government will be abused, are unreasonable and unwarrantable. *We*, like all other nations, are so circumstanced that we must place confidence somewhere. We must place the powers of government in the hands of some individuals; this is unavoidable, if we have a government; and is it reasonable that because there is a possibility of men's abusing their trust, that we should resolve not to have any kind of government? Which, I presume to say, is the case at this time. We have much law but no government as a nation. Or is it reasonable that I should raise objections to this Constitution, because I may probably be overlooked in the elections? The wisdom of this country undoubtedly consists in establishing a government the best calculated to prevent abuses; and I believe if the Constitution in question was to be candidly examined and compared with the constitution of every other nation now existing, it would be found to contain many excellencies which others are deficient in. The powers granted are but sufficient to answer the purposes of a good government. I presume no one unnecessary power can be pointed out and proved. And these are as well guarded as it is possible for powers to be guarded constitutionally; if these powers should be abused, it will not be the fault of the Constitution.

But omitting many things which might be observed with great propriety, shall proceed to some remarks on some particular paragraphs of the Constitution.

"The 9th paragraph of section 8" empowers Congress "to constitute tribunals inferior to the supreme court." There would have been an essential defect in the national system of government had it been destitute of judicial powers; for, notwithstanding the tribunals established by the authority of the states are adequate to the purposes of their respective governments, yet they are not, and, in the nature of things, cannot have jurisdiction in a variety of national questions and causes. This is a sufficient reason for such an establishment; and as the institution of inferior courts is founded on principles which are assented to as good, by the suffrages of the people for ages, no reasonable or sufficient objection can be made to this paragraph.

"The 12th paragraph of section 8" is in these words: "To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." "Guns, swords, and bayonets" are indisputably necessary to the defense and safety of a nation, and when under the control and regulation of a wise and judicious government, a government capable of making a proper application of them, nobody need be afraid of there being "a great deal of mischief." But by being in the hands of parties who are engaged in party disputes and under the control of passion and heated

animosity, without a government of sufficient power to control and regulate their conduct (which is too much the case at present), everyone has reason to fear them. The military force of a nation ought to be under the government and control of a national government. This none will deny, and, in this particular, the powers of Congress were deficient; for altho, by the Articles of Confederation, Congress was enabled to raise and commission armies, yet had no power to provide for their support. This grant of power provides for this deficiency; but as a guard against the unnecessary exercise of this power and to prevent the establishment of a standing army in times of peace, it is added that no money shall be applied to the support of an army for a longer time than two years. All money bills must originate in the House of Representatives; we have therefore no reason to fear that money will be appropriated to the support of an army unless an army should be necessary. This part of the paragraph is so far from being exceptionable that it is a real excellency and a sufficient guard against the support of standing armies.

I would next remark: "the 15th paragraph which is in these words: 'Congress shall have power to provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions.'" These states, not to mention other nations, have ever made the military power their last resort for executing their laws; this is seldom ever applied to, but on some occasions it is indispensably necessary. The principle is therefore good and agreeable to the sense of the people ever since the settlement of the country. Placing such a power in the hands of Congress is the only matter of objection; but, if Congress is invested with power to make laws, the power of executing laws in the most ample and effectual manner ought to be lodged there also. Without this, there would have been an inconceivable absurdity in the Constitution. The construction, but on this particular part, is too absurd to bear a serious refutation. "In fact it means (it is said) to convert the militia of the states into a standing army, under the entire command and control of Congress." But who are the militia? The militia comprehends all the male inhabitants from sixteen to sixty years of age; it includes the knowledge and strength of the nation. Against whom will they turn their swords? Against themselves!—to execute laws which are unconstitutional, unreasonable, and oppressive upon themselves! Absurdity itself could never have thought of raising an objection on this ground. The Constitution in this respect is certainly liberal. It puts the utmost degree of confidence in the people, and is fully correspondent to our ideas of government. It is a sufficient proof that despotism

was not the aim of the Convention; had it have been, the execution of the laws of the Union (as a last resort) might have been placed in the hands of a standing army in the service and pay of Congress. In such a case, much might have been said. That when the Congress resort to the militia, which is the body of the people, for the support and execution of the laws of the Union, it is done in confidence that the laws are just and good, and worthy of the support of the people, otherwise Congress can have no reason to expect support from that quarter.

My next remark is on "the first paragraph of section 9th in these words: 'The migration, or importation of such persons, as any other states now existing shall think proper to admit, shall not be prohibited, by Congress, prior to the year 1808,'" etc. This sentence is neither dark nor mysterious; the meaning and intention is obvious. The doctrine of slavery is unpopular in this country and contrary to the sentiments of the more sensible part of the people. Nevertheless, it being imported with the original settlers of the Southern States from Great Britain, and practiced on ever since, it cannot be got rid of at one stroke. The interests of the Southern States are immediately involved in it. Their system of business cannot be altered at once without ruin. In this circumstance, the Constitution does everything which a constitution could reasonably do. It provides for the interest of the Southern States, and, at the same time, manifests to the world that slavery is inconsistent with the views and sentiments of this country, which error will be reformed as soon as it can be done consistent with the interest of the people. This paragraph is founded on a good and sufficient reason, and will not warrant the illiberal inferences which have been drawn from it.

"I shall make one short remark on the 8th paragraph of this section, viz.: 'That no title of nobility shall be granted by the United States.'" This is [gr]ounded on the strictest principles of republicanism and is agreeable to the general sentiments of the citizens of America. How it could enter into any man's head that this was exceptionable because "the officers of the army had incorporated themselves into a society, known by the name of the *Cincinnati*," I cannot conceive. If it was the original intention of the officers to obtain the dignity and rank of nobility, surely this Constitution is the only means by which such a design could be frustrated. Such a bugbear story may serve to alarm the fears of the credulous, ignorant, and jealous; for my own part, in the exercise of government established on this Constitution, I have no more apprehensions from that society than I have from the society of Freemasons. What will the one have to do with the government more than the other? Our present situa-

tion is favorable to such a design, and I cannot think of anything that will so effectually prevent its execution as a well-constituted government which prohibits every kind of royal honors.

"Omitting many other" excellent parts of this Constitution, "I will just make one observation on the 7th Article, which says: 'The ratification of *nine* states shall be sufficient for the establishment of this constitution, *between the states so ratifying the same*,'" which I do not think by any means incompatible "with the 13th Article of our Confederation." The will of a majority of the people hath always been considered by the people of this country as sufficient to determine and bind the minority; and upon this principle the article alluded to ought to be construed. It would be extremely absurd to suppose that nine states could not determine four, while four could determine and control nine, which would be the case if the ratification of every individual state was necessary to establish this Constitution, agreeable to the construction some have put on the 13th Article of the Confederation. The Convention, however, do not make it obligatory on four states, if so many [sh]ould refuse their assent. No hardship or compulsion can be complained of in this case. Every state may act entirely free.

The oblique hint lately given in public, that it [w]ould be advisable to separate the four Northern States from the rest, proves the author to be no real friend to the welfare of the country.

"One thing more" I will mention as an excellence of the resolves of the Convention, which is that it is recommended that a convention be chosen by each state for the purpose of examining its merits and to ratify or reject it. "The meaning of this measure" is easily comprehended and easily explained; there does not appear to be any hidden meaning in it nor dark design. The Convention was willing and desirous that it should be thoroughly examined and maturely considered by the sensible part of every state, and as it should by them be found, so to be treated. The impropriety, and indeed the impossibility of the Constitution's being treated as a subject of this nature ought to be by the people at large or by town meetings, was notoriously manifest; the Convention therefore proposed the only method that could be thought of to have its merits or demerits fairly determined.

The remarks of some that this Constitution covers art and design—that it contains dark and hidden mysteries—that it is incomprehensible—and that the people will lose their liberties and establish a despotic government are as reasonable and calculated to produce the same effects on the minds of the people as that of an almanac maker, who, through wantonness, should predict that a comet would appear next year, whose fiery tail would approach so near the earth as to set it

on fire. The credulous and ignorant would be frightened with the apprehension of approaching destruction, and the sensible and judicious would laugh at the visionary tale.

I have now given you my real sentiments on the Federal Convention. Whatever my secret wishes may be with respect to its fate, I confess I have not sagacity enough to find out anything materially exceptionable. Notwithstanding which, I already anticipate the pleasure I shall enjoy, on some one man's "arranging his ideas so properly" as to prove incontestably, that the members of the Convention were a set of designing knaves and ignorant fools, and that it is within the compass of his abilities to form a constitution worth forty of that which is now proposed. "In the meantime, I am, etc., yours."

1. This item, dated "State of Massachusetts, Oct. 4th, A.D. 1787," was headed "A letter from a gentleman in a neighbouring state, to a gentleman in this city." Brief excerpts from it were reprinted in five newspapers from New York to Virginia by 23 November.

2. For John Adams' *A Defence of the Constitutions of Government of the United States of America*, see CC:16.

3. Friedrich Wilhelm Augustus von Steuben, inspector general of the Continental Army, published *A Letter on the Subject of an Established Militia . . .* (New York, 1784).

4. Burke was a member of the South Carolina House of Representatives and an associate justice of the Court of Quarter Sessions and Common Pleas. In 1783 he published a pamphlet attacking the Society of the Cincinnati which was reprinted in Hartford in 1783 and in 1784.

5. The Society was so described in the *New Haven Gazette* on 20 September.

6. This item, dated "State of New-York, 'Octo. 4, A. D. 1787'" was headed "A Letter from a Gentleman in a neighbouring State, to a Gentleman in this City." Brief excerpts from it were reprinted in eight newspapers from New Hampshire to Maryland by 28 November.

7. The portions quoted are from the "Letter from Massachusetts."

8. In 1787, there were between 1,600 and 1,700 state legislators.

#### **A Farmer: To the Farmers of Connecticut New Haven Gazette, 18 October<sup>1</sup>**

While other denominations of men are devising means for benefitting themselves by the establishment of a new system of government, duty and interest require us also to consider our own situation. We are all groaning under an intolerable burden of public taxes, and at the same time lamenting the scarcity of cash and the difficulty of vending the produce of our farms. These distressing embarrassments seem likely to continue. At least our present mode of taxation affords no prospect of relief. So long as taxes continue to be laid on us directly, according to the list, we farmers must inevitably sweat under the pressure of them. It is grievous to be borne, but I fear we must bear it until we can agree to throw some part of it upon the mer-

chants, by way of an impost. Many of us started with horror at an impost when it was first proposed.<sup>2</sup> There was something odious and frightful in the very name. Some of our wise men too, in the several towns, increased our aversion by telling us there was a snake in the grass and it would be dangerous to trust Congress with so much power. However, our own sad experience has convinced us at last of their mistake. Had the general impost been granted at first, with the proposed regulations and restrictions, how happy would it have been for us! We should not lie, as we now do, smarting at every pore and bleeding fast from every vein. Our neighbors, New York, Rhode Island, and Massachusetts, would not be sucking the blood of our circulating medium by their state impositions. A great part of our foreign debt would probably have been paid before this time. The weight of our taxes cannot be shifted from our polls and our farms to foreign luxuries and the unnecessary goods of the merchants without vesting in Congress the power of laying imposts, duties, and excises. And I am glad to find such a provision in the Constitution, reported and recommended by the Grand Convention. Our only expectation of help was from the wisdom and integrity of this illustrious body of men, most of whom were in the first Congress of glorious memory;<sup>3</sup> and with a patriotic firmness have stood by our cause, fought our battles for us, and directed our councils in the darkest hours of danger, from the commencement of our opposition to British tyranny down to the establishment of independence. They have been proved in those "times which try men's souls," and found to be our real friends. They are well acquainted with the public interest. They know that the farmers are the support of every community, and particularly in this country. Accordingly, they have recommended such a form of government as is peculiarly favorable to the agricultural part of the United States. Among other things of this nature is that article which gives Congress the right of regulating our commerce with foreign nations. The British have prohibited our trading with their West India Islands, under severe penalties.<sup>4</sup> Thus, a great part of the natural demand for our cattle, horses, lumber, etc., is cut off. This prevents the sale of our produce; and consequently takes away from us the reward of our labor. We have already felt the effect in a degree; and as we extend our cultivation, and raise every year more and more of those articles, we shall doubtless experience still greater distress from the same source unless the British government take off their restraints and admit us to a free market at their Islands, which they cannot be compelled to do, and therefore never will do, until the Congress of the United States have the power of bringing them to terms. This, however, might be easily effected by retaliation; for they cannot live without our trade any more than we can without

theirs. Indeed, from our situation *we* are naturally the most independent in that respect. Surely then these two articles, empowering Congress to lay duties and regulate foreign trade, will be voted for by every well-informed friend to his country, especially every farmer. By opposing them through jealousy of our rulers, we should be penny-wise and pound-foolish. That they may be granted, under proper restrictions and produce their intended effect, is the wish and prayer of *A Farmer*.

1. On 4 October the *Gazette* had announced that it had omitted "A Farmer" for want of room. "A Farmer" was reprinted in the *American Mercury* on 22 October.

2. For the Imposts of 1781 and 1783, see CDR, 140-41, 146-48.

3. Only ten members of the First Continental Congress were elected to the Constitutional Convention, and only seven of them attended (CDR, 52-53).

4. The British Order in Council of 2 July 1783 closed the British West Indies to American vessels but not to American goods. For Congress' response, see CDR, 153-54.

### James Madison to Edmund Randolph New York, 21 October (excerpt)<sup>1</sup>

The legislature of Connecticut have unanimously recommended the choice of a convention in that state. And Mr. [Abraham] Baldwin,<sup>2</sup> who is just from the spot, tells me that from present appearances the opposition will be inconsiderable, that the Assembly, if it depended on them, would adopt the system almost unanimously; and that the clergy and all the literary men are exerting themselves in its favor.

1. RC, Madison Papers, DLC (printed CC:182). At this time, Madison was a Virginia delegate to Congress in New York, and Randolph was governor of Virginia.

2. Baldwin, formerly a resident of New Haven, was a Georgia delegate to Congress (see RCS:Ga.).

### Middlesex Gazette, 22 October<sup>1</sup>

A correspondent observes, that the pages of history nowhere describe a government that has been so famous a nurse of all kinds of vices as that of the American states since their independence. Speculation and oppression, in particular, were never so rampant anywhere as they have been here. Men in the highest offices have not preyed upon us, for their power has been only nominal. But like the Ishmaelites of old, every man's hands have been mischievous upon his neighbor. Individuals and states have all been privateering upon each other. I believe the Grecian states never half-equaled us in overreaching, in injustice, in knavery, and of mutual jealousy and distrust. The greatest defect in our present government is this fundamental misconception of human nature, that to know and do what is right is the same thing. Our civil and ecclesiastical leaders have in general

instructed us in our duty with great clearness. But experience has convinced us that clear knowledge and cool reason will not control selfishness and untoward passions. The Confederation chalked out a way to teach us our duty; but Congress were left to arbitrary devices to compel obedience and, for fear of being thought arbitrary, have left us to run our own ways to separate ruin. The new Constitution, proposed by Convention, appears much more perfect. There is no need of arbitrary device to go forward with it. Every line of conduct for rulers and for subjects is clearly marked. No arbitrary scion can be grafted into this stalk of liberty without immediate discovery.

There can be no free, good, and secure government but where every man is under the coercive power of law. All men in office should be liable to punishment when they deviate from the constitution, from law and justice. And subjects also should be liable to chastisement for their various transgressions of those laws which they make by their representatives and which are agreeable to the constitution. The Federal Convention, as I conceive, hold out to us a system of government. Under this system, no man can be above law. Rulers must govern according to law. Subjects must walk according to law; or rulers and subjects be chastised according to law. The people have power to compel their rulers to do their duty. Rulers have power to compel the people to do their duty. Rulers have power given them sufficient to make them strong rods. Yet the checks to the abuse of those powers are ample and admirably placed.

This system also is excellently contrived to touch the springs of action, to keep alive emulation to all laudable pursuits, to make men excel in industry after wealth and literature, to foster all charitable and virtuous practices, and to produce the most amiable excellencies of human nature.

I presume the clerical association in the county of New Haven<sup>2</sup> had a similar view of this Constitution when they gave their unanimous approbation to it. This fact being related to a member of the Lower House of Assembly, who is opposed to the Constitution, he was pleased to exclaim, "DAMB RASCALS, *they had better mind their business.*" The *Honorable Legislator*, I presume, wishes to keep open the floodgates of immorality. The clergy in this state, I beg this gentleman's leave to say, are very enlightened, moral, and a worthy class of citizens; and have as good a right to choose a government for themselves as any other men. This gentleman I take to be a speculator and fears to lose the chance of preying on his neighbors.<sup>3</sup> It would be no wonder if a comptroller of accounts should oppose the Constitution, lest otherwise he might lose five hundred dollars a year for the service he renders of five or six months in a year.<sup>4</sup> Other men



also, who love themselves more than their country, and are in honorable or lucrative offices, will no doubt oppose the proposed change in government.

1. Excerpts from this item were reprinted in the *New Haven Gazette*, 25 October, and the *American Mercury*, 29 October, and in seven other newspapers from New Hampshire to Pennsylvania by 21 November.

2. See Meeting of New Haven County Congregational Clergy, 25 September, I above.

3. The legislator referred to has not been identified.

4. James Wadsworth had been appointed comptroller in May 1786 and received £150 per annum (CSR, VI, 174).

### Connecticut Courant, 29 October<sup>1</sup>

A correspondent observes, it is a circumstance much to the honor of Connecticut that we are the first state in the Union who, having received the new Constitution in the regular channel, have coolly and deliberately, without any disturbance or commotion,<sup>2</sup> taken the proper measures for calling a state convention and determining upon the new plan of government. The convention are to meet for the most important purpose that can command the attention of any people. The question which they are to resolve is no less than this: Shall union render us respectable and happy, or shall discord and division make us weak, contemptible, and wretched? For resolving this important question, those ought to be appointed whose *tried abilities and integrity* entitle them to the full confidence of the people. We are not fettered in our choice. Persons of such a character may be chosen, whatever office they may hold in the state. No persons stand fairer for an appointment than the JUDGES OF THE SUPERIOR COURT.<sup>3</sup> In addition to their other qualifications, they possess the advantage of being more free from bias and partiality than any other persons who are in civil office in the state. As they are excluded from being members of the legislature,<sup>4</sup> the question with them will be not what will give most power to the state legislature, of which I am and hope to be a member, but what is most for the real interest of this country. Those who are under the bias of interest MAY do right; but men of abilities and integrity, who are free from such a bias, WILL do right.

1. This item was reprinted four times in Connecticut and nine other times from Rhode Island to Virginia by 22 November.

2. Presumably an allusion to the disturbances in the Pennsylvania Assembly on 28-29 September (*Connecticut Courant*, 15 October, Mfm:Pa. 131 and RCS:Pa., *passim*).

3. In 1787, Richard Law was Chief Judge, and Eliphalet Dyer, Oliver Ellsworth, William Pitkin, and Roger Sherman were assistant judges. All were elected to the state Convention.

4. The Superior Court judges were excluded from seats in the legislature by an act passed in 1784 (CSR, V, 323-24).

### Benjamin Gale to the Printers of the Connecticut Journal October<sup>1</sup>

Messrs. Printers: I request you would insert the following in your next. In your *Journal* of the 10th instant, under the Philadelphia head, you give us this intelligence: "*From the time the resolution of Congress was passed till its adoption by the State of Pennsylvania was only twenty hours—such is the zeal of Pennsylvania to show her attachment to a vigorous, free, and wise frame of national government.*" I would only observe that power once resigned into the hands of civil rulers never was regained but by blood. I would submit it therefore to the *public*, whether this *hasty*, and *sudden adoption*, of the report of the Convention, on the recommendation of Congress, argues more of the *wisdom* and *prudence* of the legislature of *Pennsylvania* than of the *arts* and *intrigues* of *designing men* among them thus suddenly and *impetuously* to crowd the adoption of the recommendation of Congress, before either the *people* or their *civil rulers* would have had time duly to consider and weigh all the consequences of adopting that form of government, recommended to the states by the Convention, which seems to be wrapped up in terms, not easy to be understood, which inclines me to think that the *diction* or *phraseology* of the report of the Convention was *carefully studied* before it was made public, and probably not fully understood by the people or *every member* of the legislature of *Philadelphia* who adopted it so *expeditiously*.

[P.S.] That state has raised expectations of being made the seat of government which [will] naturally throw into it the riches and wealth of all the states in the Union—and as an evidence this is their views, have already made Congress a grant of the exclusive right of legislation of an extent of territory sufficient for the erection of forts, magazine, arsenals, hotels, palaces, hotels for and other necessary buildings.<sup>2</sup>

1. MS, Gale Papers, Bienecke Library, CtY. Gale, a medical doctor, scientific agriculturalist, and Biblical critic, had contributed anonymous essays to various newspapers during and after the Revolution. This item, in Gale's handwriting, is signed "I am a *Republican*." It is undated, but presumably was written in October. It was not published in the *Connecticut Journal*. The material Gale quotes from the *Connecticut Journal* of 10 October was reprinted from the *Pennsylvania Gazette* of 3 October (RCS:Pa., 124). Gale used the same quotation in his speech for the Killingworth town meeting on 12 November (IV below).

2. The Pennsylvania Assembly did not make a grant of land as Gale says. On 29 September the Assembly recommended that the state Convention consider such a grant (RCS:Pa., 102).

## A Landholder I-II

Connecticut Courant, 5, 12 November

"Landholder" I-II were the first of nine essays by Oliver Ellsworth. (Four other "Landholder" essays by Ellsworth were printed between 3 and 24 March 1788.) The first nine essays were published simultaneously in the *Connecticut Courant* and the *American Mercury* from 5 November to 31 December, and were reprinted in the *Connecticut Gazette* and the *Norwich Packet*. Three other Connecticut newspapers reprinted one or more of them. (All thirteen essays are printed in *Commentaries on the Constitution*. For the authorship, see CC:230.)

Agrarian-mercantile antagonism had been a factor in Connecticut politics for years, and on 22 November the *Norwich Packet* (V below) asserted that the schism had "manifested itself more than ever" since the publication of the Constitution. Four days later, "Compo" (V below) attacked agrarian leader James Wadsworth because "you reprobate commerce and declaim against all mercantile pursuits and mercantile men." "Compo" asserted that "the good sense of the farmers of this state" would never allow them "to adopt your narrow views and contracted opinions. . . ."

"Landholder's" approach was different. He admitted that the antagonism existed but argued that farmers and merchants had common interests, and that both would benefit economically from the establishment of a new government. Other writers such as "A Farmer," 18 October (III above), "Philanthrop," 19 November, and "Connecticutensis," 31 December (both V below) avoided mention of the antagonism and concentrated on the economic benefits farmers would derive from the adoption of the Constitution.

### *A Landholder I, 5 November*<sup>1</sup>

To the Holders and Tillers of Land.

The writer of the following passed the first part of his life in mercantile employments and, by industry and economy, acquired a sufficient sum on retiring from trade to purchase and stock a decent plantation on which he now lives in the state of a farmer. By his present employment he is interested in the prosperity of agriculture and those who derive a support from cultivating the earth. An acquaintance with business has freed him from many prejudices and jealousies which he sees in his neighbors, who have not intermingled with mankind nor learned by experience the method of managing an extensive circulating property. Conscious of an honest intention, he wishes to address his brethren on some political subjects which now engage the public attention and will in the sequel greatly influence the value of landed property. The new Constitution for the United States is now before the public; the people are to determine, and the people at large generally determine right when they have had means of information.

It proves the honesty and patriotism of the gentlemen who composed the General Convention that they chose to submit their system to the

people rather than the legislatures, whose decisions are often influenced by men in the higher departments of government, who have provided well for themselves and dread any change lest they should be injured by its operation. I would not wish to exclude from a state convention those gentlemen who compose the higher branches of the assemblies in the several states, but choose to see them stand on an even floor with their brethren, where the artifice of a small number cannot negative a vast majority of the people.

This danger was foreseen by the Federal Convention, and they have wisely avoided it by appealing directly to the people. The landholders and farmers are more than any other men concerned in the present decision; whether the proposed alteration is best they are to determine, but that an alteration is necessary, an individual may assert. It may be assumed as a fixed truth that the prosperity and riches of the farmer must depend on the prosperity and good national regulation of trade. Artful men may insinuate the contrary, tell you let trade take care of itself, and excite your jealousy against the merchant because his business leads him to wear a gayer coat than your economy directs. But let your own experience refute such insinuations. Your property and riches depend on a ready demand and generous price for the produce you can annually spare. When and where do you find this? Is it not where trade flourishes and when the merchant can freely export the produce of the country to such parts of the world as will bring the richest return? When the merchant doth not purchase, your produce is low, finds a dull market—in vexation you call the trader a jockey and curse the men whom you ought to pity. A desire of gain is common to mankind and the general motive to business and industry. You cannot expect many purchasers when trade is restricted, and your merchants are shut out from nine-tenths of the ports in the world. While they depend on the mercy of foreign nations, you are the first persons who will be humbled. Confined to a few foreign ports, they must sell low, or not at all; and can you expect they will greedily buy in at a high price, the very articles which they must sell under every restriction?

Every foreign prohibition on American trade is aimed in the most deadly manner against the holders and tillers of the land, and they are the men made poor. Your only remedy is such a national government as will make the country respectable, such a supreme government as can boldly meet the supremacy of proud and self-interested nations. The regulation of trade ever was and ever must be a national matter. A single state in the American Union cannot direct, much less control it. This must be a work of the whole, and requires all the wisdom and force of the continent, and until it is effected our commerce may be insulted by every overgrown merchant in Eu-

rope. Think not the evil will rest on your merchants alone; it may distress them, but it will destroy those who cultivate the earth. Their produce will bear a low price and require bad pay, the laborer will not find employment, the value of lands will fall, and the landholder become poor.

While our shipping rots at home by being prohibited from ports abroad, foreigners will bring you such articles and at such price as they please. Even the necessary article of salt has the present year been chiefly imported in foreign bottoms, and you already feel the consequence; your flaxseed in barter has not returned you more than two-thirds of the usual quantity. From this beginning learn what is to come.

Blame not our merchants; the fault is not in them but in the public. A federal government of energy is the only means which will deliver us, and now or never is your opportunity to establish it on such a basis as will preserve your liberty and riches. Think not that time without your own exertions will remedy the disorder. Other nations will be pleased with your poverty; they know the advantage of commanding trade and carrying in their own bottoms. By these means they can govern prices and breed up a hardy race of seamen to man their ships of war when they wish again to conquer you by arms. It is strange the holders and tillers of the land have had patience so long. They are men of resolution as well as patience, and will I presume be no longer deluded by British emissaries, and those men who think their own offices will be hazarded by any change in the constitution. Having opportunity, they will coolly demand a government which can protect what they have bravely defended in war.

*A Landholder II, 12 November<sup>2</sup>*

To the Holders and Tillers of Land.

Gentlemen, You were told in the late war that peace and independence would reward your toil, and that riches would accompany the establishment of your liberties, by opening a wider market and consequently raising the price of such commodities as America produces for exportation.

Such a conclusion appeared just and natural. We had been restrained by the British to trade only with themselves, who often re-exported to other nations, at a high advance, the raw materials they had procured from us. This advance we designed to realize, but our expectation has been disappointed.

The produce of the country is in general down to the old price, and bids fair to fall much lower. It is time for those who till the earth in the sweat of their brow to inquire the cause, and we shall find it neither in the merchant or farmer, but in a bad system of

policy and government, or rather in having no system at all. When we call ourselves an independent nation, it is false: we are neither a nation, nor are we independent. Like thirteen contentious neighbors, we devour and take every advantage of each other, and are without that system of policy which gives safety and strength, and constitutes a national structure. Once we were dependent only on Great Britain; now we are dependent on every petty state in the world and on every customhouse officer of foreign ports. If the injured apply for redress to the assemblies of the several states, it is in vain, for they are not, and cannot be known abroad. If they apply to Congress, it is also vain, for however wise and good that body may be, they have not power to vindicate either themselves or their subjects.

Do not, my countrymen, fall into a passion on hearing these truths, nor think your treatment unexampled. From the beginning it hath been the case that people without policy will find enough to take advantage of their weakness, and you are not the first who have been devoured by their wiser neighbors. But perhaps it is not too late for a remedy; we ought at least to make a trial, and if we still die shall have this consolation in our last hours, that we tried to live.

I can foresee that several classes of men will try to alarm your fears, and however selfish their motives, we may expect that *liberty, the encroachments of power, and the inestimable privileges of dear posterity* will with them be fruitful topics of argument. As Holy Scripture is used in the exorcisms of Romish priests to expel imaginary demons; so the most sacred words will be conjured together to oppose evils which have no existence in the new Constitution, and which no man dare attempt to carry into execution among a people of so free a spirit as the Americans. The first to oppose a federal government will be the old friends of Great Britain, who in their hearts cursed the prosperity of your arms and have ever since delighted in the perplexity of your councils. Many of these men are still among us, and for several years their hopes of a reunion with Britain have been high; they rightly judge that nothing will so soon effect their wishes as the deranged state we are now in, if it should continue. They see that the merchant is weary of a government which cannot protect his property, and that the farmer, finding no benefit from the revolution, begins to dread much evil; and they hope the people will soon supplicate the protection of their old masters. We may therefore expect that all the policy of these men will center in defeating those measures which will protect the people and give system and force to American councils.

I was lately in a circle where the new Constitution was discussed. All but one man approved; he was full of trembling for the liberties of poor America. It was strange! It was wondrous strange to see his

concern after several of his arguments had been refuted by an ingenious farmer in the company. But says he, it is against the treaty of peace. We received independence from Great Britain on condition of our keeping the old constitution. Here the man come out! We had beat the British with a bad frame of government, and with a good one he feared we should eat them up.

Debtors in desperate circumstances, who have not resolution to be either honest or industrious, will be the next men to take the alarm. They have long been upheld by the property of their creditors and the mercy of the public, and daily destroy a thousand honest men who are unsuspecting. *Paper money and tender acts* is the only atmosphere in which they can breathe and live. This is now so generally known that by being a friend to such measures a man effectually advertises himself a bankrupt. The opposition of these we expect, but for the sake of all honest and industrious debtors, we most earnestly wish the proposed Constitution may pass, for whatever gives a new spring to business will extricate them from their difficulties.

There is another kind of people will be found in the opposition. Men of much self-importance and supposed skill in politics, who are not of sufficient consequence to obtain public employment, but can spread jealousies in the little districts of country where they are placed; these are always jealous of men in place and of public measures, and aim at making themselves consequential by distrusting every one in the higher offices of society.

It is a strange madness of some persons immediately to distrust those who are raised by the free suffrages of the people to sustain powers which are absolutely necessary for public safety. Why were they elevated but for a general reputation of wisdom and integrity; and why should they be distrusted, until by ignorance or some base action they have forfeited a right to our confidence?

To fear a general government on energetic principles lest it should create tyrants, when without such a government all have an opportunity to become tyrants and avoid punishment, is fearing the possibility of one act of oppression more than the real exercise of a thousand. But in the present case, men who have lucrative and influential state offices, if they act from principles of self-interest, will be tempted to oppose an alteration which would doubtless be beneficial to the people. To sink from a controlment of finance, or any other great department of the state, thro want of ability or opportunity to act a part in the federal system must be a terrifying consideration. Believe not those who insinuate that this is a scheme of great men to grasp more power. The temptation is on the other side. Those in great offices never wish to hazard their places by such a change. This is the scheme of the people, and those high and

worthy characters who, in obedience to the public voice, offer the proposed amendment of our federal constitution thus esteemed it, or they would not have determined state conventions as the tribunal of ultimate decision. This is the last opportunity you may have to adopt a government which gives all protection to personal liberty and, at the same time, promises fair to afford you all the advantages of a sovereign empire. While you deliberate with coolness, be not duped by the artful surmises of such as from their own interest or prejudice are blind to the public good.

1. This item was reprinted in the *Connecticut Gazette* on 16 November and *Norwich Packet* on 22 November. (CC:230 for national circulation.)

2. This item was reprinted in the *Norwich Packet* on 22 November and *Connecticut Gazette* on 23 November. An excerpt was reprinted in the *New Haven Gazette* on 22 November. (CC:254 for national circulation.)

### Middlesex Gazette, 12 November

*JERUSALEM is builded as a city that is compact together.*<sup>1</sup> Place thyself, my friend, with the *Savior*, upon Mount Olivet, a little east of Jerusalem, and look down upon the joyful city. Count her towers, mark well her bulwarks and other fortifications; view the admirable cleanliness, regularity, and connections of her streets; see with what cheerfulness, safety, and activity the citizens move. Joy animates their pursuits. Reciprocal friendship, mutual confidence, and ready offices of kindness cement their affections. This city was a sensible representation of the strength, beauty, happiness, and glory of the Jerusalem which is *from* [Heaven?]. This city also was a visible exhibition of a good civil constitution and administration of government. The United States have been building a *Babel*. They have founded her rude fabric upon the sand. They have laid her walls in untempered mortar that has no cement. Nations, however, that could not discern clearly by reason of their distance have admired her; but their admiration is turned into contempt. Some ignorant, or superficial observers, or designing people among ourselves still think or pretend to think she may stand and be durable. But the language of the chief builders is already confounded. Her mortar is already crumbling to pieces. Her stones are ready to fall. Her apparent strength and symmetry has vanished. Those who view her close by are rushing from her in confusion lest they be buried in her ruins.<sup>(a)</sup> Rage, jealousy, tumults, and all the wild uproar of frantic passions have threatened her builders, the citizens of the United States, in their dispersions. But yet hope is left us; hope that brightens in prospect. A NEW CONSTITUTION of government is proposed to us that appears like the small but elegant temple of Jerusalem; or



like Jerusalem herself built *compact together*, elevated and strong, simple but safe, containing *peace within her walls and prosperity within her palaces*, overlooking, but diffusing her happy influence over the *miry valley of Babel's ruins*, and producing happiness through all nations and generations. And with confidence, we think, we may say, *Our feet shall stand within thy gates, O, Jerusalem.*

(a) Great number of the members of Congress have resigned their office.

1. Psalms 122:3. This text was used by the Rev. Dr. Elizur Goodrich, pastor of the Congregational Church in Durham, in the election sermon he preached before the Governor and General Assembly at Hartford on 10 May 1787. The sermon was entitled: *The Principles of Civil Union and Happiness Considered and Recommended.*

### Newspaper Announcements of the Election of Delegates on 12 November

*A Lover of His Country*  
*Middlesex Gazette, 5 November*

The day appointed to choose delegates to meet in our state Convention is big with the most important events of any day in which the sun ever shone since the Europeans first came into America. It, therefore, becomes every man who has any regard for his person or property to give his attendance on the business of said day. Thus saith *A Lover of his Country.*

*Connecticut Courant, 5 November*

The inhabitants of the town of Hartford will take notice that there will be a town meeting at the State House on Monday next at two o'clock P.M. for the purpose of choosing delegates to the state Convention.

*Norwich Packet, 8 November*

Next Monday is the day that is appointed for each town throughout this state to choose DELEGATES to meet in a Convention on the first Thursday of January next, in the city of Hartford to take into consideration the new Federal Constitution.

*Middlesex Gazette, 12 November*

The inhabitants of this town [Middletown] are desired to give punctual attendance at the town meeting this day.

## IV

**THE ELECTION OF CONVENTION DELEGATES**  
12 November 1787

The records of seventy-nine of the ninety-eight towns entitled to elect 175 delegates to the state Convention have been obtained and are printed below. Three towns did not act until 19 November, when Suffield and Woodstock elected delegates and Colebrook refused to do so. Most of the town clerks merely recorded the fact that delegates were elected, although Canterbury, Killingworth, Lebanon, and Stratford debated the Constitution, and in Woodstock there was a report of illegal voting.

Some towns did more than elect delegates. Of the seven towns that voted to approve the Constitution, three (Danbury, Greenwich, and Ridgefield) instructed their delegates to vote to ratify it. Of the seven towns that voted to disapprove the Constitution, Simsbury, and possibly Lebanon and Willington, instructed their delegates to vote against ratification. Preston instructed its delegates to vote either way, depending on whether or not the state Convention acted on the town's detailed objections to the Constitution. Windham decided that it was not proper to "pass any vote" on the Constitution. A Norfolk committee advised against written instructions and suggested that "the whole matters" be left to the town's delegates.

Twenty-four of the seventy-nine towns adjourned their 12 November meetings to a later date. For the most part, such adjournments permitted them to continue debate, to hear committee reports on the Constitution, and to accept or reject committee reports on instructions to delegates. In a few instances, the town clerks did not make complete entries in the town records, particularly for adjourned meetings. Some towns also conducted other business. Such material has usually been deleted from the documents printed below.

Most of the town records are transcribed from photocopies of the original manuscripts provided by the town and city clerks of Connecticut. The exceptions are the records of (1) Bristol from a printed town history; (2) Fairfield from a newspaper; (3) Canaan and Goshen from certified transcripts by the town clerks; and (4) Ashford, Southington, and Union from photocopies of the original manuscript records deposited in the Connecticut State Library. These exceptions are indicated in footnotes to the records of the towns concerned.

In addition to the town records, letters by Benjamin Gale and Robert Charles Johnson describe the meetings in Killingworth and Stratford. A speech by Benjamin Gale, which was possibly delivered at the Killingworth town meeting, is also printed below.

Close to one-half of the delegates elected held important state offices. Among them were the Governor, Lieutenant Governor, the Chief Judge and the four judges of the Superior Court, seven members of the Council, sixty-seven members of the House of Representatives, and the three delegates to the Constitutional Convention—Oliver Ellsworth, William Samuel Johnson, and Roger Sherman. Aside from New York, Connecticut was the only state to elect its entire Convention delegation to its state Convention.

Although complete returns were not published, seven Connecticut newspapers had reported partial returns by 22 November (Mfm: Conn. 34). The most complete were those in the *Connecticut Journal* on 14 and 21 November, which listed the names of 139 delegates. Although some of the delegates were from towns rejecting the Constitution, this fact was not mentioned. The *Connecticut Courant* was the only newspaper that indicated there was opposition. On 26 November a "correspondent" hinted that there would be "some Judases" in the Convention, but went on to express happiness that "some of the towns" had neglected "the *wrong heads*" who tried "to embarrass public measures by their narrow politics." But it was not until 7 January 1788, two days before the state Convention ratified the Constitution, that the *Connecticut Courant* reported that some towns had instructed their delegates to vote against the Constitution (V below).

Connecticut Federalists were reassured by the election returns. On 17 November, Jonathan Trumbull, Jr. reported that he was "much pleased with the complexion of the election," and on the 19th Ezra Stiles noted in his diary that 103 out of about 130 men were "Federal" (Mfm:Conn. 35). For out-of-state comments on the election, see Mfm: Conn. 35.

Except where another location is indicated, the documents referred to in this introduction are printed in this section.

**Ashford<sup>1</sup>**

[12 November] At a town meeting legally warned and held at Ashford the 12th of November 1787, Benjn. Sumner, Esquire moderator.

Voted that the Constitution be read over again.

Voted to choose delegates to attend the state Convention at Hartford on the first Thursday of January next.

Voted Simeon Smith, Esquire and Mr. Hendrick Dow be the delegates for the above purpose.

Voted to adjourn this meeting to the last Monday in December next at 9 o'clock.

[31 December] At a town meeting held by an adjournment from the 12th of November to the 31st of December 1787.

Voted to adjourn this meeting to Esquire [Isaac] Perkins' bar room forthwith.

Dissolved.

1. MS, Unbound Manuscript Collections, Ashford Town Records, 1728-1804, Ct.

**Bethlem [Bethlehem]**

[12 November] At a meeting of the inhabitants of the town of Bethlem legally assembled on the 2d Monday of November 1787.

Daniel Everitt chosen moderator.

Moses Hawley chosen a delegate to meet in Convention at Hartford in January next.

The meeting dissolved.

Test, Moses Hawley, Register

**Bozrah**

[12 November] At a town meeting legally warned and holden at the meetinghouse in the town of Bozrah on the 12th day of November A.D. 1787.

Captain Isaac Huntington, moderator of said meeting.

Captain Isaac Huntington was chosen delegate to meet in Convention to be holden on the first Thursday of January next in the city of Hartford to consult matters respecting the purposed Constitution of America.

Voted that this meeting be dismissed.

Test, Ebener. Backus, Town Clerk

**Bristol<sup>1</sup>**

[12 November] "At a meeting of the inhabitants of the town of Bristol assembled by special resolve of the General Assembly on the 12th day of November A.D. 1787 for the purpose of choosing a delegate to sit in Convention in the city of Hartford on the first Thursday in January next to ratify and assent to the Constitution proposed by the delegates of the United States lately assembled in the city of Philadelphia.

"Simeon Hart, Esquire chosen moderator to lead in said meeting.

"Zebulon Peck, Jr., Esquire chosen delegate by the major part of the members present.

". . . voted to ratify the Constitution proposed by the Convention of delegates from the United States lately assembled at the city of Philadelphia by a majority as eight is to five nearly of the members present."

1. Printed: *Bristol, Connecticut* ("In the Olden Time New Cambridge") which includes Forestville (Hartford, 1907), 42.

**Brooklyn**

[12 November] At a town meeting legally warned and assembled November 12, 1787.

Seth Paine was chosen delegate to attend at the Convention at Hartford on the first Thursday of January next.

**Canaan<sup>1</sup>**

November 12, 1787. At a town meeting legally warned and convened on the 12th day of November A.D. 1787.

Colonel Charles Burrall was chosen moderator for the meeting.

Colonel Charles Burrall and Nathan Hale, Esquire, were chosen delegates to attend a Convention to be holden in the city of Hartford on the first Thursday of January next for the purposes mentioned in a resolve of Assembly passed in their last sessions.

Voted that this meeting be dissolved.

1. Certified transcript from Canaan town clerk.

**Canterbury**

November 12th 1787. At a legal meeting of the inhabitants of said town. Captain Asa Baron moderator.

Chose (by ballot) Asa Witter, Esquire and Captain Moses Cleavland delegates to meet in a Convention at Hartford on the first Thursday

in January next agreeable to a resolve of the Assembly of this state in their October session.

This meeting then adjourned till Monday the 19th instant at one of the clock in the afternoon.

A true record of the doings of said meeting.

Test, Gideon Welles, Town Clerk

November 19th 1787. Meeting opened according to adjournment. . . .

Chose Messrs. Benjamin Baron, Jabez Fitch, Eliashib Adams, Esquire, Asa Baron, Solomon Paine, Gideon Welles, Comfort Hide, Daniel Frost, Esquire, John Adams, and John Felch to examine the new form of government made by the Convention at Philadelphia and show to this meeting their arguments and opinions thereon.

The meeting was then adjourned to Monday the 17th day of December at one of the clock in the afternoon.

A true record of the doings of said meeting.

Test, Gideon Welles, Town Clerk

December 17th 1787. Our delegate meeting opened according to adjournment.

The committee being unprepared to make any exhibits to the town relative to the Constitution offered to the people of the United States for their acceptance, or rejection, after some fruitless altercations twas dissolved.

Test, Gideon Welles, Town Clerk

### Colchester

[12 November] At a legal town meeting held in Colchester November 12th 1787, Asa Foot, Esquire chosen moderator.

The Reverend Mr. Robert Robins and Daniel Foot, Esquire were chosen delegates to represent this town in a Convention of delegates to be assembled in the city of Hartford on the first Thursday of January next.

### Colebrook

November 12, 1787. At a town meeting legally warned and opened held in Colebrook in Litchfield County on the 12th day of November 1787 Mr. Daniel Eno chosen moderator of said meeting.

On motion whether the town would choose a representative to represent the town at the general Convention of the state to be holden at Hartford on January next.

Voted that the town will not choose a representative as aforesaid.

Voted that the swine belonging to the inhabitants of this town be admitted to run at large in the highways and commons till the twentieth day of May next.

Voted that this meeting be adjourned till the first Monday of December next to this place at one o'clock in the afternoon.

[3 December] At a town meeting holden in Colebrook by adjournment on the 3d day of December 1787.

Mr. Daniel Eno moderator of said meeting.

Voted that this meeting be dissolved.

### Coventry

[12 November] At a town meeting (ordered by particular act of Assembly) legally warned and held at the meetinghouse in the First Society in Coventry on Monday the 12th day of November 1787.

Jeremiah Ripley, Esquire chosen moderator.

Then Jeremiah Ripley, Esquire and Ephraim Root, Esquire were chosen delegates to meet in a state Convention to be holden at Hartford the first Thursday of January next.

Then was said meeting adjourned to the time of holding the annual town meeting.

[3 December] At an adjourned town meeting held on 3d day of December 1787.

Then voted to choose a committee to prepare instruction for the delegates lately chosen to meet in Convention at Hartford in January next and make report to the town at some future meeting.

Then was Major Elias Buell, Lieutenant Caleb Stanley, Captain Amaziah Rust, Captain Danl. White, and John Hale chosen a committee for the purpose above mentioned.

Then was said meeting adjourned to the 24th day of December instant.

### Danbury

[12 November] At a town meeting legally warned held in Danbury, November 12 1787, Captain Thomas Stevens chosen moderator.

At said meeting Messrs. Elisha Whittelsey and Joseph M. White were chosen delegates to represent this town in Convention to be holden at Hartford on the first Thursday of January next.

The meeting by vote is adjourned to the first Monday of December next at nine of the clock, A.M.

Test, Major Taylor, Town Clerk

[3 December] At an adjourned town meeting held in Danbury 3d December 1787, moderator present.

At said meeting the question was put whether the town will take up the matter of the new Constitution and discourse upon it. Passed in the affirmative.

At said meeting the question was put whether the town will instruct their delegates. Passed in the affirmative.

The meeting by vote instruct them to adopt the Constitution.

The meeting by vote dismissed.

Test, Major Taylor, Clerk

### Derby

[12 November] At a lawful town meeting held in Derby November 12th 1787, Eliphalet Hotchkiss, Esquire chosen moderator of said meeting.

Captain Daniel Holbrook appointed 1st delegate to attend the state Convention to be holden at Hartford agreeable to resolve of the General Assembly.

Captain John Holbrook appointed 2d delegate to attend said Convention.

Voted this meeting be adjourned to the third Monday of December next at ten of the clock in the forenoon to this place.

[17 December] At a lawful town meeting held in Derby December 17th 1787 by adjournment from November 12th 1787.

Said meeting dismissed without doing any business.

### Durham

[12 November] At a special town meeting legally warned by the selectmen by order of the General Assembly at their sessions in October 1787 and holden in Durham on the second Monday of November being the 12th day of said November A.D. 1787.

At the same meeting by a major[ity] vote General James Wadsworth was chosen moderator.

At the same meeting the question was put whether you will accept and approve of the Constitution made by the Convention holden at Philadelphia in September 1787 and recommended by Congress to this state, voted in the negative by 67 and 4 in the affirmative.<sup>1</sup>

At the same meeting by a major[ity] vote General James Wadsworth and Daniel Hall, esquires was chosen delegates to attend a Convention to be holden at Hartford on the first Thursday of January next.

Then by a major[ity] vote of the town, this meeting was dismissed.



1. In a town meeting on 26 July 1976 the inhabitants of Durham voted 197 to 108 to rescind this action, and then they voted 320 to 6 to approve the Constitution (*The New Haven Register*, 27 July 1976).

### East Haddam

[12 November] At a town meeting legally warned and held in East Haddam—12th November A.D. 1787.

For which meeting Captain James Green was chosen moderator.

At the same meeting General Dyar Throop, Esquire was chosen the first delegate for said town to attend the Convention to be held in the city of Hartford on the first Thursday in January next agreeable to a resolve of the General Assembly at their last session.

At the same meeting Colonel Jabez Chapman, Esquire was chosen second delegate for said town to attend the Convention to be held in the city of Hartford on the first Thursday in January next agreeable to a resolve of the General Assembly at their last session.

### East Hartford

At a town meeting of the inhabitants of the town of East Hartford legally warned and convened on the 12th day of November 1787.

Voted Colonel John Pitkin be moderator of this meeting.

Voted Honorable William Pitkin be the first delegate to represent this town and elect member of Congress [Convention?] chosen by ballot.

Voted Elisha Pitkin, Esquire be second delegate to represent this town and elect member of Congress [Convention?].

Voted this meeting be adjourned without day. Adjourned accordingly.

A true record. Test, Jonathan Stanly, Jr., Register

### East Haven

[12 November] At a town meeting legally warned and holden in East Haven on the 12th day of November 1787.

Voted that Captain Isaac Chidsey should [be] moderator of said meeting.

Voted that Mr. Samuel Davenport should represent the town of East Haven in a Convention to be holden to assemble in the city of Hartford on the first Thursday of January next to conduct business relative to a Constitution recommended by Convention and Congress.

Voted that the meeting should be adjourned to the first Monday of December next at ten o'clock in the forenoon.

Test, Josiah Bradley, Clerk

**East Windsor**

[12 November] At a meeting of the inhabitants of the town of East Windsor legally held on the second Monday of November 1787.

Chose William Wolcott, Esquire moderator to conduct said meeting.

Chose the Honorable Erastus Wolcott, Esquire and Mr. John Watson delegates to meet in a Convention in the city of Hartford on the first Thursday of January next.

Voted that this meeting accept and approve the Constitution recommended by the Continental Convention.

**Ellington**

[12 November] At a town meeting held in Ellington on the second Monday of November A.D. 1787, Daniel Elsworth, Esquire chosen moderator. Mr. Ebenezar Nash was chosen delegate to represent said town in a Convention of delegates from the several towns in this state to meet at Hartford on the first Thursday of January next to take into consideration the Constitution agreed upon [and] reported by Convention of delegates from the United States lately assembled at Philadelphia and recommended to be transmitted to conventions of the several states for their assent and ratification.

[3 December] At a legal town meeting held in Ellington on the 3rd day of December A.D. 1787.

Mr. Ithamer Bingham was chosen moderator.

Voted to adjourn to the 17th day of instant December at 10 o'clock in the forenoon.

[17 December] At an adjourned town meeting held at Ellington the 17th day of December 1787.

Mr. Ithamer Bingham moderator.

Question put to the town whether they approved of the proposed new Constitution recommended by the late Convention of the United States.

Voted in the negative.

**Enfield**

[12 November] At a legal town meeting holden at Enfield November 12th 1787, Eliphalet Terry, Esquire chosen moderator.

Agreeable to direction of the General Assembly holden at New Haven October 1787, we made choice of Captain Daniel Perkins and Mr. Joseph Kingsbery to represent the town in Convention to be

holden at Hartford in January next on the first Thursday.

This meeting is adjourned to December 3d, 1787 at 9 o'clock.

[3 December] At an adjourned town meeting December 3d 1787. There was no business transacted at said meeting.

### Fairfield<sup>1</sup>

[12 November] We have the pleasure to inform the public that [at] a very full meeting of the inhabitants of this town there passed an unanimous vote to send delegates to the Convention which is to be holden at Hartford in January next.

The Honorable Jonathan Sturges, Esquire and Thaddeus Burr, Esquire were appointed the delegates.

1. *Fairfield Gazette*, 15 November.

### Farmington

[12 November] At a meeting of the inhabitants of the town of Farmington held by the legal voters on the 12th day of November 1787.

Voted that John Treadwell, Esquire be a moderator to lead in said meeting.

When the moderator represented said meeting that said meeting was warned on a recommendation of the General Assembly of this state to choose delegates to meet in Convention at Hartford on the first Thursday of January next agreeable to the resolves of the Convention held at Philadelphia and Congress.

When the question was put, whether they would at this time proceed to choose delegates for said Convention, and voted in the affirmative—68 in the affirmative and 53 in the negative.

Whereupon voted that John Treadwell, Esquire and William Judd, Esquire were chosen delegates to attend said Convention.

This meeting by vote was then dissolved.

### Franklin

[12 November] At a meeting of the inhabitants of the town of Franklin legally warned and convened at the meetinghouse in said Franklin November 12th 1787.

John Barker, Esquire was chosen moderator.

Eli Hyde was chosen delegate to attend the Convention of the state to be assembled in the city of Hartford on the first Thursday of January next.

Voted that this meeting be dismissed and it was dismissed accordingly.

**Glastonbury**

[12 November] At a town meeting legally warned and held in Glastonbury November 12th A.D. 1787, Jonathan Welles, Esquire chosen moderator.

After reading the Constitution lately drawn up by the Convention of delegates from the United States, the question was put whether this meeting would proceed to make choice of delegates to meet in a Convention to be held in the city of Hartford on the first Thursday of January next and voted in the affirmative; and the moderator called upon the meeting to bring in their votes by ballot and they accordingly did, and Captain Joseph Moseley and Captain Wait Goodrich were chosen delegates by a majority of votes to attend said Convention.

Meeting dissolved. . . . .

**Goshen<sup>1</sup>**

[12 November] At a town meeting held in Goshen November 12th A.D. 1787 pursuant to a resolve of the General Assembly at their session in October last; in order to attend a Convention to be holden at the city of Hartford the [first] Thursday of January next.

At the same meeting Captain [Asaph] Hall was chosen moderator.

At the same meeting, voted to choose delegates to attend the proposed Convention to be holden at Hartford, the [first] Thursday of January next. At the same meeting Mr. Daniel Miles, and Captain Asaph Hall were chosen delegates to attend said Convention.

1. Certified transcript, from Goshen town clerk.

**Granby**

[12 November] At a [special meeting of the?] inhabitants of the town of Granby assembled at the meetinghouse [in Salmon] Brook Society on the 12 day of November 1787, Colonel Ozius Petibone chosen moderator. Captain Hezekiah Holcomb was chosen a delegate to attend the state Convention to be holden at the city of Hartford on the first Thursday of January next by the major part of the proxes of the inhabitants in said meeting.

**Greenwich<sup>1</sup>**

[12 November] At a town meeting of the inhabitants of the town of Greenwich legally warned and holden in said Greenwich on the 12th day of November A. D. 1787. The town by vote made choice of General John Mead to be their moderator.

When the town voted by ballot for Amos Mead, Esquire and Colonel Jabez Fitch to be their delegates to represent them in Convention to be holden at Hartford on the first Thursday of January next to assent to and ratify the Constitution recommended by the Federal Convention lately held at Philadelphia.

This meeting voted that they approve the doings of the Federal Convention lately held at Philadelphia and thereupon direct their delegates to use their influence in the Convention to be holden at Hartford on the first Thursday of January next to establish and ratify the Constitution recommended by the said Federal Convention.

Further voted for this meeting to be dismissed.

Recorded by me, Jabez Fitch, Town Clerk.

1. MS, Vital Records, No. 1, "Births Marriages Deaths Commonplace Book," Office of the Assistant Registrar of Vital Statistics, Greenwich.

**Groton**

[12 November] At a legal town meeting held in Groton, November 12th 1787.

Colonel Benadam Gallup chosen moderator of said meeting.

Mr. Joseph Woodbridge and Captain Stephen Billings were chose delegates to attend the Convention to be holden at Hartford on the first Thursday in January next agreeable to a resolve of the General Assembly in October last.

Voted this meeting is dissolved.

**Guilford**

[12 November] At a town meeting held in Guilford, legally warned November 12th 1787.

John Burgis, Esquire was chosen moderator.

General Andrew Ward and Colonel John Elliot were chosen delegates to attend the state Convention to be holden at Hartford on the first Thursday of January next to deliberate on the propriety of adopting the Constitution proposed by the Convention of delegates from the United States.

Test, Thos. Burgis, Jr., Town Clerk

**Haddam**

[12 November] At a meeting of the inhabitants of the town of Haddam legally assembled the 12th day of November 1787.

Joseph Brooks, Esquire chosen moderator.

Captain Cornelius Higgins and Doctor Hezekiah Brainerd were chosen delegates to attend the state Convention to be holden at Hartford the first Thursday in January next.

**Hamden**

[12 November] At a meeting of the town of Hamden on the second Monday of November 1787 pursuant to a recommendation of General Assembly of this state in their session in October last to choose a delegate to represent this town in a Convention to be holden at Hartford on the first Thursday of January next to take into consideration the Constitution recommended by the late Convention of the United States at Philadelphia.

At the meeting aforesaid the question was put whether this town approve of the aforesaid Constitution. Voted in the negative: yeas 5, nays 73.

At the meeting aforesaid Mr. Theophilus Goodyear was chosen to represent this town in the Convention to be holden at Hartford on the first Thursday of January next.

Test, Simeon Bristol, Clerk

**Hampton**

[12 November] At a town meeting legally warned and held in Hampton on the 12th day of November 1787.

Isaac Bennet, Esquire chose moderator.

Amos Utley was chose a delegate to meet in a Convention on the first Thursday in January next in the city of Hartford according to the resolve of the General Assembly in September last.

Thomas Fuller, Elijah Walcutt, Philip Peairl, Ebenezer Hovey, Abner Ashley, James Stedman, James Howard, David Martin, Andrew Durke, Benjamin Durke, Thomas Stedman, John Brewster were choose a committee to consult on matters concerning the Constitution reported by the delegates from the United States lately assembled in the city of Philadelphia and draw instructions for our delegate and make report to the adjourned town meeting.

Voted to adjourn the meeting to the third Monday in December next at one o'clock afternoon.

[17 December] At a town meeting held in Hampton by adjournment on the 17th day of December 1787.

Whereas there was a committee chosen on the 12th day of November last to draw instructions for our delegate and make report to this meeting, and on this day made their report, and laid their instructions before the meeting,

Voted to accept of the instructions of said committee.

Voted to dissolve the meeting.

### Hartford

[12 November] At a meeting of the inhabitants of the town of Hartford in the county of Hartford in the State of Connecticut (legally warned), holden at the usual place for town meetings in Hartford aforesaid, according to, and in pursuance of, a certain special act and order of the General Assembly of said state, in its session at New Haven, the 2d Thursday of October last. On this second Monday of November Anno Dom. 1787.

Voted, that Colonel Thomas Seymour be moderator of this meeting.

Voted, that Jeremiah Wadsworth and Jesse Root, esquires be delegates from the town of Hartford aforesaid to meet in a Convention of delegates, chosen or to be chosen in the several towns of this state, by the people thereof, to be holden at Hartford aforesaid on the first Thursday of January next for the purposes and business mentioned and referred to in the certain special act and order of the General Assembly of the state aforesaid in its session at New Haven, in October last, directing and appointing this meeting and the Convention aforesaid.

Voted, that this meeting be adjourned without day.

George Wyllys, Register.

### Hartland

[12 November] At a town meeting lawfully warned and met at the meetinghouse in the First Society in Hartland on the 12th day of November 1787.

They made choice of Major Uriel Holms for their moderator, and also they made choice of Messers. Isaac Burnham and Mr. John Wileder for their delegates to attend the Convention at the city of Hartford on the first Thursday of January next.

**Hebron**

[12 November] At a town meeting legally warned and held in Hebron on the 12th day of November 1787, Captain Daniel Ingham, moderator.

At said meeting Captain Daniel Ingham and Elihu Marvin, Esquire were chosen delegates to represent said town in Convention at Hartford to be held on the 1st Thursday of January next, to take into consideration the new proposed Constitution agreeable to resolve of Assembly.

Test, Silvr. Gilbert, Clerk

**Kent**

[12 November] At a town meeting holden by legal warning by the inhabitants of the town of Kent on the 12th day of November 1787.

Voted and made choice of Nathan Eliot, Esquire moderator.

Voted and made choice of Jedidiah Hubbel, Esquire delegate to attend the state Convention at Hartford on the first Thursday of January next.

Voted that this meeting is dissolved.

**Killingly**

[5 November] These are to warn all the inhabitants of said town, who have a right by law to vote in town meeting, to meet at the meetinghouse in the Middle Society in said town on Monday the 12th day of November instant at 9 o'clock in the forenoon to choose delegates to meet in a Convention to be holden on the first Thursday of January next in the city of Hartford agreeable to a resolve of the General Assembly—Whereas the Convention of delegates from the United States lately assembled in the city of Philadelphia have reported a Constitution for said states, to be submitted to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature for their assent and ratification, etc.

By order of the selectmen.

Samson Howe, Town Clerk

[12 November] Agreeable to the foregoing warning, the inhabitants met at time, place and made choice of Mr. Eleazer Moffitt moderator [of] said meeting.

Then the proposed Constitution was read. Then voted and chose Samson Howe and Colonel Wm. Danielson, esquires delegates to attend the Convention to be holden in the city of Hartford on the first Thursday of January next.

Voted to dissolve this meeting.

Recorded by me, Samson Howe, Town [Clerk]



## Killingworth

### *Town Meeting Records*

[12 November] At a town meeting holden in Killingworth November the 12th A.D. 1787.

George Eliot, Esquire chosen moderator.

Pursuant to a resolve of the Honorable Assembly of the State of Connecticut passed at their session at New Haven second Thursday of October last—Theophilus Morgan and Hezekiah Lane, esquires were chosen delegates to meet in a Convention which is pursuant to said resolve to assemble in the city of Hartford on the first Thursday of January next.

Voted that said meeting be dissolved.

Test, Abraham Pierson, Town Clerk

### *Speech by Benjamin Gale, 12 November<sup>1</sup>*

At a town meeting appointed by act of Assembly 12 November 1787.

Gentlemen, We are summoned by act of Assembly to convene upon this day, and I should be glad to know what is the business of this meeting. Perhaps our representatives can explain to us what the business of this meeting may be.

I know it has been given out that we are called together to consider the new form of government, and that it is referred back to the *people* to say whether they will adopt it or reject it, but when I come to examine the act of Assembly, you have no voice in the case. All our business, gentlemen, is to make choice of delegates to say whether you shall be made to submit to it or not—not whether you approve of it or not. That is not our business nor is it submitted to you.

The last Article of our federal Union says “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 Legislature of Every State.” These Articles the people of these states have adopted and have sworn to support and maintain them, and by these Articles it was agreed that if any alteration was found necessary, *Congress* were first to agree to the alteration, and then afterwards that alteration was to have the sanction of the legislatures of every state. But now nine states shall bind all the rest to submission. But, gentlemen, this Convention has *fobbed* off our *assemblies*, just in the same manner as we are. It seems the Convention would not trust *our assemblies* to approve or reject their *doings*. They made us believe the assemblies had a right to judge of the *matter*, but, when

all comes to all, our Assembly had no right to judge anything about it, but were permitted to order the towns to meet—but not to judge or determine anything about the Constitution, but only to choose delegates for another convention in order to judge for you, not caring to trust either you or your representatives in our assemblies to judge in this matter. [The Convention] have left room for men of *intrigue* to get in such delegates elected for another convention as will answer their purposes, and the *job will be done*. This is the reason why, contrary to the Articles of Confederation, our assemblies might not be trusted to accept or reject this new Constitution, formed by our Convention, which without hesitation I openly declare and pronounce to be as *dark, intricate, artful, crafty, and unintelligible [a] composition that I ever read or see composed by man*; and, all the time, given to the *people* to consider of it—to open their eyes or to be led into a right understanding of it by others. [But it] is not a fortnight from the rising of our Assembly to the time of choosing our delegates either to accept or reject it.<sup>2</sup> This is another *artful maneuver* of our own *domestic politicians* thus to hurry on matters before the people have time to understand it so as to be able to make a judicious choice of delegates to act conformable to their own minds.

The State of Pennsylvania, where this scheme was first planned, immediately after the declaration of peace, have outdone us by far, and they even boast of it, and say “from the time the resolution of Congress was passed till its adoption by the State of Pennsylvania was only *twenty* hours. Such is the zeal of Pennsylvania to show her attachment to a vigorous, free, and wise frame of national government.”<sup>3</sup> But, I must likewise tell you gentlemen, there were so many of that House that see through the whole scheme, and their unreasonable driving and pressing the matter before the people could have time to examine the new Constitution, that so many of the members withdrew from the House to prevent their hasty proceeding that there was not a quorum left so as to proceed upon business—whereupon they procured some *ruffians* to go out and pick up so many of the members as to make a quorum, dragged them into the Assembly forcibly, and there forcibly held them until the rest passed upon the new Constitution by appointing the choice of delegates.<sup>4</sup> This, gentlemen, might teach us, I should think, not to think very honorably either of this new Constitution or the rectitude of the Assembly of Pennsylvania. Our Assembly, it is true, did not proceed so *violently*, but those artful politicians so managed the matter that they have not left you a fortnight to weigh and consider of the most important affair that ever came before you. Doth it appear at all likely or probable, was there not some undue measures to be pursued, that such violent measures would be pursued by legislative bodies?

You may perhaps, gentlemen, wonder what such men are driving at that. I will tell you gentlemen in plain English, and would the time admit, I can prove it. But this you all know. Congress have made a grant to the officers and army of a sum of money the annual interest of which sum is £99,000. The soldiers have been told the public securities given them were good for nothing, and they have sold them from 2 to 3-4 and 5/ on the £, and the present holders of those public securities thus purchased from the soldiers well know they never can prevail with our assemblies to pay them public securities to the present possessors up to the nominal value. And the officers of the Army also well know that vote of Congress for their commutation was obtained by art and intrigue, by a pretended mutiny of the army just at the conclusion of the war, and then obtained in Congress but by a single vote, viz. of Colonel [Eliphalet] Dyer, which he immediately wrote up to our Assembly was extorted from him through fear.<sup>5</sup> And they well know unless they alter our present form of government and convert it into a *military government*, they must and will finally lose their prize. Again, there are others who are promised to mount up higher in the saddle by promotion. All these combining have raised a mighty outcry of the weakness of the federal government, and they have continued it so long and so loud that many honest people are made to believe it. But, gentlemen, have not we the same power we ever have had; cannot every man recover his honest just dues. If any opposition is made to government, has not our sheriffs power to call to their assistance the militia to support him in the execution of his office, and is it not so in every state in the Union. Gentlemen, this outcry of the weakness of the federal government is only a specious pretense to cover the artful schemes of *designing men* who would recover their commutation securities and the notes purchased of the soldiers. And I now will make my objections to this new form of government planned out by this Convention.

My *first* objection is to the expense of it which at the same time doth not lessen our own, which must in fact crush the common people into the dust and reduce them to a state of vassalage and slavery. By the increase of the multiplicity of new offices and officers with such salaries as Congress gives them—our ambassadors a salary of 1111 9/10 dollars per annum, exclusive of the expenses of their embassy, a large salary to their secretaries, 13000 dollars allowed to the President of Congress for to furnish his table, large salaries to the Secretary of War, Secretary for Foreign Affairs, 1900 dollars each to 13 commissioners such as Mr. [William] Imlay at Hartford whose whole business may be executed in a month, etc., etc.<sup>6</sup> And if this new form

of government is adopted, a vast retinue of revenue officers must be appointed who must have ample salaries for the Southern States, who have 3, 4, 5, and six hundred slaves of their own, have high notions of things, and can bet more on a horse race than the value of one of our little farms. And 7 of the Southern States have 41 [38] votes in Congress, while 6 of the Northern States have but 27, and the disproportion will increase so that they can forever outvote us and have just what officers they please and load us with just what taxes they please.<sup>7</sup>

And here gentlemen, I must acquaint you with what I presume you do not know—that both our delegates in Congress voted against the Convention. I had it from Dr. [William Samuel] Johnson's own mouth. He did not tell it to me in confidence, and therefore [I] speak of it openly, and he told me at the same time it would lay a foundation for a division in the Confederation.<sup>8</sup>

My second objection is to the duplicity of the Articles themselves which are so artfully expressed and delegates greater power to Congress than by a common reader will readily be perceived, and seems to be artfully covered of design not to be understood. And I *now* will proceed to point out the passages severally.

*Article 1.* I shall consider section 1 and 8 together. My objections to them are our Congress is to consist but of 68 [65] members which will be of the higher class of people who know but little of the poverty, straits, and difficulties of the middling and lower class of men. I have ever thought we in this state had too many representatives, but I am now confirmed in my opinion that we have not. Every town and county, their true state and ability, ought to be known, especially in matters of taxation; and it is of great service likewise to guard against the intrigues of artful, crafty, and designing men, and even then they are not always discovered in their schemes, otherwise I am persuaded our Honorable Assembly would have given the people a little more time to have understood and considered of this new plan of government before we had been called together to choose our delegates.

Section 2, 3 paragraph. My second objection. There is but *three* ways to proportion the taxes of the states justly and equitably. The *first* is according to the 8th Article of our federal Union,<sup>9</sup> but that method cannot be done to satisfaction of the states. The *second* is by the number of souls in each state—the riches and strength of a state is determined by the number of the inhabitants it is capable of supporting. And the *third* way is by the number of square miles within its territorial jurisdiction. This is not so just and equitable

as the other two. Consequently, I shall say nothing but with regard to the *second*, the first not being *practicable*. Here I will not only remark upon the injustice of this paragraph, but the art used to conceal the true meaning from common readers. Three-fifths of all other *persons*. Why could they not have spoke out in plain terms—*Negroes*? Were they afraid of affronting the *Negroes*, or were they ashamed to exempt  $\frac{3}{5}$  of them from taxation [—] by outvoting. And here the language is uncertain and doubtful also I cannot say by the rules of grammar whether they are to be included or excluded from taxation. But why must our apprentices in the Northern States be all taxed and included in the capitation and  $\frac{3}{5}$ ths of the *Negroes* in the Southern States be exempted, where it doth not cost their masters so much to keep 10 of them, as it doth here in one of our Northern States to keep one genteel [—] horse.

I object also to the last paragraph of this section, to the small number of Representatives—a mighty empire to have but 68 [65] Representatives—to tax by duties, impost, excise, and direct taxation, and but 27 of them in the six Northern States, and to make laws for them likewise. I would ask you, gentlemen, whether you know of any 5 men in this state who should tell you they have a right to *tax you as much as they please, to appropriate it as they please, and of the exorbitancy of their demands you have no constitutional liberty to judge*. Not only to tax you by duties, impost, and excise but to levy direct taxes upon you, and these same five men also to make all laws respecting government of the state. And if you would think it impolitic to do it for this state separately, can you think it safe to trust it in the hands of five men when linked and fettered with 41 [38] Southern members who have no idea but that our day laborers may be treated just as they treat their African slaves.

The last clause of this paragraph limits the number of Representatives [to] 1 to 30 thousand. At present we are allowed 5, and there be 150 thousand inhabitants in this state to entitle us to five Representatives. So that when the number of our inhabitants are taken, after all our emigrations to New York and Vermont, I suspect we shall not have more than 4 Representatives, if so many—and can you think such a representation in Congress will be sufficient thus connected with and fettered with the Southern States, where they have such high notions; not only to tax us by duties, excises, and impost, but to make laws for us, when you see by their numbers they can force us to submit to  $\frac{3}{5}$  fifths of their slaves exempted. It seems to me, gentlemen, this alone might convince you of the impolicy of adopting this Constitution. While I am upon the subject of *Negroes* and the artful language they use to cover their meaning, I would object to the 9th section which is in these words: [Article I,] section 9,

[paragraph 1]. Why all this sly cunning and artful mode of expression unless to cover from your observation and notice that *Negroes* was intended by the word *persons*, again used on this occasion, lest it should frighten people who may have some tender feelings and a just sense of the rights of human nature. What man, that has the feelings of a man, can once think it right to send our ships across the Atlantic to tear parents from their children, children from their parents, husbands from their wives, and wives from their husbands, stifle one-half of them in their crowded ships, and the remainder sell as we do our cattle to drag out the remainder of their lives in slavery, to be whipped and lashed like horses, without being struck with horror and shudder at the deed? It might have been sufficient, one would have thought, not to have said anything about it in those articles of this blessed Constitution planned out for us by the Convention and hurried on to be established with as much precipitation as though the salvation of our souls depended upon our adopting it *immediately*. But it fills my mind with the highest resentment to read that they lay a restraint upon Congress that they shall not restrain or prohibit that antichristian and most abominable and wicked practice of trading in *bodies and souls of men* for the space of 21 years yet to come. They need not have extended it to one-half of that period, for my mind for in less than one-half of that time, if we adopt this system of government,  $\frac{3}{4}$  of us will be slaves to all intents and purposes whatsoever without any trouble or expense of sending to Africa for slaves, for it is as perfect a system of slavery as I ever saw planned out by any nation, kingdom, or state whatever. For what have we been contending and shedding our blood and wasting our substance, but to support the natural rights of men. I am told our reverend clergy in general are much engaged to support this new plan of government, but if this is really the case, they may in future preach and pray to the Africans that may be imported by virtue of this new Constitution. For my own part, any who vote for it, if I know them, will not offend my ears, neither with their prayers or preaching to the latest period of my life.

My next objection is to section 4-3 [Article I, section 4].<sup>10</sup> The plea has been, they wanted Congress to regulate trade, but it seems here again they make use of great art to disguise and conceal their meaning. They pretend to give us the right of election both of Senators and Representatives, and give our [state] representatives the right of elections of our Senators, but in section 4, which I have just now read to you, they tell us Congress may at any time alter both the time and manner, i.e., they may say none shall vote for Senators unless his annual income shall be worth £100 a year, and that when they may hold their seats during life.

Again under Article II, section 1 paragraph 3 they have another touch on elections for they have been extremely careful to mix everything well that the reader might not have a full view of any one topic under one head, but they have so mixed and blended everything that it requires the greatest attention imaginable to comprehend all their meaning in its full extent and latitude.

Article II, section 1. Thus it is pretended as though we chose the *President* and *Vice President* or rather the *King* and his successor. But how do we choose them? Do our representatives in General Assembly choose them? No, by no means. That would not do. Article II, section 1. But our legislature must choose 7 Electors, i.e., as many Electors as we have Representatives and Senators, which for the present we are permitted to have 5 Representatives and 2 Senators—so that after sifting the House we may perhaps get 7 men that may be trusted with the choice of a *President* or rather *King*, for the next 4 years, but if the election made by our representatives doth not happen to suit our Honorable Council, and they think he will not make a *good Elector* to choose a *President* for us or rather a *King*, they may negative the choice of our representatives, and if they cannot get those that will serve the turn, we must send a less number. To be short, all our pretended elections are so fettered and muzzled that I would as soon turn a copper for the choice as to pretend to elect, so that when we have once chose any officer, whether *President* or *Senator*, he is almost as much assured of being *reelected*, as though it was made hereditary. Indeed, I had rather have a *hereditary King* or *President* than an *Elective King*, as it will eternally embroil the states by schemers for the *outs* and *ins*, and lay the foundation of clamors, broils, and contentions that will end in *blood*.

My 4 objection is to [Article I,] section 6 [unto?] 7 paragraph and 2 Article [Article II, section 1, paragraph 7]. Congress never have informed the states what their civil list has been and I presume they never will—and I have been told by a member of Congress, that is to say by one who has been a member of Congress, that I might never expect they will ever let us know. Indeed, Congress have as good as told us so in express terms. They have told us they have an absolute discretion to determine the quantum of revenue, of appropriating it when raised, and of the exorbitancy of their demands we have no constitutional liberty to judge. The fact is, gentlemen, they never have told us in full at any time what the annual expenses of the federal government is—they never have told us what sums of money they have given away to individuals either as pensions or as presents, to show our grandeur and importance in our national character. Nor have they once told us what our quota of the public debt is, that we might fund it and make provision to pay the interest an-

nually till the debt can be paid. They have told us that, by all we have paid, we never have lessened our foreign debt nor paid the interest of it, and they have further told us that what we do pay doth not pay the annual expenses of the federal government.

They tell us, it is true ([Article I], section 9, last paragraph but one), no money shall be drawn from the public treasury but in consequence of appropriations made by law, and that the expenditures shall be published from time to time. So they told us they would transmit to each state every half year all [the?] money they borrowed or emitted. Did they ever do it? I answer, no, they never did it once, nor is it probable they ever will, and if you murmur or complain when you have taken the militia out of the hands of the governors, placed them under the President of Congress, and converted them into a standing army, and they can call them forth at any time either to *subdue Wabash Indians* or quell *insurgents* as they please, you may murmur, complain, or call for the public accounts as you will, you may as well content yourselves without complaining. Power once given up out of your hands never was given back again nor never was recovered back without *shedding of blood*. But, gentlemen, if you think you can pay such taxes to support this new federal government when it will not lessen the expenses of our own [state] government a single copper, I am content. I promise you as a Christian, when it is once established I will not resist the *powers that be*, nor will I shed a drop of blood to recover *what I foolishly give away*. Let me recommend it to you therefore, by a friend and as a Christian, to be very careful what powers you give up and very obedient when you have done it. This shall be the line of my own conduct.

My next or 5 objection is to the regulation of the militia and taking them from under the command of the several governors and converting into a standing army which is contained in these paragraphs: 5-5-5 [Article I, section 8, paragraphs 15 and 16, and Article II, section 2, paragraph 1]. Upon this head I would only observe to you—mankind, vile as they be, see the necessity of civil government and will submit to all reasonable laws and all reasonable demands of taxes to support that government, and whenever there are any stubborn refractory mortals that will not submit to civil government there are always men enough, when properly called upon, to support the civil magistrate in the execution of laws. But if the laws are oppressive and arbitrary, the public demands above the ability of the people to pay, they will eternally kick. You may depend upon it in a country where people have anything they call their own, and they must be governed by a standing army who carry with them the instruments of death if they are governed at all. But to take the militia of the state out of the command and from under the direction of our gov-



ernors, place them under the President of Congress, which reduces our governors to the quality of *drill sergeants* only to discipline our militia, and fit them for the President of Congress to subdue either *Wabash Indians* or *quell insurgents in the County of Hampshire*—true, it may save the states the expense and trouble of declaring war against the *Wabash Indians* [and] in [the] future in these Northern States, when our militia, trained and well disciplined, will be ready to execute their commands. A mild government, gentlemen, wants no military force to support it, and an arbitrary and oppressive government doth not deserve it.

My 6th objection is to the 9 paragraph in the 8 section under the 1 Article and unto 1 section in the 3 Article, for I must skip about to look them up where they have scattered them in order to render them more mysterious and unintelligible, which should have been connected together if they intended they should be understood. 6-6 [Article I, section 8, paragraph 9 and Article III, section 1]. Here they tell us of a Supreme Court to be erected somewhere, but they don't tell us where—and that they shall have a compensation for their services, but they don't tell us how much—and that they shall hold their seats during good behavior, by that I understand as long as they live or, at most, until some fitter tool to serve their purposes shall appear to oust them—and that their salaries shall not be diminished—and that Congress shall have power to erect *inferior tribunals* under the Supreme Court of their appointment. Now, gentlemen, the designs of these paragraphs is that these courts appointed by this new-fangled Congress shall eat up our courts, of which our representatives have now the right of appointing the judges annually—and if it would eat up all the lawyers likewise, if they would expunge that paragraph of the Negroes, I should be tempted to vote for all the remainder. If we cannot by this Constitution eat up the lawyers, they will soon eat us up.

I will now, gentlemen, finish my objections by my 7th and last objection, although I could spin them out with great propriety to 20 or 30 more, which is to the 2 paragraph of the 3 section under the 4 Article. -7 [Article IV, section 3, paragraph 2]. I have reserved this for the last, as it is the *butt cut* for *art* and *intrigue*. Now, gentlemen, is there one in 40 of you that would judge this paragraph was a complete deed and absolute grant of all our western territory. They have taken care that we do enable them, if we adopt this new Constitution, that we resign into the hands of Congress the *impost*, *excise*, *duties*, and a power to tax us for as much more as they want, and to make all necessary laws to regulate them matters, to appoint their supreme and inferior courts, to eat up ours, and we take our militia out of the hands of our governors, reducing our governors into

the quality of drill sergeants, [and] convert our militia into a standing army.

*Benjamin Gale to William Samuel Johnson*  
*Killingworth, 13 November (excerpt)*<sup>11</sup>

We yesterday met to choose delegates. There was about 150 voters present, and we chose 2 delegates to meet in Convention. One was chose by 14 votes and the other had 13. All the others would not vote at all and are really against it, but you gentlemen of the [Constitutional] Convention ~~and Congress~~ have *jobbed off* our Assembly and the people nicely.

1. MS, Gale Papers, Bienecke Library, CtY. It is unknown if Gale actually delivered this speech, but it is printed here because it is the only detailed criticism of the Constitution by a Connecticut Antifederalist that has been located. There are what appear to be two earlier drafts of the speech in the Gale Papers. One is largely an attack on commutation and the Society of the Cincinnati's efforts to strengthen the powers of Congress, particularly the attempt to grant Congress a "fixed permanent revenue." The other draft attacks the method of ratification proposed by the Constitutional Convention and argues that the Constitution will rob "the states of their freedom, sovereignty, and independence" (for transcripts of the two drafts, see Mfm:Conn. 33). Parts of the earlier drafts are contained in the speech above, which also quotes and paraphrases some of the arguments in the "Letter from Massachusetts" in the *Connecticut Journal* on 17 and 24 October (III above).

2. The Assembly adjourned on 1 November.

3. The quotation is from the *Connecticut Journal* of 10 October, which reprinted the account from the *Pennsylvania Gazette* of 3 October (RCS:Pa., 124). See also Gale to the Printer of the *Connecticut Journal*, October, III above.

4. See RCS:Pa., 68-126.

5. On 22 March 1783 Eliphalet Dyer switched his vote, and commutation was adopted by the vote of nine states, the number required by the Articles of Confederation (JCC, XXIV, 210).

6. Imlay was the Continental Loan Office commissioner in Connecticut. Opposition to Congress' civil list had been widespread in Connecticut. The fourth session of the Middletown Convention in March 1784 denounced the money Congress spent on its "servants" and all "the pomp and parade of European habits and manners" (*Connecticut Courant*, 30 March). In October 1785 the Assembly ordered the Connecticut delegates in Congress to secure an accurate list of the names and salaries of all officials employed by Congress (CSR, VI, 100).

7. The argument that the Southern States would dominate Congress was made in the "Letter from Massachusetts" on 17 and 24 October and answered in the "Letter from New York" on 24 and 31 October (III above). See also "Philanthrop," *American Mercury*, 19 November, V below.

8. See CDR, 186, 189.

9. Under the Articles of Confederation common expenses were to be shared among the states according to the value of lands "granted to or surveyed for any Person" (CDR, 89).

10. At this point Gale began inserting numerals in the manuscript. It is evident that the numerals were keyed to passages in the Constitution which he intended to

quote as he spoke. The relevant passages have been cited in brackets immediately after Gale's numerals.

11. RC, Johnson Papers, CtHi. For a longer excerpt, see V below.

### Lebanon

[12 November] At a meeting of the inhabitants of the town of Lebanon warned by the selectmen, to be holden at the usual place, on Monday the 12th of instant November at 1 o'clock, P.M. to choose delegates to meet in Convention at Hartford on the 1st Thursday of January next, to take into consideration the late report of the Continental Convention, agreeable to a recommendation of the General Assembly of this state at their session in October last, and do any other business proper to be done at said meeting. Warning dated 1st November 1787.

Being met on said Monday, the 12th of November 1787, accordingly, they made choice of Wm. Williams, Esquire, moderator.

The act of the General Assembly, recommending the choosing such delegates, and appointing the day to cho[o]se them, or the same number as they have right to choose for representatives, etc. was read, and then, on motion,

The Constitution, agreed on, reported, and recommended by the late Convention of delegates from all the United States (Rhode Island excepted) held in Philadelphia, the last summer, for the purpose [of] revising, amending, etc. the Confederation, and which is to be subject of the consideration, for adoption or not, of the proposed Convention at Hartford, etc., together with the letter of the Philadelphia Convention, accompanying the same, to Congress, and the act of Congress recommending the same to be laid before the legislatures of the states, were distinctly and audibly read in this meeting.

And after some observations on the propriety of proceeding at this time, it was on the question voted that they will now proceed to the choice of two delegates to attend the Convention at Hartford.

And thereupon the ballots being given in, it appeared Colonel Wm. Williams, Esquire was chosen first delegate for the purpose; and the ballots being called and taken for the other, and being sorted and counted, no choice was made. And then being called and given in again, and sorted and counted, it appeared Captain Epm Carpenter was chosen.

Several motions were then made, relative to the town's showing their sentiments, as to their approbation and adoption of the proposed Constitution or not, and as to instructing their delegates, adjourning the meeting, etc. Objections were made, etc.

And a question agreed to, was put in whether the town are now ready and prepared to show their minds on the merits and approbation or disapprobation of the new proposed Constitution. And on a division of the house, a majority were in the affirmative, but a large number appearing in the negative, the motion for proceeding to act on it at this time was waived and given up.

And on further motion, the question was put whether this meeting should be adjourned to Wednesday the 21st day of November instant at 1 o'clock, P.M. at this place with a view then and there to show their minds, as to approving or not the said Constitution and to instruct their delegates, if they think proper. And was voted in the affirmative and the moderator dissolved said meeting to be adjourned accordingly.

[Recorded?] per Wm. Williams, Town Clerk.

[21 November] At an adjourned town meeting, holden as per adjournment last before entered, holden at the meeting house in Ist Society Wednesday, 21 November 1787 (*a very rainy day*).

Being met, etc. on motion the new-proposed Constitution was (again) distinctly read; and it was moved that some printed pieces, against and in favor of said Constitution, should be read, but the motions were waived and withdrawn.

It was then moved to try the question whether they give instructions to their delegates chosen at the last meeting relating to said Constitution. The motion in giving any instructions was objected to and urged pro and con. And the question being put was resolved in the affirmative (14 con, the rest for it).

Then moved that the minds of the town be tried whether they approve said Constitution, and agreed that it should be tried by yeas and nays. And being tried in that way, they resolved and voted that they do not approve said Constitution.

Yeas were 13. Nays were 49.

They then on motion voted to choose a committee to prepare and draw instructions for their delegates relative to the same, to be laid before the town at the time to which this meeting shall be adjourned.

And thereupon they made choice of Messrs. Elka [Elkanah] Tisdale, Esquire, Captain Danl. Tilden, Dr. Thos. Williams, Mr. Oliv. Huntington, Captain [Nath.?] Williams, Colonel [Jon.?] Mason, Captain Danl. Dunham, Mr. Silus Clark, and Major Elijah Hyde a committee for that purpose.

And then on motion voted that this meeting shall be adjourned to the day of holding the annual town meeting in December next, to hear and consider said instructions. And the moderator declared it to be adjourned accordingly.

[10 December] At an adjourned town meeting on the day of the annual town meeting from the 12th November 1787 and adjourned to 21st. November and from thence again adjourned to this 10th day of December 1787, after the annual town meeting, the meeting opened for the purpose of hearing and considering the instructions, directed at the last meeting to be prepared for the delegates appointed to attend the Convention at Hartford 1st. Thursday of January next, etc.

Wm. Williams, moderator.

It was moved that considering the last meeting was holden on a stormy day, and but few attended, that the question for approving or disapproving the new proposed Federal Constitution might be reconsidered and tried again. Which motion was agreed to, all professing to give so important a question the most candid consideration. And thereupon they voted to reconsider the vote passed at the last meeting disapproving said Constitution.

And the question was again considered and was argued pro and con; and the question being called for, and to be tried as before by yeas and nays, and being taken, there appeared to be forty-one in favor of and eighty-one against approving the said Constitution, and was declared in the negative, accordingly, by the moderator.

Then the instructions, prepared by the committee appointed at the last meeting, were called for, laid in and twice distinctly read and considered.

The question was put whether the town do approve and pass the said draft as their instruction to their delegates appointed to attend the state Convention at Hartford, 1st Thursday of January next, and was voted and resolved in the affirmative by a large majority.

And the meeting voted and was declared to be dismissed.

### **Lisbon**

[12 November] At a town meeting legally warned and holden in Newent Society to choose a delegate by ballot to meet in Convention at Hartford the first Thursday of January next pursuant to a late act of Assembly. Elisha Lathrop, Esquire, moderator.

The Reverend Andrew Lee was chosen by ballot to meet in Convention the first Thursday of January next at Hartford agreeable to a late requisition of Assembly.

Test, Jedh. Burnam, Town Clerk

### **Litchfield**

[12 November] At a general meeting of the people of Litchfield qualified by law to vote in town meetings being previously warned

and regularly convened in said Litchfield on the 12th day of November 1787. The Honorable Oliver Wolcott, Esquire chosen moderator.

Pursuant the special recommendation of the Honorable General Assembly in their late sessions at New Haven: the Honorable Oliver Wolcott, Esquire and Mr. Jedidiah Strong were chosen delegates to attend the Convention proposed to be holden at Hartford on the first Thursday of January 1788 to take into consideration and decide upon the Constitution for the United States, as reported by the Federal Convention lately assembled in Philadelphia to Congress, and thereupon transmitted to the said legislature to be submitted to such state Convention agreeably to the resolves, etc. accompanying the said proposed Constitution.

The meeting dissolved by adjournment, *sine die*.

### Mansfield

[5 November] The inhabitants of the town of Mansfield who by law are qualified to vote in town meeting are hereby warned to meet at the meetinghouse in the First Society in said town on the second Monday of November instant at one o'clock in the afternoon, then and there to act on the following articles, viz.:

1. To choose a moderator to preside in said meeting.
2. To choose delegates, as provided by a law of this state, to attend on a general Convention of the delegates from the several towns in this state, to be holden at Hartford, on the first Thursday of January next, for the purposes of accepting and ratification of a Constitution, recommended to the people of these states by a Convention of delegates held at Philadelphia the summer past.
3. To see if said inhabitants will take any measures to recover from the town of Simsbury in this state the expenses arisen on said inhabitants by the late sickness of Mary Basset, an inhabitant of said town of Simsbury.

Exp Storrs, Jabez Barrows, Jr., Samuel Thomson, Amaza. Wright, Selectmen

[12 November] Town meeting, November 12th 1787.

John Salter, Esquire, moderator.

Con Southworth [and] Mr. Natha Attwood, delegates.

. . . . .

Adjourned to the first Monday in December next at 2 o'clock, P.M.

[3 December] Adjourned to the 3d Monday December instant at nine o'clock morning.

[17 December] December, 3d Monday (17th day) 1787.

Said meeting opened, and the question was put whether said inhabitants do approve of the new proposed Constitution.

Resolved in the negative.

C. Southwth, Clerk

### **Middletown**

[12 November] At a meeting of the inhabitants of Middletown held by special order and warning from the selectmen of said town the 12th day of November 1787.

John Dickinson, Esquire was chosen moderator.

Voted that this meeting be adjourned one-quarter of an hour, and to be held at the meetinghouse. Met and opened according to adjournment.

This meeting by ballot chose Asher Miller and Saml H. Parsons, esquires, delegates to meet the general Convention at Hartford in January next.

Voted that Major George Phillips, Elijah Hubbard, Esquire, Matthew Tallcott, Esquire, Jno. Dickinson, Esquire, Mr. Elihu Stow, Captain Jared Shepard, Captain Saml. Chamberlain, Ebenr. Bacon, Esquire, and Mr. Francis Clark be a committee to give instructions to the delegates chosen this day to meet in general Convention in Hartford in January next.

A true record

Test, B. Fisk, Town Clerk

### **Montville**

[12 November] At a meeting of the inhabitants of the town of Montville legally warned and held the 12th day November 1787 by order of Assembly.

Joshua Raymond, Esquire, moderator.

Mr. Joshua Raymond, Jr. chosen delegate to attend the Convention to be holden in the city of Hartford on the first Thursday of January next.

Test, John Raymond, Jr., Town Clerk

### **New Hartford**

1787 November 12th. At a legal meeting of the inhabitants of New Hartford the following votes were passed, viz.:

Voted Colonel Aaron Austin be moderator.

Voted Colonel Aaron Austin and Mr. Thomas Goodman be our delegates to meet the delegates from the several towns in this state at Hartford in January next, etc.

Voted to dissolve this meeting.

**New Haven<sup>1</sup>**

[12 November] At a meeting of the town of New Haven holden in New Haven on the 2d Monday of November 1788 [i.e., 1787] agreeable to a resolve of the General Assembly in October last, directing each town in the state to make choice of delegates to attend at Hartford in the Convention directed by said Assembly, to be holden on the 1st Thursday of January next, to take into consideration the Constitution lately made by the Convention of the United States at Philadelphia.

This town by vote made choice of the Honorable Roger Sherman and Pierpoint Edwards, esquires, delegates to attend said Convention for the purpose aforesaid.

This meeting adjourned without day.

1. Summaries of the town meeting proceedings were printed in the *Connecticut Journal* on 14 November and in the *New Haven Gazette* on 15 November (Mfm: Conn. 34). The *Journal* account, reprinted seven times from Rhode Island to Georgia by 15 December, stated that "The meeting was full, harmonious, and the delegates chosen by a very great majority." The *Gazette* reported that Roger Sherman was "in the chair," and that the Constitution was read before the election of delegates.

**New London**

[12 November] At a meeting of the inhabitants of the town of New London November 12th 1787 for the purpose of choosing delegates to meet in a Convention at Hartford on the first Thursday of January next, agreeable to a resolve of the General Assembly.

John Deshon, Esquire, moderator.

Honorable Richard Law, Esquire [and] Mr. Amasa Learned were chosen delegates.

**New Milford**

[12 November] At a legal town meeting of the inhabitants of New Milford lawfully warned and holden on the 12th day of November 1787.

Colonel Saml. Canfield was chosen moderator for said meeting.

And Daniel Everitt and Colonel Saml. Canfield was chosen delegates to attend the Convention to be holden at Hartford in January next in conformity with a resolve of the General Assembly of this state on the 12th day of November 1787 [17 October].

And lastly this meeting was dissolved by vote.

Recorded per, E[lisha] Bostwick, Register.



**Newtown****Federal Constitution**

[30 October] In pursuance of a resolve of the General Assembly of the State of Connecticut in America, holden at New Haven in said state on the second Thursday of October A. Dom. 1787 notice is hereby given to the inhabitants of the town of Newtown, who are qualified by law to vote in town meetings, to meet on the second Monday of November next at the town house in said Newtown at 9 o'clock in the forenoon in order to choose delegates to meet in a Convention of delegates to be assembled on the first Thursday of January next in the city of Hartford, agreeable to the recommendation and for the purposes as mentioned in said resolve of Assembly and to transact any other business necessary and proper to be done in said meeting.

Newtown, October 30th A.D. 1787

William Edmond	}	Selectmen in behalf of said Newtown selectmen.
Davd. Baldwin		

[12 November] The meeting legally convened and opened according to law and agreeable to the foregoing notification.

Voted at said meeting that Mr. Nehemiah Strong be moderator of said meeting.

Test, Caleb Baldwin, Town Clerk

Put to vote whether this town will instruct their delegates in Convention to be holden at Hartford on the first Thursday of January next, voted in the affirmative.

Test, Caleb Baldwin, Town Clerk

Voted at said meeting that the meeting shall now proceed to choose delegates to attend said Convention.

Voted at said meeting that General John Chandler shall be the first delegate to said Convention. Voted at said meeting that John Beach, Esquire shall be the second delegate to attend said Convention.

Voted at said meeting that this meeting do rescind their former vote relative to instructing their delegates.

Test, Caleb Baldwin, Town Clerk

**Norfolk**

[12 November] At a legal town meeting in Norfolk on the 2 Monday of November A.D. 1787, Captain M[ichael] Mills chosen moderator for said meeting.

Voted and chose Mr. Asahel Humphry and Doctor [Hosea] Humphry delegates to attend the Convention at Hartford according to act

of Assembly on the first Thursday of January next and voted [to] give written instructions to said delegates and voted and chose Captain Ariel Lawrance, Dudley Humphry, Esquire, Matthew Phelps, Major Giles Pettibone, Nathl Peaser, Hosea Willcocks, and Captain M. Mills a committee for the purpose aforesaid.

Voted to adjourn the meeting to first Monday of December next at 9 of clock in the forenoon.

[3 December] At a town meeting legally holden by adjournment from the 2nd Monday of November. A.D. 1787 the committee advise to leave the whole matters with the delegates and not give any written instructions to them, but to leave it with them to act as they shall think best.

The meeting voted to accept the committee advice.

Voted to dissolve the meeting.

### Norwalk

[12 November] At a meeting of the inhabitants of the town of Norwalk on Monday the 12th day of November 1787.

Colonel Thomas Fitch, Esquire chosen moderator.

At the same meeting Major Hezekiah Rogers and Samuel C. Silliman, Esquire were chosen delegates to meet in a Convention at Hartford in January next agreeable to a resolve of the General Assembly in October last.

This meeting is dismissed.

### Norwich

[12 November] At a meeting of the inhabitants, legal voters of the town of Norwich, legally warned and holden on the second Monday of November 1787.

General Jedidiah Huntington is chosen moderator.

His Excellency Samuel Huntington, Esquire and General Jedidiah Huntington, Esquire are chosen delegates to represent this town in a state Convention to be holden in Hartford on the first Thursday of January next for the purpose of taking into consideration the Federal Constitution proposed by a Convention of delegates from the United States, lately assembled in the city of Philadelphia and to act thereon as their wisdom shall direct, agreeable to the resolve of the General Assembly of this state at their sessions in October last.

Test, Benj Huntington, Jr., Town Clerk

**Pomfret**

[12 November] At a meeting of the inhabitants of the town of Pomfret legally convened on the 12th day of November 1787.

John Williams, Esquire was chosen moderator for said meeting.

And Jonathan Randall, Esquire and Deacon Simon Cotton were chosen delegates to meet in a Convention in the city of Hartford on the third day of January next.

Then the meeting was adjourned to the third Monday of December next at nine o'clock in the morning.

Attest, John Trowbridge, Town Clerk

[17 December] Meet by adjournment and dissolved.

Test, Josiah Sabin, Town Clerk

**Preston**

[12 November] At a meeting of the inhabitants of the town of Preston legally warned and held in said Preston South Society the 12th day of November A.D. 1787.

Dean. Huntinton [Deacon Andrew Huntington] was chosen moderator of said meeting.

The question was put whether this town will choose delegates to meet at Hartford to attend the state Convention in the usual way of choosing representatives.

Voted in the affirmative.

Colonel Jeremiah Halsey and Mr. Wheeler Coit were chosen delegates to attend the Convention to be holden at Hartford on the first Thursday of January next agreeable to a resolve of the General Assembly at their session in October last.

The question was put whether this meeting will give instructions to the delegates above chosen.

Voted in the affirmative.

Voted by this meeting to choose Benjamin Coit, Esquire, Colonel Saml. Mott, Major Nathan Peters, Elias Brown, and Oliver Crary, esquires, a committee to draw up instructions for the delegates chosen in this meeting and exhibit said instructions in open town meeting on a future day.

Voted to adjourn this meeting a fortnight from this day then to meet at this place 12 o'clock on said day.

Entered by, Daniel Morgan, Jr., Town Clerk

[26 November] At a meeting of the inhabitants of the town of Preston legally warned and held in said Preston, South Society by adjournment November 26th A.D. 1787.

Deacon Andrew Huntington was moderator of said meeting.

Voted to give the delegates chosen by this town to attend the state Convention to be holden at Hartford on the first Thursday of January next the following instructions, viz.:

Colonel Jeremiah Halsey and Mr. Wheeler Coit.

Gentlemen: We the inhabitants of the town of Preston legally convened in town meeting having made choice of you, delegates to represent us in the Convention of this state to meet at Hartford in January next to consider of the Constitution proposed to be established in the United States by the late Federal Convention held in Philadelphia, and as we consider ourselves deeply interested and also our posterity in the matter of the proposed Constitution to which for us you are to assent or dissent, we esteem it our right and our duty to instruct you in our opinion and desire on this important subject. It is our ardent wish that an efficient government may be established over these states so constructed that the people may retain all liberties, privileges, and immunities usual and necessary for citizens of a free country and yet sufficient provision made for carrying into execution all the powers vested in government. We are willing to give up such share of our rights as to enable government to support, defend, and preserve the rest. It is difficult to draw the line. All will agree that the people should retain so much power that if ever venality and corruption should prevail in our public councils and government should be perverted and not answer the end of its institution, viz., the well being of society and the good of the whole, in that case the people may resume their rights and put an end to the wantonness of power. In whatever government the people neglect to retain so much power in their hands as to be a check to their rulers, depravity and the love of power is so prevalent in the humane mind, even of the best of men, that tyranny and cruelty will inevitably take place, and the people will be undeceived too late. We agree that the people of these states have no energetic common compact or national existence strictly speaking, and in that respect they are as a number of individuals nearly in a state of natural liberty, and we believe it would be for the benefit of the people that a system of government should take place that we may enjoy national advantages and assume some national importance; but individuals should move with caution in giving up their individual and natural rights to society. 'Tis much easier to give more power into the hands of government when more is necessary than to recover back where too much is already given. The want of attention to these

maxims has enslaved almost all the nations of the world. When we view the compact or Constitution proposed to these states, we have the following objections to its acceptance without alteration, viz.:

1st. The unfrequent elections, the smallness of the representation, and the long continuance of power in the senatorial body after having been elected by a sort of secondary delegates and ultimately the power of election lodged in very few hands.

2nd. We object to the power of direct taxation without limitation or restraint being lodged in Congress, unless, upon trial, it should be found that the other resources about to be given to the legislative should be found inadequate to the exigencies of government. We do apprehend that the disposition of the avails of all the unappropriated territories of the United States, and having ample power for the regulation of trade, levying imposts, excises, and all kinds of duties on luxuries, etc. will be sufficient means in the hands of government for discharg[ing] the debts and supporting the dignity of the Union. If on trial we should find ourselves mistaken in this particular, it will be time enough in future to grant such further aid as shall be found necessary. We have not forgot the wormwood and the gall of an eight-years' severe and bloody war and all to defend our liberties and retain some pittance of property in [our?] hands that we might call our own, and now after every other means of revenue is [lodged?] in the hands of the federal government that those who are nigh and also those very distant from the seat of government should indiscriminately have their polls and freehold taxed also without having proper intelligence of the necessity of the tax, we fear would alienate the minds of the people from their system of government. It would render the several assemblies of the different states and also their executives of little or no consequence, and leave us utterly without means of discharging the enormous load of debt incurred in the late war as individual states, and also destitute of resources for supplying government in our separate political existence.

3rd. We object to the mode of appointing the judges of the Supreme and other judicial courts so far as respects the duration of their appointment. Their continuance in office pursuant to their appointment ought, in our opinion, to be periodical and new appointments ought to take place as often as the new elections of the representative body of the legislative. Any longer term of holding the judicial powers are inconsistent in a free country.

4th. We find by the provisions [of the] fifth Article in the proposed Constitution that by a proposal of the legislative of the federal government, passed by two-thirds of that body, three-quarters of the separate state legislature are enable[d] to make any alterations in

the Constitution. To all intents and purposes this power thus vested enables the several legislators to change the form of government at pleasure without ever consulting the people. We ever supposed legislative bodies chosen for the purpose of making laws and not for the purpose of altering the original compact of the people. Neither can they transfer the power of making laws to any other persons whatever.

5th. We observe that the right of trial by jury in civil causes is not secured in the federal courts. This is repugnant to the custom handed down from our ancestors and always set easy on the people and esteemed as a privilege.

These, gentlemen, are our sentiments, and these are our objections. If you find, when you join the Convention at Hartford on the matters which turn up in view, that there is a prospect of a ratification of the Constitution proposes with some of the most material alterations here mentioned, we willingly would give our assent on them conditions. If there be no prospect of any alterations, but it must be accepted or rejected as it now stands, we trust from your candor you will peruse these our sentiments with deliberation, and we doubt not you will give your assent or dissent as you shall really think will terminate for the best good of the people of these states.

The question was put whether this meeting will do anything at this time respecting a division of this town. Voted in the negative.

Voted that this meeting be adjourned without day.

Entered by, Daniel Morgan, Jr., Town Clerk

### Ridgefield

[12 November] At a town meeting held in Ridgefield on the 12th day of November A.D. 1787 agreeable to and in pursuance of a resolve and recommendation of the General Assembly of the State of Connecticut, for the purpose of choosing delegates to meet at Hartford on the first Thursday of January next, for the purposes of adopting or rejecting the Constitution proposed by the Convention and recommended by the Congress of the United States.

Mr. Timothy Keeler was chosen moderator of said meeting.

Colonel Phillip B. Bradley and Captain Nathan Dauchy were chosen delegates by ballot as abovesaid.

Voted unanimously that this meeting do approve of the Constitution made by said Convention and recommended by the Congress, and that their delegates are instructed to declare the voice of the people of this meeting at their meeting aforesaid at Hartford.

Voted also that said meeting is dismissed.

Attest, Ben. Smith, Town Clerk

**Salisbury**

[12 November] At a town meeting legally warned and holden at Salisbury November 12th 1787. Voted that Colonel Joshua Porter be moderator of this meeting.

Voted that Hezekiah Fitch, Esquire be our first and Colonel Joshua Porter our second delegate for Convention to be holden at Hartford on the first Thursday of January next agreeable to resolve of Assembly passed at New Haven in October last.

Voted that this meeting be dissolved.

**Sharon**

[12 November] At a town meeting legally warned and held in Sharon the 12th day of November 1787.

David Downs, Esquire was chosen moderator of this meeting and Augustin Taylor clerk *pro tempore*.

At the same meeting Mr. Josiah Colman was chosen first deputy to represent the town at the state Convention to be holden at Hartford in January next to consider and weigh the proposed new Federal Constitution and whether to adopt it or not, and Mr. Jona. Gillet chosen the 2nd deputy.

Voted this meeting dissolved.

**Simsbury**

[12 November] At a special town meeting of the inhabitants of Simsbury legally warned held in the First Society in said town on the 12th day of November A.D. 1787.

Captain Elisha Graham was chosen moderator of said meeting.

Colonel Noah Phelps and Daniel Humphry, Esquire were chosen delegates for the Convention of the State of Connecticut to convene at Hartford in the county of Hartford on the first Thursday of January next.

And it was proposed to and taken into consideration by said meeting [whether] it would be advantageous to this and the other United States of America to adopt the new Constitution agreed upon by the Federal Convention lately held at Philadelphia. And after deliberating on the subject, it was voted by said meeting that it was the sense and opinion of the same that to adopt said proposed Constitution would institute and erect an aristocracy which they fear would end in despotism and tyranny and extinguish or nearly absorb our ancient charter privileges ever sacred and dear to us, and that instead of lessening our taxes and burdens, it would greatly increase and

augment them and finally prove destructive of our most invaluable liberties and privileges. Therefore, this meeting do instruct their said delegates to the Convention of the State of Connecticut to be convened at Hartford on the 1st Thursday of January next to use their endeavors to oppose the adoption of said Constitution as it is now proposed.

. . . . .

Then dissolved this meeting.

### Somers

[12 November] At a town meeting held in Somers on the 12th day of November A.D. 1787 Joshua Pomory moderator.

Deacon Joshua Pomory and Colonel Abiel Pease chosen delegates to attend the Convention to be held at Hartford on the first Tuesday [*sic*] of January next.

### Southbury

[12 November] At a meeting of the inhabitants of the town of Southbury assembled (agreeable to warning given by the selectmen on a recommendation of the General Assembly held at New Haven on the second Thursday of October A.D. 1787) on the 12th day of November, 1787.

Captain Ebenezer Smith was chosen moderator.

On the desire of several members of the meeting, the Constitution proposed by the late Convention at Philadelphia for the United States of America was read, together with the letter to Congress from General Washington, the resolve of Congress on the subject, and the recommendation of the said General Assembly for a Convention to be holden at Hartford on the first Thursday of January next on the matter of said proposed Constitution.

After sundry observations, the meeting proceeded to choose a delegate to represent this town at said Convention at the city of Hartford, and by ballot they made choice of Colonel Benjamin Hinman for that purpose.

The meeting then adjourned to the second Monday of December next at the meetinghouse in the Society of Southbury, at ten of the clock in the forenoon.

December 10th A.D. 1787. The meeting opened according to adjournment.

Being the day of the annual town meeting, adjourned to Thursday the 20th instant at three of the clock afternoon.



December 20th 1787. The town met according to adjournment from the 10th instant to consult on the subject of the new Constitution proposed by the late Convention at Philadelphia, for the United States of America. The matter being in some degree discussed.

The question was put by the moderator to the members present, separately, whether they would wish to have said Constitution adopted or not.

Passed in the affirmative, *nem. con.*

The meeting was then dismissed.

### Southington<sup>1</sup>

[12 November] At a meeting of the inhabitants of the town of Southington (who have a right by law to vote in town meetings) legally warned and held on the 12th day of November A.D. 1787.

Captain John Curtiss chosen moderator.

At the same meeting Captain John Curtiss and Mr. Asa Barns were chosen delegates to attend a Convention at Hartford on the first Thursday of January next according to a late resolve of Assembly.

The same meeting adjourned to the second Monday of December next at three o'clock in the afternoon.

1. MS, Unbound Manuscript Collections, Southington Town Meetings, 1779-1847, Ct. Adjourned meetings were held on 10 and 31 December, at which the Constitution was not considered.

### Stonington

[12 November] At a town meeting legally warned and held in Stonington November 12th 1787.

Major Charles Phelps and Nathl. Minor, Esquire was chosen delegates to attend the Convention to be holden at the city of Hartford on the first Thursday in January next.

Attest, P. Chesebrough, Register

### Stratford

#### *Town Meeting Records*

[12 November] At a town meeting legally warned and convened at the town house in Stratford on the 2d Monday, the 12 day of November 1787 for the purpose of choosing delegates to meet at the city of Hartford on the first Thursday of January next, in order to consider of, assent to, and ratify the Constitution of government made and submitted to the respective states by a late Convention held in the city of Philadelphia for that purpose—Major Agur Judson moderator of said meeting.

Upon motion the meeting was adjourned to the meetinghouse in the First Society.

The Constitution with the letter accompanying the same and the resolves of the General Assembly being read and duly considered,

The meeting then proceeded by ballot and made choice of Wm. Saml. Johnson, Esquire and Elisha Mills, Esquire delegates to meet in Convention at Hartford for the purpose aforesaid.

Robert Fairchild, Town Clerk

*Robert Charles Johnson to William Samuel Johnson  
Stratford, 12-13 November (excerpt)<sup>1</sup>*

This afternoon I spoke in the town meeting. I observed the outlines of the declamation you read. I chained down the attention of a numerous audience for upwards of three-quarters of an hour. Silas Hubble [Hubbell], at the beginning of the debate, made a motion "that as I had been much with you, I should be requested to deliver my sentiments of the Constitution." The proposition was laughed at and rejected. I was then determined I would speak. Major [Joseph] Walker held me by the arm, said I should ruin everything. I stayed till the moderator called for the votes. I then broke from him, jumped over the seats, mounted the pulpit stairs, and succeeded beyond by expectations, equal to my wishes. I closed with "launching an empire on the sea of glory" amidst a general clap of applause. Everyone I met shook me by the hand, told me I was an honor to Stratford, to myself, I merited my name. I went to hand in my vote. The moderator, Major [Agur] Judson, rose from his seat, shook me by the hand, said "he publicly thanked me for the information and pleasure I had given; I was an honor to Stratford." The selectmen *unitedly* requested that I would [preserve?] the chain of my arguments that they might print [them]; it was a pity they should be lost after making such an impression. Can I not, sir, as I have once deluded them by declamation and rounded periods, again further deceive them and make an impression upon others. I have already told them I could only give them the sense of the speech. Can I not now, by writing the outlines of declamation and by close logical reasons intermingled, submit it to men of sense and confirm my reputation? I have the strongest prepossession in my favor and have only to exert my abilities to give a shading to the picture to bear the test of examination.

Tuesday morning [13 November].

Sir, please to write me as soon as convenient as the selectmen have already called on me for a copy of my speech. I am very sensible of its weakness as delivered; but cannot I give it the heightening of *reasoning*? You, sir, and Esquire [Elisha] Mills are chosen. I should

certainly have been elected had not everyone been persuaded from my information that you would attend. Esquire [Daniel] Bennet and myself were exactly balanced, and had I had intriguing on my side, should have carried it against Esquire Mills. Forgive, sir, this effusion of vanity. I am sensible it will not bear examination. The speech neither deserved it, and I ought not therefore to be elated with the applause of the mob, but permit me to give indulgence to my feelings for a moment, and I flatter myself that it will tend only to increase my application, that if possible I may not be undeserving of the excellent education you have given me.

1. RC, Unbound Manuscript Collections, John Lawrence Papers, Ct. Robert Charles Johnson, a Stratford lawyer, was William Samuel Johnson's son. For another account of the town meeting, which he wrote on 3 December, see Mfm:Conn. 48. With the exception of Silas Hubbell, all of the men named in this letter served in the House of Representatives at one time or another between 1778 and 1801.

William Samuel Johnson replied on 17 November and gave his son some advice about the publication of the speech (Mfm:Conn. 38).

### Suffield

[12 November] At a town meeting legally warned and convened at Suffield on the 2d Monday in November 1787, for the purpose of appointing delegates to attend the Convention at Hartford on the first Thursday in January next, to ratify or not the new Constitution recommended by the late Convention of the United States.

Major Elihu Kent appointed moderator.

The meeting adjourned to next Monday at 9 clock forenoon.

[19 November] 3d Monday in November 1787. Met according to adjournment and made choice of Messrs. Alexander King and David Todd to attend the Convention as delegates in behalf of said town.

### Thompson

[5 November] Agreeable to a resolve of the General Assembly, these are to warn all the inhabitants of the town of Thompson who are qualified by law to vote in town meeting to meet at the South Meeting House in said town on Monday the 12 of this instant November at one of the clock afternoon in order to choose a delegate to attend the Convention to be holden at the city of Hartford on the first Thursday of January next for the purpose mentioned in the resolve of the Convention and Congress and any other business that may be thought proper to act on said day by order of the selectmen.

Jacob Dresser, Town Clerk

[12 November] Agreeable to the warning, have meet at time and place and after reading [the Constitution?], voted and chose Lieutenant Amos Carrill moderator for said meeting.

The[n] voted [and chose?] Major Daniel Larned a delegate to represent the town of Thompson [in the?] state Convention.

Then dissolved said meeting by a vote.

Test, Jacob Dresser, Town Clerk

### Tolland

[12 November] At a legal town meeting held in Tolland November 12th 1787 Captain Ichabod Hinkley was chosen moderator of said meeting.

Doctor Jeremiah West and Colonel Samuel Chapman were chosen delegates to attend the general Convention to be convened at Hartford on the first Tuesday [*sic*] of January next.

Benoni Shepherd, Town Clerk

### Torrington

[12 November] At a town meeting held in Torrington, November 12th 1787 by order of the General Assembly.

Voted that Captain Amos Wilson be moderator of said meeting.

Voted that General Epaphras Sheldon and Mr. Eliphelit Eno be delegates to attend the Convention to be held at Hartford on the first Thursday of January next as per order of Assembly.

Voted that those persons that have not showed their minds in respect to the doings of the Convention have liberty to enter their names and the side that they are of, whether for or against it, at General Sheldon, Mr. Noah North, or Mr. David Sopers between this or on the annual town meeting day next whether they are for approving or disapproving, and anyone that have approved or have disapproved may change as they please between this or on town meeting day as aforesaid.

Voted that the meeting be adjourned till the annual town meeting in December next and was adjourned accordingly.

[3 December] Opened according to adjournment, and the yeas and nays rec[eive]d and some names entered and then dissolved.

**Union<sup>1</sup>**

[12 November] At a town meeting held by a legal warning of the inhabitants of the town of Union on the 12 day of November 1787, Captain Abijah Sessions chosen moderator.

Voted to choose Captain Abijah Sessions a delegate to represent this town at the Convention to be holden at Hartford on the first Thursday of January next agreeable to a resolve of the General Assembly holden at New Haven on the 2d Thursday of October 1787.

Voted to dissolve this meeting. This meeting  
Recorded by me, Soln Wales, Town Clerk

1. MS, Union Town Records, Town Meeting Book, 5 December 1787-January 1790, Ct.

**Voluntown**

[12 November] At a meeting of the inhabitant[s] of Voluntown legally warned and held in said town on the 12th day of November A.D. 1787. Benjamin Dow was chosen moderator.

At the meeting above, said Benjamin Dow and Captain Moses Campbell was chosen delegates to attend a Convention to be holden at Hartford in the State of Connecticut on the first Thursday of January next.

**Wallingford**

[12 November] At a special town meeting in Wallingford, November 12, 1787.

Chose Eliakim Hall, Esquire moderator of said meeting.

Chose Colonel Street Hall and Samuel Whiting, Esquire delegates to meet in a Convention on the first Thursday of January next in the city of Hartford for the purposes of considering the Constitution recommended by the Convention and according to the recommendation of the General Assembly.

A true record

Test, Elisha Whittelsey, Jr., Register

[18 December] At an annual town meeting in Wallingford, December 18, 1787.

Chose David Hall, Esquire moderator of said meeting.

Voted, that this meeting will not proceed to take the Constitution into consideration this day.

**Washington**

[12 November] At legal town meeting held at Washington, November 12th 1787. John Whittlesey, Esquire was chosen moderator.

Voted, and John Whittlesey and Danl N. Brinsmade, esquires were chosen to attend the state Convention at Hartford on the first Thursday of January 1788 for said town of Washington.

Voted to dissolve said meeting.

Recorded per, D N Brinsmade, Register

**Watertown**

[12 November] The town meeting convened agreeable to a notification of the selectmen.

Colonel David Smith was chosen moderator.

Thos. Fenn, Esquire and David Smith, Esquire were chosen delegates to attend the Convention to be held in the city of Hartford on the first Thursday of January next for the purpose of taking into consideration the Constitution recommended by the General Convention lately held in Philadelphia.

Voted to dissolve this meeting.

**Wethersfield**

[12 November] At a meeting of the inhabitants of the town of Wethersfield legally assembled and held on the 12th day of November 1787 agreeable to a resolve of the Honorable General Assembly at their session in October last.

Stephen Mix Mitchell, Esquire was chosen moderator.

At said meeting Stephen Mix Mitchell and John Chester, esquires were chosen delegates to meet in Convention at Hartford on the first Thursday of January next for the purpose mentioned in said resolve.

**Willington**

[12 November] At a town meeting legally holden in Willington on the second Monday of November A.D. 1787.

Chosen Captain Timothy Pearl moderator of said meeting.

At said meeting chosen Mr. Caleb Holt and Captain Seth Crocker delegates to attend a state Convention to be holden in the city of Hartford on the first Thursday of January next agreeable to a resolve of the General Assembly of the State of Connecticut at their last session.

[3 December] At a town meeting legally held in Willington December the 3rd, 1787 for the election of town officers for the year ensuing.

Chose Moses Holmes, Esquire moderator for said meeting.

At said meeting voted to give instructions to the delegates appointed to attend the state Convention.

Voted to reject the new-proposed Constitution.

At said meeting voted that the delegates to Convention be instructed to act agreeable to the vote of the town.

At said meeting voted that the above vote for instructing the delegates to Convention be reconsidered.

[1 January] At a town meeting holden in Willington January 1st, 1788.

Chose Esquire [Moses] Holmes moderator for said meeting.

At said meeting voted that this town disapprove of the new-proposed Constitution as it now stands.

### Winchester

[12 November] At a meeting of the town of Winchester holden on Monday the 12th day of November A.D. 1787.

Voted Robert McCune moderator for said meeting.

Voted to adjourn this meeting into the house of Lieutenant [Samuel] Hurlbut.

Voted to proceed according to the resolve of Assembly in appointing a delegate or delegates to attend the Convention in January next.

Voted Ensign Robert McCune delegate to attend the Convention in January next.

Voted to dissolve this meeting.

A true record

Test, E[liphaz] Alvord, Town Clerk

### Windham

[12 November] At a town meeting legally warned and holden at Windham, November 12th 1787, Colonel Eliphalet Dyer moderator.

Colonel Eliphalet Dyer and Colonel Jedidiah Elderkin were chosen delegates to attend a state Convention to be holden at Hartford on the first Thursday of January next, to take under consideration the new Constitution proposed by the General Convention.

Voted to adjourn this meeting until the next annual town meeting.

[10 December] The town meeting adjourned from the 12th of November last is now opened.

Colonel Eliphalet Dyer moderator.

Voted to adjourn this meeting until the last Monday in December instant.

December 31st met according to adjournment and took into consideration the Constitution proposed by the Federal Convention, and, after a very able and lengthy discussion of the subject, the town resolved by a large majority that, as the proposed Constitution was to be determined on by a state Convention, it was not proper for this town to pass any vote on the subject; and, after choosing James Flint, Jr. constable and collector of town rates in the room of John Fitch, who refused to serve, dissolved the meeting.

Test, Hez Ripley, Town Clerk

#### **Windsor**

[12 November] At a town meeting of the inhabitants of the town of Windsor lawfully warned and held in Windsor First Society meetinghouse on the second Monday of November Anno Dom 1787.

Mr. Silvanus Griswold was chosen moderator to conduct said meeting.

The Honorable Oliver Elsworth and General Roger Newberry, esquires were chosen delegates to represent the town of Windsor at the Convention to be holden in the city of Hartford on the first Thursday of January next for the purposes mentioned in a resolve of the General Assembly of the State of Connecticut holden at New Haven on the second Thursday of October last.

#### **Woodbridge**

[12 November] At a town meeting of the inhabitants of the town of Woodbridge by order of the General Assembly on the 2d Monday of November 1787.

Voted John Dibble, Esquire be moderator of said meeting.

Also voted Captain Saml. Osborn and Lieutenant Saml. Newton be delegates to the Convention to meet at Hartford in January next.

#### **Woodbury**

[12 November] At a meeting of the inhabitants of the town of Woodbury, November [12].

Daniel Sherman, Esquire chosen moderator.

Voted that this meeting approve of the system of government recommended by the Convention of the United States.

Samuel Orton and Daniel Sherman chosen delegates to the [Convention] to meet at Hartford.



### Woodstock

[12 November] At a meeting of the inhabitants of the town of Woodstock regularly warned and assembled on the 12th day of November 1787, pursuant to a resolve of the General Assembly of this state at their sessions at New Haven in October last for the purpose of choosing delegates to attend the Convention to be holden at Hartford on the first Thursday of January next.

On motion the new Constitution was read, and largely and warmly debated until the dusk of the evening came on. An adjournment was proposed and was seconded; and after much debate and opposition thereto, said meeting was adjourned to Monday the 19th day of said November.

[19 November] And meeting according to adjournment, the meeting being uncommonly full and after some further debate on the Constitution, the moderator called for the votes for the first delegate; which were brought in, sorted, and counted. And the moderator declared there was no choice. And then were again called for, brought in, sorted, and counted, and the moderator declared that they had made choice of Mr. Stephen Paine for their first delegate. And the votes were called for, for a second delegate, brought in, sorted, and counted, and the moderator declared they had made choice of Deacon Timothy Perin for their second delegate. And many of the members immediately dispersed. But soon after the choice was then made, it was represented that the choice was not legal by reason that sundry persons who were present at said meeting and presumed to vote for delegates who were not legal voters. And one person then present being called upon and examined, he confessed he did vote in said meeting who had neither list nor estate in said Woodstock, neither had lived in the town for four years, and who has since been presented by the grand jury and has secured his fine to be paid, as the law requires.

### Commentaries on the Elections, 13–26 November

*Ashbel Baldwin to Tillotson Bronson*  
*Litchfield, 13 November (excerpt)<sup>1</sup>*

The new Constitution is out; the eggshell is broke but tis impossible as yet to determine how it is relished. Yesterday members for a state Convention were appointed. It was a day "big with the fate of Cato and of Rome." There will be powerful oppositions to it in Connecticut. But the struggles against it in Virginia and Pennsylvania are violent. The Southern papers are red hot; nothing is said

on either side but "Firebrands, Arrows, and Death." I am alarmed at the consequence of its being either received or rejected; the majority will not be sufficiently large on either side for a subject of such vast consequence. The members of state Convention in Litchfield are avowedly in favor of it. The yeas and nays in several adjacent towns were taken, and a great majority against it, and members appointed accordingly.<sup>2</sup> In short we are much divided; anarchy, I am afraid, is approaching. But why should we be anxiously troubled? "*Whatever is right.*" What would it avail us if we knew what our situation would be; it could neither alleviate nor mitigate our sufferings. The most influential characters in New York are against the Constitution.

1. RC, Archives of the Episcopal Diocese of Connecticut, Episcopal Diocesan House, Hartford. Baldwin dated this letter "Novmr. 1787," but evidently it was written on the 13th. Baldwin, an Anglican minister, served at St. Michael's Parish, Litchfield, from 1785 to 1793. Bronson was an Anglican deacon in Strafford, Vermont.

2. The Litchfield County delegates voted twenty-six to nine in favor of ratification.

*Jonathan Trumbull, Jr. to Jeremiah Wadsworth  
Lebanon, 17 November (excerpt)*<sup>1</sup>

I thank you for the information in your last. I am much pleased with the complexion of the election. We have some doubtful characters this way, but in general I believe Federal. Colonel [Eliphalet] Dyer and [Jedidiah] Elderkin, I am told, have their objections. Our friend *Moses* [Cleaveland] is from Canterbury with a Mr. [Asa] Witter. Plainfield, I am informed, has good men.<sup>2</sup> Lisbon have [elec]ted their Parson [Andrew] Lee. Preston would have [elected?] Parson [Levi] Hart, but he refused.<sup>3</sup> Colchester, you know, [have?] elected Parson [Robert] Robbins. It seems you are to have a [synod?] of *Bishops*, our brother [William] W[illia]ms says very improperly.<sup>4</sup> I tell him the clergy are interested, as well as other men, if not so much for themselves, at least for their posterity, [with?] consequences of a well-regulated government—and *I would proscribe no set of [men?]*.

Montville it would seem don't trust their *Black Prince* or his son<sup>5</sup>—a Mr. [Joshua] Raymond, [Jr.] (a Federal man) represents that town. [Jeremiah] Halsey and a Mr. Wheeler Coit from Preston.

You query whether Suffield can elect on an adjourned day. I think clearly not—no more than representatives can be chosen on any other than the stated freeman's meeting days.<sup>6</sup>

My brother W[illia]ms, I think, will find himself on very [trickle?] ground. Among other objections, the consolidating idea has caught his noddle. He is afraid of being swallowed up at one gulp.

1. RC, Wadsworth Papers, CtHi. Trumbull, a lawyer, was Speaker of the House from May 1788 to January 1789. All of the individuals named in this letter, with the exception of the three Congregational clergymen, served in the House of Representatives at one time or another between 1747 and about 1800, and all of them who were Convention delegates voted for ratification.

2. Plainfield elected James Bradford and Joshua Dunlop.

3. Hart, a Congregational clergyman, was a lifelong opponent of slavery and the slave trade. For his commentary on the state Convention's ratification, see his letter to Henry Marchant, 12 January 1788, VII:A below.

4. Williams, a resident of Lebanon, was a member of the Council. He had married Trumbull's sister, Mary, in 1771.

5. Probably William Hillhouse and his son, John Griswold Hillhouse. The elder Hillhouse, a member of the Council, was known as the "Black Prince" because of his piercing black eyes and swarthy complexion.

6. Suffield elected delegates on 19 November. Trumbull's belief that such an election was illegal was incorrect. He confused a town meeting and a freemen's meeting. Town meetings could and often did adjourn.

*Oliver Wolcott, Sr. to Oliver Wolcott, Jr.  
Litchfield, 18 November (excerpt)<sup>1</sup>*

Your favor by the last post has been received together with a list of delegates chosen in the county of Hartford and in return for which I have sent you a list (so far as I have been informed) of the delegates chosen in this county, together with their opinions relative to the new Constitution as far as they are known.<sup>2</sup> I think that every town in this county will eventually accede to the adoption of the proposed Constitution except Sharon and Norfolk.<sup>3</sup> Every member chosen in Fairfield County will support it except Major Baldwin<sup>4</sup> of Newtown, and perhaps he, upon further information, will change his opinion. In New Haven County I hear that they are much divided.<sup>5</sup> How the elections turn out in the eastern counties I have had but little information of, tho I suppose the Constitution will be adopted by this state without much opposition.

As to General [James] Wadsworth, you need give yourself no concern about him. His duplicity is, I believe, pretty well understood. He certainly will not be employed in his office of comptroller nor in any other that has any resemblance to it later than next May. An office of accounts with some additional powers will be continued. Take no more notice of Wadsworth than what the course of business renders indispensably necessary. It will be for your credit and interest to be thought to despise him. He undoubtedly would be willing to do you an injury, but it will not be in his power. I believe that I never knew a man whose hypocrisy was so [indelibly?] incorporated into the very substance of his soul and body as his is, but let him

alone. That will be the worst punishment you can inflict upon him, for as he is perfectly ignorant, let him continue so.

[P.S.] The man<sup>e</sup>—*it may be or it may not be*—is deeply distressed at his being chosen a delegate. It exposes him in the extreme of being obliged to say *yes or no*. George is terribly mad at it and says he told their folks not to do so. It seems the new Constitution was expected to throw the state into violent [parties?] and some good was hoped from it by men of affected moderation. George has been talking very violently against the Constitution to no purpose. His brother, Hydracephalus, says nothing, but looks mad.

1. RC, Wolcott Papers, CtHi.
2. The list is not in the Wolcott Papers.
3. The delegates from Sharon and Norfolk voted against ratification.
4. Probably Caleb Baldwin, town clerk of Newtown from 1765 to 1799. Baldwin, however, was not elected to the Convention.
5. The New Haven County delegates voted thirteen to nine against ratification.
6. Probably Jedidiah Strong, who, with the elder Wolcott, was elected to the state Convention from Litchfield. Both voted for ratification.

*Connecticut Courant, 26 November*<sup>1</sup>

A correspondent remarks that all good men must be pleased with the prospect that this state will adopt the federal government without altercation or the violence of party. The Convention, notwithstanding some Judases, will be composed of the most respectable men in the state—men venerable for their age and abilities, and possessed of the public confidence.

He remarks further that the choice of the people evinces their sense of the magnitude of the object on which the delegates are to decide, and he is happy that some of the towns have spirit enough to neglect the *wrong heads* that are using their influence to embarrass public measures by their narrow politics.

The principal towns acted, at the election, with uncommon unanimity in favor of the Constitution. In many of them there was scarcely a dissenting voice; particularly in those where the people have the best means of information.

In other towns, it is expected that positive instructions in favor of the Constitution will be given to the delegates at the annual December meeting.

1. This item was reprinted, in whole or in part, fifteen times from New Hampshire to South Carolina by 14 January 1788.

## V

**COMMENTARIES ON THE CONSTITUTION**  
**13 November 1787–7 January 1788**

Between the election of Convention delegates and the ratification of the Constitution by the state Convention, the major Connecticut items printed were Roger Sherman's "Countryman" essays and the continuation of Oliver Ellsworth's "Landholder" essays. For the most part, these and other Connecticut writings were not measured analyses of the Constitution as a whole. They were instead answers to objections to various parts of it and, above all, reiterations of the idea that the Constitution would not endanger the liberties of the people.

"Countryman" minimized the differences between the old government and the new and argued that the only guarantee of the liberties of the people was the character of the men they elected to office, not a bill of rights. Sherman summed up his view of the nature of the Constitution in "A Citizen of New Haven," which was published during the state Convention (7 January). He wrote: "The powers vested in the federal government are particularly defined, so that each state still retains its sovereignty in what concerns its own internal government and a right to exercise every power of a sovereign state not particularly delegated to the government of the United States."

The nine "Landholder" essays published prior to the state Convention covered a wide range. The first two appealed to farmers for their support (III above), four others answered the objections of out-of-state Antifederalists and questioned their personal integrity, and one justified the omission of religious qualifications for officeholding under the Constitution.

With a few exceptions, the writings of out-of-state Antifederalists were not reprinted in Connecticut, but two of them were so that they could be answered. They were Elbridge Gerry's letter of 18 October to the Massachusetts General Court (CC:227) and George Mason's objections to the Constitution (CC:276-A). Gerry's letter was

reprinted in the *Connecticut Courant* and in the *American Mercury* on 12 November at the request of "Landholder" so that he could answer it. "Nobody" answered it first on 19 November and "Landholder" followed with essays IV and V on 26 November and 3 December. Mason's objections were reprinted in the *Connecticut Courant* on 26 November and "Landholder" VI answered them on 10 December. This was followed by "Landholder" VIII on 24 December, a personal attack on Elbridge Gerry.

Two Antifederalist items from Philadelphia were reprinted during the first three weeks of December: "An Officer of the Late Continental Army" (CC:231-A) in the *Middlesex Gazette* on 3 December and "An Old Whig" VI (CC:292) in the *New Haven Gazette* on 6 December. "The People," which mildly criticized the Constitution, was apparently written in Connecticut. It was published in the *Middlesex Gazette* on 10 December. These items were ignored by Connecticut Federalists, although "Plain Truth" (CC:231-B), the Philadelphia answer to "An Officer of the Late Continental Army," was reprinted in the *Weekly Monitor* on 17 December.

Evidently, there was criticism of the Hartford newspapers for their partiality. On 10 December the printers of the *Connecticut Courant* published a statement denying that they were partial and asserting that they were pledged to maintain "the liberty of the press." On 24 December the printers of the *Courant* and the *American Mercury* published a joint statement denying that they were under the "direction of certain men, who exclude everything written against the new Constitution." Both the *Courant* on the 10th and the two papers on the 24th insisted that they had never received any pieces written against the Constitution. In any case, the two papers, except for Gerry's letter and Mason's objections, printed only Federalist material.

Connecticut newspapers continued to rely heavily upon Federalist writings from other states. Among the items reprinted during this period were "The Federalist" IV, V, and VIII (CC:234, 252, 274); James Wilson's speech of 24 November in the Pennsylvania Convention (CC:289); and an excerpt from "A Citizen of America's" pamphlet *An Examination into the Leading Principles of the Federal Constitution* written by Noah Webster (Mfm:Pa. 142). By 21 December, seven Connecticut newspapers had also reprinted Benjamin Franklin's speech of 17 September in the Constitutional Convention (CC:77-F). (For other examples of out-of-state items, see CC:168, 214, 220, 225, 263, 268.)

Also reprinted were accounts of events in other states such as debates in the Pennsylvania Convention, celebrations of Pennsylvania

ratification, proceedings of the New Jersey Convention, and the Boston election of delegates to the Massachusetts Convention. Most Connecticut newspapers also continued to reprint brief accounts of the calling of state conventions, reports of Delaware, Pennsylvania, and New Jersey ratification, items that gave assurance of ratification by other states, and a host of squibs. (For examples, see CC:198, 214, 233 A-B, 251, 258-59, 281-82, 290-A, D, and CC:Vols. I and II, Appendices, *passim*.)

While Connecticut Federalists could control the contents of their own newspapers, they could not control the broadsides, pamphlets, and newspapers sent into the state by New York Antifederalists. Thomas Greenleaf, publisher of the Antifederal *New York Journal*, printed as a broadside the first two numbers of "Centinel" (CC:133, 190) by Samuel Bryan of Philadelphia. It was sent to Connecticut, as was the pamphlet *Letters from a Federal Farmer* (CC:242), which Greenleaf had published on 8 November.

Connecticut Federalists denounced the circulation of such publications and the ideas in them. In "Countryman" II on 22 November, Roger Sherman attacked, among others, "Centinel" and five Antifederalist contributors to the *New York Journal*, a newspaper which apparently circulated in western Connecticut. Articles attacking "Centinel" and New York Antifederalist John Lamb appeared in the *New Haven Gazette* on 22 November and 13 December, while on 24 December "New England" attacked Richard Henry Lee and accused him of writing *Letters from a Federal Farmer*. In contrast, Connecticut newspapers continued to ignore opponents of the Constitution within the state with the notable exceptions of "Compo's" assault on James Wadsworth on 26 November, and the poetic satire on Wadsworth and John Lamb, "The Forc'd Alliance," on 31 December.

Connecticut Federalist writing reached a peak as the delegates converged on Hartford for the opening of the state Convention on 3 January 1788. On 31 December the Hartford newspapers published three major essays: "Landholder" IX in the *Connecticut Courant* and the *American Mercury*, "A Freeman" in the *Courant*, and "Connecticutensis" in the *Mercury*. On 7 January, in the midst of the Convention, the *Courant* published three more major essays: "A Citizen of New Haven," "The Republican," and one with no pseudonym. For additional items published on 7 January, see Mfm:Conn. 64, 65, 66.

Except where another location is indicated, the documents referred to in this introduction are printed in this section.



**Benjamin Gale to William Samuel Johnson**  
**Killingworth, 13 November (excerpt)<sup>1</sup>**

When I had the pleasure of seeing you after your return from Convention, I congratulated you on the wisdom and prudence you discovered in accepting the presidency of your university, and assigned my reasons to you.<sup>2</sup> The *last* and principal one was that I thought you had wisely and judiciously stepped out of the *Political Circle* at a time when a scene of blood and carnage was approaching, and I conceived advancing by rapid strides, which I told you I thought I could make very evident to you, being a gentleman of good sense and a Revelationist, in which I also most firmly believe. And, if I am able only to render my opinion in this matter highly probable, you certainly will not again mingle with the politicians of this world, whereby you probably may endanger your own neck. This, sir, is my main design by this epistle, and I wish you to accept of it as an evidence of my sincere friendship and attachment to your interest.

. . . . .

Now dear doctor, viewing the prophecies and the period we are now under as I do, did I not do well to advise you as I did, and now do, to keep out of the political circle, if you intend to save your neck? We yesterday met to choose delegates. There was about 150 voters present, and we chose 2 delegates to meet in Convention. One was chose by 14 votes and the other had 13. All the others would not vote at all and are really against it, but you gentlemen of the [Constitutional] Convention ~~and Congress~~ have *jobbed off* our Assembly and the people nicely.<sup>3</sup> You referred your doings to Congress—Congress referred the matter to the Assembly—but our Assembly had nothing to do but to order the towns to meet, which they did in less than a fortnight from the rising of the Assembly—and, when they came to read the act of Assembly, they thought something was referred to them to accept or reject it. But they found they had no right to determine anything. Their business was only to choose delegates to say w[hethe]r we shall or shall not submit to it; and so in choosing our *King President*, our Assembly have No voice in the matter, only to choose 7 Electors, to choose a *King President* for four years, and then to have another *squabble* again. No *Elective King*—an *Hereditary King* is preferable and if we have not *Lords*, we have a plenty of *Lordly Fellows*; and we can furnish Congress as many *Queer Dukes* as they want. To be short, it is an artful, dark, mysterious, complex, expensive form of government. However, I conjecture it will pass, and, if it doth, any power ceded into the hands of the civil magistrate never was given back, nor were they ever recovered without shedding of *Blood*, which I fear will not be long—for *Military Civil Rulers* are apt to



ride hard. As to this, I have now said all I have to say. Another thing I told you, I was glad you had accepted of the presidency. I was in hopes you would have both leisure and inclination to correct and amend the blunders in my dissertations on the Prophetick Writings and my *Dissertation on the End of the World*, and that you would do me the favor to introduce my grandson into one of the academies, if he should be found capable of the business, as it will doubtless be in your power to do much for him in that way, when he shall have accomplished his studies, if found deserving. A clergyman I am unwilling he should be, as they are a cruel, hardhearted set of gentlemen, take them collectively, for they think our Savior died only for the *Elect*, who, as near as I can compute, is not more than 1 in 10,000. All the rest, they are not willing should, in any future state of existence under some future dispensation not yet revealed, but as St. Peter tells us, is *Ready to be Revealed in the Last Times*, have any chance to become willing subjects in some moral way, and *Bow the Knee* to the Messiah's scepter, although He has sworn by Himself that *Every Knee Shall Bow, and Every Tongue Shall Confess*—but all these they are quite willing should be damned *Eternally*. I can't but think these governing principles makes so many of them willing to adopt the new Constitution, which restrains Congress from *Regulating Trade* by the prohibition of African slaves for 21 years to come, that they, not being of the *Elect*, might begin their *State of Punishment* early in the day before they pass into the other world.

1. RC, Johnson Papers, CtHi. In editing this letter the capital letters and the italics which Gale apparently used for emphasis have been retained.

2. Johnson had accepted the presidency of Columbia College in New York in October.

3. See Killingworth Town Meeting, IV above.

### A Countryman I New Haven Gazette, 15 November

The essay below by Roger Sherman was the first in a series of five. They were published in the *New Haven Gazette* between 15 November and 20 December. The heading "A Countryman" was omitted from the first essay. The essays were reprinted nationally, but not in Connecticut (CC:261, 284, 305, 322, 361). See also "A Countryman" II, 22 November and Sherman's "A Citizen of New Haven," 7 January 1788, both in V below.

#### To the People of Connecticut

You are now called on to make important alterations in your government by ratifying the new Federal Constitution.

There are, undoubtedly, such advantages to be expected from this

measure as will be sufficient inducement to adopt the proposal, provided it can be done without sacrificing more important advantages which we now do or may possess. By a wise provision in the constitution of man, whenever a proposal is made to change any present habit or practice, he much more minutely considers what he is to *lose* by the alterations, what effect it is to have on what he at present possesses, than what is to be *hoped* for in the proposed expedient.

Thus people are justly cautious how they exchange present advantages for the hope of others in a system not yet experienced.

Hence all large states have dreaded a division into smaller parts, as being nearly the same thing as ruin; and all smaller states have predicted endless embarrassment from every attempt to unite them into larger. It is no more than probable that if any corner of this state of ten miles square was now, and long had been independent of the residue of the state, that they would consider a proposal to unite them to the other parts of the state as a violent attempt to wrest from them the only security for their persons or property. They would lament how little security they should derive from sending one or two members to the legislature at Hartford and New Haven, and all the evils that the Scots predicted from the proposed union with England, in the beginning of the present century, would be thundered with all the vehemence of American politics from the little ten miles district. But surely no man believes that the inhabitants of this district would be less secure when united to the residue of the state, than when independent. Does any person suppose that the people would be more safe, more happy, or more respectable if every town in this state was independent and had no state government?

Is it not certain that government would be weak and irregular, and that the people would be poor and contemptible? And still it must be allowed that each town would entirely surrender its boasted independence if they should unite in state government, and would retain only about one-eightieth part of the administration of their own affairs.

Has it ever been found that people's property or persons were less regarded and less protected in large states than in small?

Have not the legislature in large states been as careful not to overburden the people with taxes as in small? But still it must be admitted that a single town in a small state holds a greater proportion of the authority than in a large.

If the United States were one single government, provided the constitution of this extensive government was as good as the constitution of this state now is, would this part of it be really in greater danger of oppression or tyranny than at present? It is true that many people who are *great men*, because they go to Hartford to make laws for us

once or twice in a year, would then be no greater than their neighbors, as much fewer representatives would be chosen. But would not the people be as safe governed by their representatives assembled in New York or Philadelphia as by their representatives assembled in Hartford or New Haven? Many instances can be quoted where people have been unsafe, poor, and contemptible because they were governed only in small bodies; but can any instance be found where they were less safe for uniting? Has not every instance proved somewhat similar to the much dreaded union between England and Scotland, where the Scots, instead of becoming a poor, despicable, dependent people, have become much more secure, happy, and respectable? If then, the Constitution is a good one, why should we be afraid of uniting, even if the union was to be much more complete and entire than is proposed?

**Ebenezer Dibblee to Samuel Peters**  
**Stamford, 16 November (excerpt)<sup>1</sup>**

We are upon the eve of another revolution in the system of government. Delegates are chosen in every town in this state to meet at Hartford in January next, to adopt or reject the new form of government appointed by the commissioners; which leaves but the shadow of power in the states; utterly destroys the old ship, and a new one built in which we must embark or sink. If nine states unite in adopting it, the [rest?] must be coerced into it. The presses in New York begin [to?] warm with the controversy pro and con.

1. RC, Peters Papers, The Church Historical Society, Austin, Texas. Dibblee was pastor of St. John's Episcopal Church in Stamford. Peters, who had been pastor of the Anglican church in Hebron, was a Loyalist. He fled to Boston in September 1774 and left for England in October. In 1781, he published *A General History of Connecticut* in London, a book which people in Connecticut considered libelous.

**A Landholder III**  
**Connecticut Courant, 19 November<sup>1</sup>**

To the Holders and Tillers of Land.

Gentlemen, When we rushed to arms for preventing British usurpation, liberty was the argument of every tongue. This word would open all the resources of the country and draw out a brigade of militia [as] rapidly as the most decisive orders of a despotic government. Liberty is a word which, according as it is used, comprehends the most good and the most evil of any in the world. Justly understood, it is sacred next to those which we appropriate in divine adoration; but in the mouths of some, it means anything which will enervate a necessary government, excite a jealousy of the rulers who are

our own choice, and keep society in confusion for want of a power sufficiently centered to promote its good. It is not strange that the licentious should tell us a government of energy is inconsistent with liberty, for being inconsistent the licentious should tell us a government of energy is inconsistent with their wishes and their vices, they would have us think it contrary to human happiness. In the state this country was left by the war, with want of experience in sovereignty, and the feelings which the people then had, nothing but the scene we had passed thro could give a general conviction that an internal government of strength is the only means of repressing external violence and preserving the national rights of the people against the injustice of their own brethren. Even the common duties of humanity will gradually go out of use when the constitution and laws of a country do not insure justice from the public and between individuals. American experience, in our present deranged state, hath again proved these great truths, which have been verified in every age since men were made and became sufficiently numerous to form into public bodies. A government capable of controlling the whole, and bringing its force to a point, is one of the prerequisites for national liberty. We combine in society with an expectation to have our persons and properties defended against unreasonable exactions either at home or abroad. If the public are unable to protect us against the unjust impositions of foreigners, in this case we do not enjoy our natural rights, and a weakness in government is the cause. If we mean to have our natural rights and properties protected, we must first create a power which is able to do it, and in our case there is no want of resources, but only of a civil constitution which may draw them out and point their force.

The present question is, shall we have such a constitution or not? We allow it to be a creation of power; but power when necessary for our good is as much to be desired as the food we eat or the air we breathe. Some men are mightily afraid of giving power, lest it should be improved for oppression; this is doubtless possible, but where is the probability? The same objection may be made against the constitution of every state in the Union, and against every possible mode of government; because a power of doing good always implies a power to do evil if the person or party be disposed.

The right of the legislature to ordain laws binding on the people gives them a power to make bad laws. The right of the judge to inflict punishments gives him both power and opportunity to oppress the innocent; yet none but crazy men will from thence determine that it is best to have neither a legislature nor judges.

If a power to promote the best interest of the people necessarily implies a power to do evil, we must never expect such a constitution

in theory as will not be open in some respects to the objections of carping and jealous men. The new Constitution is perhaps more cautiously guarded than any other in the world, and at the same time creates a power which will be able to protect the subject; yet doubtless objections may be raised, and so they may against the constitution of each state in the Union. In Connecticut the laws are the constitution by which the people are governed, and it is generally allowed to be the most free and popular in the thirteen states. As this is the state in which I live and write, I will instance several things which with a proper coloring and a spice of jealousy appear most dangerous to the natural rights of the people, yet they never have been dangerous in practice and are absolutely necessary at some times to prevent much greater evil.

The right of taxation or of assessing and collecting money out of the people is one of those powers which may prove dangerous in the exercise, and which by the new Constitution is vested solely in representatives chosen for that purpose. But by the laws of Connecticut, this power called so dangerous may be exercised by the selectmen of each town, and this not only without their consent but against their express will, where they have considered the matter, and judge it improper. This power they may exercise when and so often as they judge necessary. Three justices of the quorum may tax a whole county in such sums as they think meet, against the express will of all the inhabitants. Here we see the dangerous power of taxation vested in the justices of the quorum, and even in selectmen, men whom we should suppose as likely to err and tyrannize as the representatives of three millions of people, in solemn deliberation, and amenable to the vengeance of their constituents for every act of injustice. The same town officers have equal authority where personal liberty is concerned, in a matter more sacred than all the property in the world, the disposal of your children. When they judge fit, with the advice of one justice of the peace, they may tear them from the parents' embrace and place them under the absolute control of such masters as they please; and if the parents' reluctance excites their resentment, they may place him and his property under overseers. Fifty other instances fearful as these might be collected from the laws of the state, but I will not repeat them lest my readers should be alarmed where there is no danger. These regulations are doubtless best; we have seen much good and no evil come from them. I adduced these instances to show that the most free constitution, when made the subject of criticism, may be exhibited in frightful colors, and such attempts we must expect against that now proposed. If, my countrymen, you wait for a constitution which absolutely bars a power of doing evil, you must wait long, and when obtained it will have no

power of doing good. I allow you are oppressed, but not from the quarter that jealous and wrong-headed men would insinuate. You are oppressed by the men who, to serve their own purposes, would prefer the shadow of government to the reality. You are oppressed for want of a power which can protect commerce, encourage business, and create a ready demand for the productions of your farms. You are become poor. Oppression continued will make wise men mad. The landholders and farmers have long borne this oppression; we have been patient and groaned in secret, but can promise for ourselves no longer, unless relieved madness may excite us to actions we now dread.

1. This item was published in the *American Mercury* on the same day and reprinted in the *Norwich Packet* on 29 November and *Connecticut Gazette* on 30 November. (CC:272 for national circulation.)

**Nobody: To Elbridge Gerry**  
**American Mercury, 19 November**

Sir, Your letter to the Honorable Samuel Adams,<sup>1</sup> etc., containing your reasons for dissenting from the opinion of your colleagues in Convention claims (in my humble opinion) the thanks of the public at large, not so much for the ingenuous composition, as the opportunity it affords of detecting its fallacy and dissipating any impression which so extraordinary a piece, written with such extraordinary art, might make on the minds of men unacquainted with the nature and good policy of government.

Your conduct therein appears to me more ambiguous than the Constitution you reprobate, and yet methinks I am not mistaken in my constructions thereon. Your dissenting from the unanimous voice of so respectable a body as composed the Convention, every way equal, if not superior to yourself, borders more of arrogance than genuine public spirit, as it certainly implies a consciousness on your part of superior wisdom; and you doubtless conceived that you had a peculiar talent of representing your conduct in a most plausible and conspicuous point of view, and thereby display a greatness of soul, not only in having dared to stand alone in opposition to many great men, but in publishing your fortitude to the world, vainly concluding that the most favorable construction would attend that independent rectitude thereby manifested; and that in case you could by any specious pretense or ambiguous innuendoes defeat the completion of the new Constitution (for you have taken great care not to elucidate, to any kind of proof, the facts you have stated, artfully supposing that it was much easier for you, with all your abilities, to say that the adoption of the new Constitution would deprive the people of

all liberty, than to prove it), your greatness would rise in proportion to the magnitude of the feat you had performed, that your wisdom and integrity would then be established as immovable as Atlas. While all your brethren, colleagues in Convention, must sink in public esteem for having presumed to form a constitution so glaringly big with errors that even common capacities could discover its insidiousness, altho you by yourself remonstrated and bore testimony against it, which alone was sufficient reason for its abolition; could you, sir, effect this, you might reasonably expect that no constitution would take place, but such as you should model and approve. Our worthy General [Washington], who was at the head of the Convention (whose wisdom and zeal for the welfare of America never has been called in question, and who, under God, may be considered as the savior of our country), would no longer be able to vie with you. His conduct must be censured, while yours would be extolled, and your greatness built upon his ruins.

I conceive that no further remarks are necessary in order to point out the absurdity of your observations (until you shall by fair rules of logic and clear reasoning demonstrate the same to be well grounded) than to declare that there is adequate provision in the Constitution for a representation of the people, that they have security for the right of election, and that all the bugbears you suggest are groundless, and exist only in your own wild imagination, and that these observations of mine are, to all intents and purposes, as conclusive as yours. Until you shall more fully elucidate the facts you state, and then you may expect a reply.

I would fain ask you whether a complete federal government can be formed without bearing in some measure a resemblance of a national government, and whether the present Constitution will be the worse because it has the shadow of a national government and the substance of a republican one? Is there anything so baneful in the name of nation that because we cannot form a good constitution totally dissimilar from that of all other nations that we must have no government at all? For my own part, I conceive that the greater resemblance our Constitution bears to that of a national government, the greater will be the advantages resulting from it, as other nations will stamp it with credit, less or more, as it approaches a national system. And will you grumble because they are pleased with a shadow that frightens you, while we retain the substance of a complete republican government.

Your observation that anarchy may ensue should the Constitution be rejected is a just one, and sufficiently alarming to dispel any groundless fears predicated on capricious suggestions that any ill consequence can take place by its adoption.

Your letter has more of insinuation than reason, more plausibility than fact, and merits an answer from NOBODY.

P.S. The foregoing, having been written in haste, should anything illiberal have escaped my pen, I sincerely ask your pardon, for altho there appears nothing laudable in your line of conduct, yet, as it was a great stride towards *fame* (tho I fear a leap in the dark), it merits some palliation, but between you and that *City* is a great gulf, a purgatory, and Father Dominic is severe and will exact the uttermost farthing; and his fees of office rise or fall in a certain ratio with the crime committed and magnitude of the object in view to be obtained.

Had you, sir, acquiesced with your brethren in Convention, you could have claimed no more than a proportionable share of the merit and thanks due from the public to that respectable body. That proportion being too small to satisfy your ambition, you have stepped aside upon an eminence higher than Etna, where you are now viewed by those nations, who, possessing some traces in their government to which perchance our new Constitution bore some little resemblance, are your principal reasons for rejecting the same, from which eminence methinks I hear you saying,

“I’ll rail, I’ll rant, I’ll stamp, I’ll swear,  
“And all this I will do, because I dare.”

1. Gerry's letter to the Massachusetts General Court was addressed to Samuel Adams, President of the Senate, and James Warren, Speaker of the House of Representatives (CC:227).

### **Philanthrop: To the People** **American Mercury, 19 November**

The new proposed Constitution being a system of great magnitude and general discussion as well as of universal concern, every individual has an undoubted right to offer his sentiments upon a subject so interesting to the community at large, tho sorry indeed I am to discover occasion for further incentives to stimulate the people to adopt, with heart and hand, a system so salutary and so conducive to public welfare, and more than sorry am I that my abilities are not equal to the task of portraying the base designs and wicked machinations of some of its opposers. None but those destitute of honor and devoid of every spark of sensibility could have the audacity to propagate groundless innuendoes, with a view to impose on the generous credulity of weak minds, and thereby, if possible, produce anarchy and confusion in the state. Much pains is daily taken by artful misanthropists to evince that the adoption of the new Constitution will deprive the people of all liberty, alleging that the grand



legislature, or Congress, will then have power to oppress the people at pleasure; an idea so absurd could never originate in the breast of an honest man not destitute of reason. Is there a single clause in the Constitution that deprives the people of any liberty which people in any part of the world do or ought to possess? Are not the people at large forever to remain the sole governors (under God) of the land we live in? Are not the Congress and Senate servants of the people, chosen and instructed by them, because the whole body of the people cannot assemble at one place to make and execute laws? And are not the Congress and Senate in regular rotation to return and descend to the private station from whence they were elected by the people, and then and there enjoy the blessings resulting from their good administration, with acclamations from their constituents and a heartfelt satisfaction which to a susceptible mind must be more ample reward than the possession of all the wealth in Peru? Or must they not, upon the other hand, experience and participate [in] all the evils attendant [upon] injudicious or iniquitous laws, and receive the execrations of thousands, and be deemed to everlasting oblivion in the rank of mankind, never more to enjoy the confidence of the people, which must inevitably produce that horror and compunction of mind, only to be described by comparing their situation to the state of the damned? For my own part, I am convinced that while Congress are appointed under the restrictions as limited in the new Constitution, were they as absolute as the Dey of Algiers, no fatal consequences could ever attend the community at large. Will any man of common sense suppose that the grand legislature of thirteen United States can be less interested in the welfare, happiness, and prosperity of the country than any other set of men whatever? Will their salaries for two or even for six years (which seldom amounts to more than their expenses) compensate for loss of character and the ruin which they and their posterity must participate with the bulk of mankind should their negotiations produce ruinous consequences to their constituents? Every man of candor must believe that a Congress and Senate, chosen conformably to the mode pointed out in the new Constitution, will exert every faculty and strain every nerve to work out the salvation of their country, because it will be their interest so to do.

Let us for a moment call to view the most specious reason that can be urged by the advocates for anarchy and confusion and the opposers to this glorious Constitution, and see what weight a rational man could give them. And let us in the first instance allow that all mankind are actuated by interested motives. The most plausible reason then that can be adduced for violation of faith, and prostitution of sentiments, is private interest; but surely real true self-interest, con-

sidered on a large extensive scale, is public good. Can the members of Congress, their friends, and posterity thrive and flourish in a country overwhelmed with misfortunes and subjected, thro their management, to some direful approaching catastrophe? They certainly cannot! Their grandeur, their peace and happiness, is as much connected with, and as inseparable from, the grandeur, peace, and happiness of the community at large as that of a husband and his beloved wife. The conjugal state might with as much propriety be forbidden and celibacy enjoined lest the head of the family should commit acts of violence on his offspring, and be incapable of governing his household, as that the present Constitution should be rejected lest the people selected to preside at the helm of affairs should commit some flagrant act of injustice and thereby disgrace human nature.

There is, in my opinion, no particular body or description of men in North America so deeply interested in the establishment of the new Constitution as the farmer. They of all men will immediately experience the advantage resulting therefrom. Their taxes, instead of being increased, will be lessened, and their produce will instantaneously (or very soon) rise in value, as a field will then be opened for a more extensive trade than ever can take place while there is no stability in government. The merchant will then court the farmer, and the farmer be encouraged to cultivate his lands.

That money must be raised and that government must be supported, no men of common sense will deny. Should this Constitution be adopted, the duties on imports, which is a voluntary tax, will render needless or at least lessen the direct taxation of landed property; whereas at present, while we have, as it were, no government or at least no energy in government, duties of impost and excise are laid in the different states which serve only as a subterfuge for the (I cannot call them merchants) peddler and trader to impose on the honest farmer; because the trader at present makes use of the authority of (what is called) government to enhance the value of his goods by adding to the costs and charges the whole duty stipulated by our assemblies, whereas it is well known that the most sanctified among the traders do not pay more than one-tenth of the duties they charge; so that while the honest unwary people are daily paying taxes, which is strict justice shouldst tend to lessen their foreign and domestic debt, they are only enriching the trader who pockets the whole.

One proposition suggested and artfully propagated by the enemies of our country, and which is daily gaining ground among the weaker brethren, requires notice, and which I could wish to see descanted by some abler pen, as it really has, and if not refuted may have, more weight in defeating the completion of this glorious Constitution than any other consideration whatever, viz.: It is alleged that the Southern

States being entitled to send a larger number of delegates than the Northern, they will have it in their power to carry measures into execution that may be peculiarly injurious to the Northern States, as though what would tend, under the proposed Constitution, to the aggrandizement of the former must inevitably involve the latter in ruin.<sup>1</sup> This proposition is so big with absurdity that I have not patience, nor even leisure at present, to point out its fallacy; but hope it may not be considered as chimerical, and that the worthy Landholder, which appeared in the last *American Mercury*,<sup>2</sup> will not suffer his talents to sleep upon this occasion.

In ardent expectation of seeing the new Constitution speedily established, I remain on all occasions PHILANTHROP.

1. The argument that the Southern States would dominate Congress was first raised in Connecticut in the "Letter from Massachusetts," *Connecticut Journal*, 17, 24 October (III above). It was refuted in the "Letter from New York," *Connecticut Journal*, 24, 31 October (III above), but was brought up again by Benjamin Gale in his speech in the Killingworth town meeting on 12 November (IV above).

2. "A Landholder" II (III above).

#### Norwich Packet, 22 November

An unhappy jealousy has prevailed more or less in this country for centuries past between the landed and mercantile part of the community; whereas no two interests in name separate ought in the nature of them to be more united. Since the publishing of the new system for a continental government, this spirit has manifested itself more than ever. The consequence thereof will sooner or later prove fatal to the rising greatness of this country.

#### New Haven Gazette, 22 November<sup>1</sup>

A piece called the CENTINEL is circulating with great industry in this state in the same covered, secret, and insidious manner as British proclamations, pardons, and manifestoes were in the days of yore. The writer is said to be a certain *superannuated* George Bryan of Pennsylvania.<sup>2</sup> He abounds in *scripture* quotations and says General WASHINGTON is a Fool from habit and Dr. FRANKLIN a Fool from age and infirmity. These pieces are sent in large packets from a neighboring state [New York] which is draining us of 35,000£. annually by her impost. The gentleman who is so kind as to favor Connecticut with these *modest* publications is either *afraid* or *ashamed* to subscribe his name to the letters accompanying them, but from the handwriting it is conjectured that he enjoys a *comfortable* salary in the state alluded to, and has been so furious and violent against all federal measures for many years that he foresees the ceasing and

determination of that salary whenever our COMMERCE is properly regulated.<sup>3</sup>

1. This item was reprinted three times in Connecticut by 6 December. (CC:283-A for national circulation.)

2. George Bryan, a leading Pennsylvania Antifederalist, was believed at the time to be the author of "Centinel," whereas his son Samuel Bryan wrote the essays. See CC:133.

3. John Lamb, the collector of the Port of New York.

## A Countryman II

New Haven Gazette, 22 November

To the People of Connecticut.

It is fortunate that you have been but little distressed with that torrent of impertinence and folly with which the newspaper politicians have overwhelmed many parts of our country.

It is enough that you should have heard that one party has seriously urged that we should adopt the *new Constitution* because it has been approved by *Washington* and *Franklin*;<sup>1</sup> and the other, with all the solemnity of apostolic address to *Men, Brethren, Fathers, Friends, and Countrymen*, have urged that we should reject as dangerous every clause thereof, because that *Washington* is more used to command as a soldier than to reason as a politician—*Franklin* is *old*<sup>2</sup>—others are *young*—and [James] *Wilson* is *haughty*.<sup>3</sup> You are too well informed to decide by the opinion of others and too independent to need a caution against undue influence.

Of a very different nature, tho only one degree better than the other reasoning, is all that sublimity of *nonsense* and *alarm* that has been thundered against it in every shape of *metaphoric terror* on the subject of a *bill of rights*, the *liberty of the press*, *rights of conscience*, *rights of taxation and election*, *trials in the vicinity*, *freedom of speech*, *trial by jury*, and a *standing army*. These last are undoubtedly important points, much too important to depend on mere paper protection. For, guard such privileges by the strongest expressions, still if you leave the legislative and executive power in the hands of those who are or may be disposed to deprive you of them, you are but slaves. Make an absolute monarch, give him the supreme authority, and guard, as much as you will by bills of right, your liberty of the press and trial by jury, he will find means either to take them from you or to render them useless.

The only real security that you can have for all your important rights must be in the nature of your government. If you suffer any man to govern you who is not strongly interested in supporting your privileges, you will certainly lose them. If you are about to trust your liberties with people whom it is necessary to bind by stipulation that

they shall not keep a standing army, your stipulation is not worth even the trouble of writing. No bill of rights ever yet bound the supreme power longer than the *honeymoon* of a new married couple, unless the *rulers were interested* in preserving the rights; and in that case they have always been ready enough to declare the rights and to preserve them when they were declared. The famous English *Magna Charta* is but an act of Parliament, which every subsequent Parliament has had just as much constitutional power to repeal and annul as the Parliament which made it had to pass it at first. But the security of the nation has always been that their government was so formed that at least *one branch* of their legislature must be strongly interested to preserve the rights of the nation.

You have a bill of rights in Connecticut, i.e., your legislature many years since enacted that the subjects of this state should enjoy certain privileges.<sup>4</sup> Every assembly since that time could, by the same authority, enact that the subjects should enjoy none of those privileges; and the only reason that it has not long since been so enacted is that your legislature were as strongly interested in preserving those rights as any of the subjects; and this is your only security that it shall not be so enacted at the next session of assembly, and it is security enough.

Your General Assembly under your present constitution are supreme. They may keep troops on foot in the most profound peace, if they think proper. They have heretofore abridged the trial by jury in some causes, and they can again in all. They can restrain the press, and may lay the most burdensome taxes if they please, and who can forbid? But still the people are perfectly safe that not one of these events shall take place so long as the members of the General Assembly are as much interested, and interested in the same manner, as the other subjects.

On examining the new proposed Constitution there cannot be a question but that there is authority enough lodged in the proposed federal Congress, if abused, to do the greatest injury. And it is perfectly idle to object to it that there is no bill of rights, or to propose to add to it a provision that a trial by jury shall in no case be omitted, or to patch it up by adding a stipulation in favor of the press, or to guard it by removing the paltry objection to the right of Congress to regulate the time and manner of elections.

If you cannot prove by the best of all evidence, viz., by the *interest of the rulers*, that this authority will not be abused or, at least, that those powers are not more likely to be abused by the Congress than by those who now have the same powers, you must by no means adopt the Constitution. No, not with all the bills of rights and all the stipulations in favor of the people that can be made.

But if the members of Congress are to be interested just as you

and I are, and just as the members of our present legislatures are interested, we shall be just as safe with even supreme power (if that were granted) in Congress, as in the General Assembly. If the members of Congress can take no improper step which will not affect them as much as it does us, we need not apprehend that they will usurp authorities not given them to injure that society of which they are a part.

The sole question (so far as any apprehension of tyranny and oppression is concerned) ought to be, how are Congress formed? How far are the members interested to preserve your rights? How far have you a control over them? Decide this, and then all the questions about their power may be dismissed for the amusement of those politicians whose business it is to catch flies, or may occasionally furnish subjects for *George Bryan's POMPOSITTY*, or the declamations of *Cato*, *An Old Whig*, *Son of Liberty*, *Brutus*, *Brutus Junior*, *An Officer of the Continental Army*, the more contemptible *Timoleon*, and the residue of that rabble of writers.<sup>5</sup>

1. For out-of-state newspaper items about Washington's and Franklin's support of the Constitution reprinted in Connecticut, see CC:77-A, 233-A.

2. See "Centinel" I (CC:133).

3. Wilson, a leading Pennsylvania Federalist, had been a delegate to the Constitutional Convention, and was a member of the Pennsylvania Convention. He was attacked by "Centinel" II (CC:190) and "An Officer of the Late Continental Army" (CC:231-A).

4. The reference is to "An Act containing an Abstract and Declaration of the Rights and Privileges of the People of this State, and securing the same" (Mfm: Conn. 2).

5. "Cato" (George Clinton?), "Brutus" (Robert Yates?), "Brutus, Junior," "Timoleon," and "Son of Liberty" were pseudonyms of New York Antifederalists who published essays in the *New York Journal*. (See CC:103, 153, 178, 195, 197-B, 221, 223, 239, 240, 264.)

"An Old Whig" (George Bryan, James Hutchinson, and John Smilie?) and "An Officer of the Late Continental Army" (William Findley) were Pennsylvania Antifederalists (see CC:157, 170, 181, 202, 224, 231-A). None of the essays Sherman refers to had been reprinted in Connecticut by 22 November, and only two of them were published later: "An Officer of the Late Continental Army" in the *Middlesex Gazette* on 3 December and "An Old Whig" VI (CC:292) in the *New Haven Gazette* on 6 December.

### Compo: To the Head of the Wrongheads of New Haven County Connecticut Courant, 26 November<sup>1</sup>

Not having offices enough before, you are now appointed a delegate to the state Convention and, with your usual *good temper and fairness*, are attacking the new Constitution. I have heard that soon after reading it, you expressed your disapprobation of it in terms as illiberal as possible; but above all things, you was "sorry it was to go to a convention of the people—had it been to be finally decided on

by the Assembly we might have got rid of it.”<sup>2</sup> I may have missed your very words, but the sentiment is preserved—and let us now examine this sentiment. You have been ostensibly one of the champions of the people and are the first to express a wish to prevent them from acting for themselves. From what motives you act it is not easy to determine; I am willing to believe you do not like the new Constitution because it militates against your scheme of politics—against your *wall of brass*, which you want drawn round the United States, or rather round this state. It is no secret that your whole force has been directed against all union with the other states more than a league offensive and defensive—that you reprobate commerce and declaim against all mercantile pursuits and mercantile men. These are undoubtedly your private opinions, nor will I here undertake to combat them. The good sense of the farmers of this state will never suffer them, as a body, to adopt your narrow views and contracted opinions; they are too gross to be swallowed—and though you draw a set of men about you, and are supported by their votes, you may be assured they in general differ with you on the subject of commerce. Many of them support you in mere opposition to certain men who differ from them in other matters, and they make use of you, for the present, as a necessary man to keep out at least one of those men they fear. Had you argued against the new Constitution, I should have considered it, I should have left you to your own conscience; but the base attempts to slander John Adams, by misquoting and misrepresenting him, have made it necessary to detect you.<sup>3</sup> You say, or rather insinuate, that he says the “wellborn ought to govern, and that the new Constitution is founded on his principles.” You would persuade the good people of this state that Mr. Adams has written a book which is calculated to enslave them and that the Convention have pursued his plan; with how much justice will appear by quoting the passage you have so basely misrepresented: “The rich, the wellborn, and the able acquire an influence among the people that will soon be too much for simple honesty and plain sense in a house of representatives. The most illustrious of them must therefore be separated from the mass and placed by themselves in a senate. This is to all honest and useful intents an ostracism.” Is it possible you could have read Mr. Adams—if you have, what a wicked unmanly perversion? If not, and you have taken it on trust from Mr. Copper [Joseph Hopkins], how mean and pitiful is your conduct? I defy you, sir, to produce one single sentiment in Mr. Adams’s volume of almost 400 pages that will bear such a construction as you have put on it; on the contrary, every part of it is calculated directly against such government as you are pleased to insinuate he is aiming to establish. And I earnestly recommend it to my countrymen to read Mr. Adams’s book; they will there find a true

and correct history of all the republics, ancient and modern. They will there find that the causes of the fall of nations and the loss of their liberties has arisen from sources very different from what they have been told by you and your friend Copper. Your language and practice ever since your beginning to dabble in politics, and you began early, has been exactly such as was usual for the demagogues in the republics that have been destroyed; they excited jealousies against their rulers and by degrees robbed the government of all its energy—all its dignity—and fitted the people for the chains of a despot.

To add one more proof of your wicked insinuations against Mr. Adams, I shall quote a few lines more from his book. After describing the government of the aristocratical Canton of Soleure, he says, "The soil is extremely fertile, yet there is a want of hands for agriculture, and population decreases; although commodiously situated for commerce, they have none. These circumstances are enough to show the blessings of a government by a few noble families."

There is hardly one of Mr. Adams's letters in which you do not find him pointedly against a government in the hands of the well-born, as you are pleased to insinuate. What can be more clear and explicit than the above quotation? You appear to me to be one of those people which Mr. Adams describes, to wit, rich, wellborn, or able. I will not accuse you of being rich, though it is no secret that you have been well paid as one of the Council of Safety, deputy, committee for settling the army accounts, etc., etc., and that you know how to obtain and realize your pay, though many others had not that knowledge. Neither will I overrate your abilities—they are certainly not of the first rate, except in the article of obtaining places and pensions. Your promotion must then have arisen from your being wellborn, and this you certainly were in Mr. Adams's sense, which will be better understood by quoting a few more lines from his letters.

"The son of a wise and virtuous father finds the world about him sometimes as much disposed as he himself is to honor the memory of his father, to congratulate him as the successor to his estate; and frequently to compliment him with elections to the offices he held. A sense of duty, his passions and his interest, thus conspiring to prevail upon him to avail himself of this advantage, he finds a few others in similar circumstances with himself. They naturally associate together and aid each other. This is a faint sketch of the source and rise of the family spirit. Very often the disposition to favor the family is as strong in the town, county, province, or kingdom as it is in the house itself. The enthusiasm is indeed sometimes wilder and carries away, like a torrent, all before it."

Your ancestors have been respectable, and you may be said to be wellborn—indeed to your birth and connections may fairly be ascribed



all your promotions. For when we call into view your career, and examine your conduct in all the various posts and places you have held, we do not find any strong traits of ability, except as a *General Officer*—there your PRUDENCE has been conspicuous—and it is to be hoped you have been kept out of danger to be a blessing to your country, for your safety has not been cheaply bought. The ghosts of Wooster and those who fell at Compo, do they not haunt you!<sup>4</sup>

When I hear of your objections to the new Constitution it brings to my mind a passage in some of Mr. Addison's writings against *Freethinkers*. He says, "he was walking in St. Paul's church and beheld a fly upon one of the pillars, when it came into his head that this same fly was a freethinker; for it required some comprehension in the eye of the spectator to take in at one view the various parts of the building in order to observe the symmetry and design. But to the fly, whose prospect was confined to a little part of one of the stones of a single pillar, the joint beauty of the whole or the distinct use of its parts were inconspicuous, and nothing could appear but small inequalities in the surface of the hewn stone, which in the view of that insect seemed so many deformed rocks and precipices."

Want of time prevents me from making a recapitulation of Lord Sheffield's politics respecting America and comparing them with yours, which in some future paper you may expect. If to think and act like him be a proof of your patriotism, I am persuaded I shall prove you the greatest patriot in America.

1. This item, dated "West-Haven, Nov.," was also printed in the *American Mercury* on 26 November. James Wadsworth of Durham had been labelled "Wrong-head" by the writers of the *Anarchiad* in the fall of 1786.

2. Four-fifths of the House of Representatives was reported to be in favor of the Constitution, and the Council to be evenly divided (see Oliver Wolcott, Sr. to Mrs. Oliver Wolcott, 17 October, and "Parable," 22 October, both in II above).

3. "Compo's" assertion is the only evidence that Wadsworth attacked John Adams for his *Defence of the Constitutions*.

4. In 1777, British troops landed at Compo near the mouth of Saugatuck River enroute to attack the supply depot at Danbury. Wadsworth, who had been ordered to march part of his command to New Haven, apparently was not at Compo. Major General David Wooster was killed during an attempt by his troops to prevent the British retreat from Danbury.

## A Landholder IV-V

Connecticut Courant, 26 November, 3 December

The two essays below were written as a reply to Elbridge Gerry's letter of 18 October to the Massachusetts General Court (CC:227). Gerry's letter was reprinted in the *Connecticut Courant* and the *American Mercury* on 12 November, and by 23 November it had been reprinted in the *Connecticut Journal*, the *New Haven Gazette*, the *Norwich Packet*, and the *Connecticut Gazette*. With the exception of the

*New Haven Gazette*, these newspapers also reprinted "Landholder" IV and V. (For national circulation of "Landholder" IV and V, see CC: 294, 316.) For an additional attack on Gerry, see "Landholder" VIII, 24 December (V below).

Gerry's letter was reprinted in the two Hartford newspapers at the request of "Landholder" so he could answer it. The *Courant* and *Mercury* prefaced their reprintings with this statement: "The Landholder is happy in informing the public that the Honorable Elbridge Gerry, member of Convention from Massachusetts, has at length published the reasons on which he opposed the new Constitution. As this great subject deserves discussion, he wishes the printers in this state to give them a place in their papers. When this is done, his objections shall be considered."

*A Landholder IV, 26 November*

To the Landholders and Farmers.

Remarks on the objections made by the Honorable ELBRIDGE GERRY to the new Constitution.

To censure a man for an opinion in which he declares himself honest, and in a matter of which all men have a right to judge, is highly injurious; at the same time, when the opinions even of honorable men are submitted to the people, a tribunal before which the meanest citizen hath a right to speak, they must abide the consequence of public stricture. We are ignorant whether the honorable gentleman possesses state dignities or emoluments which will be endangered by the new system, or hath motives of personality to prejudice his mind and throw him into the opposition; or, if it be so, do not wish to evade the objections by such a charge. As a member of the General Convention, and deputy from a great state, this honorable person hath a right to speak and be heard. It gives us pleasure to know the extent of what may be objected or even surmised, by one whose situation was the best to espy danger, and mark the defective parts of the Constitution, if any such there be. Mr. Gerry, tho in the character of an objector, tells us "he was fully convinced that to preserve the Union, an efficient government was indispensably necessary, and that it would be difficult to make proper amendments to the old Articles of Confederation," therefore, by his own concession, there was an indispensable necessity of a system in many particulars entirely new. He tells us further "that if the people reject this altogether, anarchy may ensue," and what situation can be pictured more awful than a total dissolution of all government. Many defects in the Constitution had better be risked than to fall back into that state of rude violence in which every man's hand is against his neighbor, and there is no judge to decide between them or power of justice to control. But we hope to show that there are no such alarming defects in the proposed structure of government, and that,

while a public force is created, the liberties of the people have every possible guard.

Several of the honorable gentleman's objections are expressed in such vague and indecisive terms that they rather deserve the name of insinuations, and we know not against what particular parts of the system they are pointed. Others are explicit and, if real, deserve serious attention. His first objection is "that there is no adequate provision for a representation of the people." This must have respect either to the number of Representatives or to the manner in which they are chosen. The proper number to constitute a safe representation is a matter of judgment in which honest and wise men often disagree. Were it possible for all the people to convene and give their personal assent, some would think this the best mode of making laws; but, in the present instance, it is impracticable. In towns and smaller districts where all the people may meet conveniently and without expense this is doubtless preferable. The state representation is composed of one or two from every town and district, which composes an assembly not so large as to be unwieldy in acting, nor so expensive as to burden the people. But if so numerous a representation were made from every part of the United States, with our present population, the new Congress would consist of three thousand men; with the population of Great Britain, to which we may arrive in half a century, of ten thousand; and with the population of France, which we shall probably equal in a century and half, of thirty thousand.

Such a body of men might be an army to defend the country in case of foreign invasion, but not a legislature, and the expense to support them would equal the whole national revenue. By the proposed Constitution the new Congress will consist of nearly one hundred men. When our population is equal to Great Britain of three hundred men, and when equal to France of nine hundred. Plenty of lawgivers! Why any gentleman should wish for more is not conceivable.

Considering the immense territory of America, the objection with many will be on the other side; that, when the whole is populated, it will constitute a legislature unmanageable by its numbers. Convention, foreseeing this danger, have so worded the article that if the people should at any future time judge necessary, they may diminish the representation.

As the state legislatures have to regulate the internal policy of every town and neighborhood, it is convenient enough to have one or two men, particularly acquainted with every small district of country, its interests, parties, and passions. But the federal legislature can take cognizance only of national questions and interests, which in their

very nature are general, and for this purpose five or ten honest and wise men chosen from each state, men who have had previous experience in state legislation, will be more competent than an hundred. From an acquaintance with their own state legislatures, they will always know the sense of the people at large, and the expense of supporting such a number will be as much as we ought to incur.

If the honorable gentleman, in saying "there is no adequate provision for a representation of the people," refers to the manner of choosing them, a reply to this is naturally blended with his second objection, "that they have no security for the right of election." It is impossible to conceive what greater security can be given, by any form of words, than we here find.

The federal Representatives are to be chosen by the votes of the people. Every freeman is an elector. The same qualifications which enable you to vote for state representatives give you a federal voice. It is a right you cannot lose, unless you first annihilate the state legislature and declare yourselves incapable of electing, which is a degree of infatuation improbable as a second deluge to drown the world.

Your own assemblies are to regulate the formalities of this choice, and unless they betray you, you cannot be betrayed. But perhaps it may be said, Congress have a power to control this formality as to the time and places of electing; and we allow they have. But this objection, which at first looks frightful, was designed as a guard to the privileges of the electors. Even state assemblies may have their fits of madness and passion. This, tho not probable, is still possible.

We have a recent instance in the State of Rhode Island, where a desperate junto are governing contrary to the sense of a great majority of the people. It may be the case in any other state, and should it ever happen that the ignorance or rashness of the state assemblies in a fit of jealousy should deny you this sacred right, the deliberate justice of the continent is enabled to interpose and restore you a federal voice. This right is therefore more inviolably guarded than it can be by the government of your state, for it is guaranteed by the whole empire. Tho out of the order in which the honorable gentleman proposes his doubts, I wish here to notice some questions which he makes. The proposed plan among others, he tells us, involves these questions: "Whether the several state governments shall be so altered as in effect to be dissolved? Whether in lieu of the state governments the national Constitution now proposed shall be substituted?" I wish for sagacity to see on what these questions are founded. No alteration in the state governments is even proposed, but they are to remain identically the same that they now are. Some powers are to be given into the hands of your federal Representa-

tives, but these powers are all in their nature general, such as must be exercised by the whole or not at all, and such as are absolutely necessary; or your commerce, the price of your commodities, your riches, and your safety will be the sport of every foreign adventurer. Why are we told of the dissolution of our state governments, when by this plan they are indissolubly linked? They must stand or fall, live or die together. The national legislature consists of two houses, a Senate and House of Representatives. The Senate is to be chosen by the assemblies of the particular states; so that if the assemblies are dissolved, the Senate dissolves with them. The national Representatives are to be chosen by the same electors, and under the same qualifications, as choose the state representatives; so that if the state representation be dissolved, the national representation is gone of course.

State representation and government is the very basis of the congressional power proposed. This is the most valuable link in the chain of connection and affords double security for the rights of the people. Your liberties are pledged to you by your own state and by the power of the whole empire. You have a voice in the government of your own state and in the government of the whole. Were not the gentleman on whom the remarks are made very honorable, and by the eminence of office raised above a suspicion of cunning, we should think he had, in this instance, insinuated merely to alarm the fears of the people. His other objections will be mentioned in some future number of the LANDHOLDER.

*A Landholder V, 3 December*

To the Landholders and Farmers.

Continuation of remarks on the Honorable ELBRIDGE GERRY's objections to the new Constitution.

It is unhappy both for Mr. Gerry and the public that he was not more explicit in publishing his doubts. Certainly this must have been from inattention, and not thro any want of ability; as all his honorable friends allow him to be a politician even of metaphysical nicety.

In a question of such magnitude, every candid man will consent to discuss objections which are stated with perspicuity; but to follow the honorable writer into the field of conjecture and combat phantoms, uncertain whether or not they are the same which terrified him, is a task too laborious for patience itself. Such must be the writer's situation in replying to the next objection, "*That some of the powers of the legislature are ambiguous, and others indefinite and dangerous.*" There are many powers given to the legislature. If any of them are dangerous, the people have a right to know which they are, and how

they will operate, that we may guard against the evil. The charge of being ambiguous and indefinite may be brought against every human composition, and necessarily arises from the imperfection of language. Perhaps no two men will express the same sentiment in the same manner, and by the same words; neither do they connect precisely the same ideas with the same words. From hence arises an ambiguity in all languages, with which the most perspicuous and precise writers are in a degree chargeable. Some persons never attain to the happy art of perspicuous expression, and it is equally true that some persons, thro a mental defect of their own, will judge the most correct and certain language of others to be indefinite and ambiguous. As Mr. Gerry is the first and only man who has charged the new Constitution with ambiguity, is there not room to suspect that his understanding is different from other men's, and whether it be better or worse, the Landholder presumes not to decide.

It is an excellency of this Constitution that it is expressed with brevity and in the plain common language of mankind.

Had it swelled into the magnitude of a volume, there would have been more room to entrap the unwary, and the people who are to be its judges would have had neither patience nor opportunity to understand it. Had it been expressed in the scientific language of law, or those terms of art which we often find in political compositions, to the honorable gentleman it might have appeared more definite and less ambiguous, but to the great body of the people altogether obscure, and to accept it they must leap in the dark.

The people, to whom in this case the great appeal is made, best understand those compositions which are concise and in their own language. Had the powers given to the legislature been loaded with provisos and such qualifications as a lawyer who is so cunning as even to suspect himself would probably have intermingled, there would have been much more danger of a deception in the case. It would not be difficult to show that every power given to the legislature is necessary for national defense and justice, and to protect the rights of the people who create this authority for their own advantage; but to consider each one particularly would exceed the limits of my design.

I shall therefore select two powers given them, which have been more abused to oppress and enslave mankind than all the others with which this or any legislature on earth is clothed: the right of taxation, or of collecting money from the people, and of raising and supporting armies.

These are the powers which enable tyrants to scourge their subjects; and they are also the very powers by which good rulers protect the people against the violence of wicked and overgrown citizens, and invasion by the rest of mankind. Judge candidly what a wretched

figure the American empire will exhibit in the eye of other nations, without a power to array and support a military force for its own protection. Half a dozen regiments from Canada or New Spain might lay whole provinces under contribution, while we were disputing who has power to pay and raise an army. This power is also necessary to restrain the violence of seditious citizens. A concurrence of circumstances frequently enables a few disaffected persons to make great revolutions unless government is vested with the most extensive powers of self-defense. Had [Daniel] Shays, the malcontent of Massachusetts, been a man of genius, fortune, and address, he might have conquered that state and, by the aid of a little sedition in the other states and an army proud by victory, become the monarch and tyrant of America. Fortunately he was checked, but should jealousy prevent vesting these powers in the hands of men chosen by yourselves and who are under every constitutional restraint, accident or design will in all probability raise up some future Shays to be the tyrant of your children.

A people cannot long retain their freedom whose government is incapable of protecting them.

The power of collecting money from the people is not to be rejected because it has sometimes been oppressive.

Public credit is as necessary for the prosperity of a nation as private credit is for the support and wealth of a family.

We are this day many millions poorer than we should have been had a well-arranged government taken place at the conclusion of the war. All have shared in this loss, but none in so great proportion as the landholders and farmers.

The public must be served in various departments.

Who will serve them without a meet recompense? Who will go to war and pay the charges of his own warfare? What man will any longer take empty promises of reward from those who have no constitutional power to reward or means of fulfilling them? Promises have done their utmost, more than they ever did in any other age or country. The delusive bubble has broke, and in breaking it has beggared thousands and left you an unprotected people, numerous without force and full of resources but unable to command one of them. For these purposes there must be a general treasury with a power to replenish it as often as necessity requires. And where can this power be more safely vested than in the common legislature, men chosen by yourselves from every part of the Union, and who have the confidence of their several states, men who must share in the burdens they impose on others, men who by a seat in Congress are incapable of holding any office under the states, which might prove a temptation to spoil the people for increasing their own income?

We find another objection to be "that the executive is blended with and will have an undue influence over the legislative." On examination you will find this objection unfounded. The supreme executive is vested in a President of the United States. Every bill that hath passed the Senate and Representatives must be presented to the President, and if he approve, it becomes law. If he disapproves, but makes no return within ten days, it still becomes law. If he returns the bill with his objections, the Senate and Representatives consider it a second time, and if two-thirds of them adhere to the first resolution, it becomes law notwithstanding the President's dissent. We allow the President hath an influence, tho strictly speaking he hath not a legislative voice, and think such an influence must be salutary. In the President, all the executive departments meet, and he will be a channel of communication between those who make and those who execute the laws. Many things look fair in theory which in practice are impossible. If lawmakers in every instance, before their final decree, had the opinion of those who are to execute them, it would prevent a thousand absurd ordinances, which are solemnly made, only to be repealed and lessen the dignity of legislation in the eyes of mankind.

The Vice President is not an executive officer while the President is in discharge of his duty; and when he is called to preside, his legislative voice ceases. In no other instance is there even the shadow of blending or influence between the two departments. We are further told "that the judicial department, or those courts of law to be instituted by Congress, will be oppressive."

We allow it to be possible, but from whence arises the probability of this event? State judges may be corrupt, and juries may be prejudiced and ignorant, but these instances are not common; and why shall we suppose they will be more frequent under a national appointment and influence, when the eyes of a whole empire are watching for their detection?

Their courts are not to intermeddle with your internal policy and will have cognizance only of those subjects which are placed under the control of a national legislature. It is as necessary there should be courts of law and executive officers, to carry into effect the laws of the nation, as that there be courts and officers to execute the laws made by your state assemblies. There are many reasons why their decisions ought not to be left to courts instituted by particular states.

A perfect uniformity must be observed thro the whole Union, or jealousy and unrighteousness will take place; and for a uniformity, one judiciary must pervade the whole. The inhabitants of one state will not have confidence in judges appointed by the legislature of another state, in which they have no voice. Judges who owe their ap-



pointment and support to one state will be unduly influenced and not reverence the laws of the Union. It will at any time be in the power of the smallest state, by interdicting their own judiciary, to defeat the measures, defraud the revenue, and annul the most sacred laws of the whole empire. A legislative power without a judicial and executive under their own control is in the nature of things a nullity. Congress under the old Confederation had power to ordain and resolve, but having no judicial or executive of their own, their most solemn resolves were totally disregarded. The little State of Rhode Island was purposely left by Heaven to its present madness for a general conviction in the other states that such a system as is now proposed is our only preservation from ruin. What respect can anyone think would be paid to national laws, by judicial and executive officers who are amenable only to the present Assembly of Rhode Island? The rebellion of Shays and the present measures of Rhode Island ought to convince us that a national legislature, judiciary, and executive must be united or the whole is but a name; and that we must have these or soon be hewers of wood and drawers of water for all other people.

In all these matters and powers given to Congress, their ordinances must be the supreme law of the land or they are nothing. They must have authority to enact any laws for executing their own powers, or those powers will be evaded by the artful and unjust, and the dishonest trader will defraud the public of its revenue.

As we have every reason to think this system was honestly planned, we ought to hope it may be honestly and justly executed. I am sensible that speculation is always liable to error. If there be any capital defects in this Constitution, it is most probable that experience alone will discover them. Provision is made for an alteration if on trial it be found necessary.

When your children see the candor and greatness of mind with which you lay the foundation, they will be inspired with equity to furnish and adorn the superstructure.

**Joseph Steward to Enos Hitchcock**  
Plainfield, 27 November (excerpt)<sup>1</sup>

There is nothing here of a public nature worthy of note of which the public prints will not inform you. Health is much more prevalent here than religion, and politics engross almost the whole attention. The most judicious here are of opinion that the new Federal Constitution will be adopted by a majority of this state.

1. RC, Misc. MSS, Hitchcock Papers, Rhode Island Historical Society. Steward, a 1780 graduate of Dartmouth College, was a Congregational evangelist. Hitchcock was a Congregational minister in Providence, Rhode Island, and a supporter of the Constitution.

**Hugh Hughes to Charles Tillinghast**  
**28 November (excerpt)<sup>1</sup>**

If it be Erastus Wolcot that is opposed to the new Constitution, his influence is not equal to his brother's, Oliver, who lives at Litchfield and is, I believe, at this time, their lieutenant governor. Erastus lives near Hartford and has an influence also, but nothing like Oliver's.<sup>2</sup> General [James] Wadsworth has his circle; but it is not a very extensive one, unless lately made so. However, I am told that the opposition gains strength daily, and Colonel [Joseph] Platt Cook, of Danbury and late a delegate to Congress, is much opposed to the new form.

1. RC, Misc. MSS, Hugh Hughes folder, NHi. The place of writing is not on the letter, but it was probably written at Hughes's farm near Yonkers, Westchester County, New York. For a longer excerpt, see CC:298. Both Hughes and Tillinghast were prominent New York Antifederalists, and Tillinghast was John Lamb's son-in-law.

2. Erastus Wolcott, an East Windsor farmer, was a member of the Council and a judge of the Hartford County court. In May 1787, he refused to accept election as a delegate to the Constitutional Convention and was replaced by Roger Sherman.

**Hugh Ledlie to William Samuel Johnson**  
**Hartford, 1-3 December (excerpt)<sup>1</sup>**

. . . I shall have the pleasure of seeing you at Convention provided that so honorable and exalted appointment don't set you above the c[ompan]y of so mean a ploughjogger as I now only profess myself to be.

N.B. Since writing the above last Saturday afternoon, I had the honor of a visit from 3 Convention gentlemen, vizt. the Honorable Ricd. Law, Esquire, Dr. [Eliphalet] Dyer, and the Honorable Roger Sherman, Esquire.<sup>2</sup> They spent part of the afternoon and evening and talked much of the late Convention at Philadelphia as that to be held in this city the ensuing January. From every quarter, by the best accounts that I can learn, it is very much as it was with our old Mr. Jennings who undertook digging a well at Norwich Landing in a very improbable place for water. He told Captain Nathl. Backus that everybody said he would get water there, but some says I shant. So I find it in the new Constitution. Everybody says it will take place—but some says it won't. . . .

N.B. Squire [Daniel] Humphries of Simsbury says that if the new Constitution take place, he would not value all his estate worth three coppers in clover.<sup>3</sup> [Oliver] Phelps, Esquire of Granville [Massachusetts] says it won't take place in Boston.<sup>4</sup> This I have from good authority.

1. RC, Johnson Papers, CtHi. The body of this letter was written for Ledlie, but the postscripts are in his handwriting. For a photographic copy of the complete letter, see Mfm:Conn. 47. Ledlie (ca. 1720–1798) had been a militia captain in the Seven Years War and a leader of the Windham Sons of Liberty during the Stamp Act crisis. About 1770, he moved to Hartford where he was a shopkeeper. He was a delegate to the Middletown Convention in 1783, and Noah Webster called him “a noted wild Irishman” at the time. His political activities soon declined as a result of the gout, according to the writers of the *Anarchiad*. His letter to John Lamb, written after the Connecticut Convention, is the only account we have of the Convention by an opponent of the Constitution (15 January 1788, VII:B below).

2. Law, Dyer, and Sherman were in Hartford attending a session of the Superior Court.

3. Daniel Humphrey represented Simsbury in the state Convention and voted against ratification. His brothers, Hosea and Asahel, represented Norfolk in the Convention and also voted against ratification.

4. Phelps, a land speculator, had formerly lived in Suffield, Connecticut. He opposed the Constitution.

### Norwich Packet, 6 December

One happy effect originating from the new Constitution, says a correspondent, is that it determine[s] the political sentiments of the citizens of the Union. Already *some* influential characters in every state have discovered themselves to be what before they were not thought to be. Then can it even admit of a question (should the national Constitution be adopted) whether any man *now* unfriendly thereto ought to hold the least office under the government, whether civil, military, or otherwise?

### Oliver Wolcott, Sr. to Oliver Wolcott, Jr.

Litchfield, 9 December (excerpt)<sup>1</sup>

I hope to be able to attend the Convention, and, if the sleighing shall be good at that time, I will endeavor to persuade your mother, who has indeed pretty much consented to go with me, and in case we shall go to Hartford shall gladly accept of your invitation to put up at your house.

. . . . .

What will be the ultimate decision in regard to the new Constitution is an interesting inquiry. It is said that the Massachusetts, so far as it can be known, will be in favor of it. New Hampshire I think will

be so. The conduct of Virginia is pretty mysterious. I hear nothing from Maryland. I perceive that efforts are making to defeat its adoption in this state tho, I think, they will not succeed. In this county, I am very certain that they will not, tho Jonathan Gillet,<sup>2</sup> I perceive, is in this town to advise perhaps with his brother, our deacon on the subject, or perhaps to stop an [association?]. *A propos de* our deacon—he says, I am told, that it was an understanding among the Council that it would be unadvisable for them to give any explicit opinion in regard to the new Constitution lest their opinion might have too much influence upon the people. I certainly never heard of such an understanding but as lately coming from him. Certainly such an understanding must have been a very vile one, and which would have been reprobated by any manner of the least honor or regard to the duties of his station.

1. RC, Wolcott Papers, CtHi.

2. Jonathan Gillet represented Sharon in the House of Representatives and in the State Convention where he voted against ratification.

## A Landholder VI

### Connecticut Courant, 10 December

George Mason's objections to the Constitution had circulated in manuscript for a time, and then two different versions were published on successive days: in the Boston *Massachusetts Centinel* on 21 November (CC:276-A) and in the Alexandria *Virginia Journal* on 22 November (CC:276-B). The Massachusetts version was reprinted in the *Connecticut Courant* on 26 November, the *Connecticut Journal* on 28 November, the *Middlesex Gazette* on 3 December, and the *American Mercury* on 10 December.

"Landholder's" reply to Mason's objections was printed in the *American Mercury* on the same day as in the *Courant*, and reprinted in whole or in part in the *New Haven Gazette* and the *Norwich Packet* on 20 December, and in the *Connecticut Gazette* the next day.

By 24 December, when "Landholder" published a second attack on Elbridge Gerry, he had seen the version of Mason's objections published in the *Virginia Journal*. That version contained a paragraph (omitted from the Massachusetts version) arguing that a two-thirds vote of each house of Congress should have been required for the passage of navigation acts. "Landholder" therefore prefaced his attack on Gerry with an attack on Mason for the two different versions (see "Landholder" VIII, V below).

To the Landholders and Farmers.

*He that is first in his own cause seemeth just; but his neighbor cometh and searcheth him.*

The publication of Colonel [George] Mason's reasons for not signing the new Constitution has extorted some truths that would other-

wise in all probability have remained unknown to us all. His reasons, like Mr. [Elbridge] Gerry's, are most of them *ex post facto*; have been revised in New York by R[ichard] H[enry] L[ee] and by him brought into their present artful and insidious form. The factious spirit of R. H. L.—his implacable hatred to General Washington—his well-known intrigues against him in the late war—his attempt to displace him and give the command of the American army to General [Charles] Lee—is so recent in your minds it is not necessary to repeat them.<sup>1</sup> He is supposed to be the author of most of the scurrility poured out in the New York papers against the new Constitution.

Just at the close of the Convention, whose proceedings in general were zealously supported by Mr. Mason, he moved for a clause that no navigation act should ever be passed but with the consent of two-thirds of both branches; urging that a navigation act might otherwise be passed excluding foreign bottoms from carrying American produce to market, and throw a monopoly of the carrying business into the hands of the Eastern States who attend to navigation, and that such an exclusion of foreigners would raise the freight of the produce of the Southern States, and for these reasons Mr. Mason would have it in the power of the Southern States to prevent any navigation act. This clause, as unequal and partial in the extreme to the Southern States, was rejected; because it ought to be left on the same footing with other national concerns, and because no state would have a right to complain of a navigation act which should leave the carrying business equally open to them all. Those who preferred cultivating their lands would do so; those who chose to navigate and become carriers would do that. The loss of this question determined Mr. Mason against the signing the doings of the Convention, and is undoubtedly among his reasons as drawn for the Southern States; but for the Eastern States this reason would not do. It would convince us that Mr. Mason preferred the subjects of every foreign power to the subjects of the United States who live in New England; even the British who lately ravaged Virginia, that Virginia, my countrymen, where your relations lavished their blood—where your sons laid down their lives to secure to her and us the freedom and independence in which we now rejoice, and which can only be continued to us by a firm, equal, and effective Union. But do not believe that the people of Virginia are all thus selfish. No, there is a Washington, a [John] Blair, a [James] Maddison and a Lee (not R.H.L.), and I am persuaded there is a majority of liberal, just, and federal men in Virginia, who, whatever their sentiments may be of the new Constitution, will despise the artful injustice contained in Colonel Mason's reasons as published in the Connecticut papers.

*The President of the United States has no council, etc.*, says Colonel Mason. His proposed council would have been expensive—they must constantly attend the President, because the President constantly acts. This council must have been composed of great characters, who could not be kept attending without great salaries; and if their opinions were binding on the President, his responsibility would be destroyed—if divided, prevent vigor and dispatch; if not binding, they would be no security. The states who have had such councils have found them useless and complain of them as a dead weight. In others, as in England, the supreme executive advises when and with whom he pleases; if any information is wanted, the heads of the departments who are always at hand can best give it, and from the manner of their appointment will be trustworthy. Secrecy, vigor, dispatch, and responsibility require that the supreme executive should be one person and unfettered, otherwise than by the laws he is to execute.

*There is no declaration of rights.* Bills of rights were introduced in England when its kings claimed all power and jurisdiction, and were considered by them as grants *to the people*. They are insignificant since government is considered as originating from the people, and all the power government now has is a grant *from the people*. The constitution they establish with powers limited and defined becomes now, to the legislator and magistrate, what originally a bill of rights was to the people. To have inserted in this Constitution a bill of rights for the states would suppose them to derive and hold their rights from the federal government, when the reverse is the case.

*There is to be no ex post facto laws.* This was moved by Mr. Gerry and supported by Mr. Mason,<sup>2</sup> and is exceptionable only as being unnecessary; for it ought not to be presumed that government will be so tyrannical and opposed to the sense of all modern civilians as to pass such laws. If they should, they would be void.

*The general legislature is restrained from prohibiting the further importation of slaves for twenty odd years.* But every state legislature may restrain its own subjects; but if they should not, shall we refuse to confederate with them? Their consciences are their own, tho their wealth and strength are blended with ours. Mr. Mason has himself about three hundred slaves and lives in Virginia where it is found by prudent management they can breed and raise slaves faster than they want them for their own use, and could supply the deficiency in Georgia and South Carolina; and perhaps Colonel Mason may suppose it more humane to breed than import slaves.<sup>3</sup> Those imported, having been bred and born free, may not so tamely bear slavery as those born slaves and from their infancy inured to it; but his objections are not on the side of freedom, nor in compassion to the human race who are

slaves, but that *such importation render the United States weaker, more vulnerable, and less capable of defense.* To this I readily agree, and all good men wish the entire abolition of slavery as soon as it can take place with safety to the public, and for the lasting good of the present wretched race of slaves. The only possible step that could be taken towards it by the Convention was to fix a period after which they should not be imported.

*There is no declaration of any kind to preserve the liberty of the press, etc.* Nor is liberty of conscience, or of matrimony, or of burial of the dead; it is enough that Congress have no power to prohibit either, and can have no temptation. This objection is answered in that the states have all the power originally, and Congress have only what the states grant them.

*The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering law as tedious, intricate, and expensive, and justice as unattainable by a great part of the community as in England; and enable the rich to oppress and ruin the poor.* It extends only to objects and cases specified, and wherein the national peace or rights or the harmony of the states are concerned, and not to controversies between citizens of the same state (except where they claim under grants of different states); and nothing hinders but the Supreme Federal Court may be held in different districts, or in all the states, and that all the cases, except the few in which it has original and not appellate jurisdiction, may in the first instance be had in the state courts and those trials be final except in cases of great magnitude; and the trials be by jury also in most or all the causes which were wont to be tried by them, as Congress shall provide, whose appointment is security enough for their attention to the wishes and convenience of the people. In chancery courts, juries are never used, nor are they proper in admiralty courts which proceed not by municipal laws, which they may be supposed to understand, but by the civil law and law of nations.

Mr. Mason deems the President and Senate's power to make treaties dangerous because they become laws of the land. If the President and his proposed council had this power, or the President alone, as in England and other nations is the case, would the danger be less? Or is the representative branch suited to the making of treaties which are often intricate and require much negotiation and secrecy? The Senate is objected to as having too much power, and bold unfounded assertions that they will destroy any balance in the government and accomplish what usurpation they please upon the rights and liberties of the people; to which it may be answered, they are elective and rotative, to the mass of the people. The populace can as well balance the

senatorial branch there as in the states, and such better than in England, where the Lords are hereditary, and yet the Commons preserve their weight; but the state governments on which the Constitution is built will forever be security enough to the people against aristocratic usurpations. The danger of the Constitution is not aristocracy or monarchy, but anarchy.

I entreat you, my fellow citizens, to read and examine the new Constitution with candor; examine it for yourselves, you are most of you as learned as the objector, and certainly as able to judge of its virtues or vices as he is. To make the objections the more plausible, they are called *The Objections of the Honorable George Mason, etc.* They may possibly be his, but be assured they were not those made in Convention,<sup>4</sup> and being directly against what he there supported in one instance, ought to caution you against giving any credit to the rest; his violent opposition to the powers given Congress to regulate trade was an open decided preference of all the world to you. A man governed by such narrow views and local prejudices can never be trusted; and his pompous declarations in the House of Delegates in Virginia that no man was more federal than himself<sup>5</sup> amounts to no more than this, "Make a federal government that will secure Virginia all her natural advantages, promote all her interests regardless of every disadvantage to the other states, and I will subscribe to it."

It may be asked how I came by my information respecting Colonel Mason's conduct in Convention, as the doors were shut? To this I answer, no delegate of the late Convention will contradict my assertions, as I have repeatedly heard them made by others in presence of several of them, who could not deny their truth. Whether the Constitution in question will be adopted by the United States in our day is uncertain; but it is neither aristocracy or monarchy can grow out of it, so long as the present descent of landed estates last, and the mass of the people have, as at present, a tolerable education; and were it ever so perfect a scheme of freedom, when we become ignorant, vicious, idle, and regardless of the education of our children, our liberties will be lost—we shall be fitted for slavery, and it will be an easy business to reduce us to obey one or more tyrants.

1. There is no evidence that Richard Henry Lee was involved in an attempt to replace Washington with Charles Lee. For a similar charge, see "New England," 24 December, V below.

2. "Landholder" is wrong in two ways. Mason made the motion to delete "nor any *ex post facto* law" on the ground that it was not clear that the prohibition was limited to criminal cases, and added that "no legislature ever did or can altogether avoid them in civil cases." Gerry seconded the motion but for a different reason: "(with a view) to extend the prohibition to 'civil cases,' which he thought ought to be done" (Farrand, II, 617).



3. At his death in 1792 Mason left about 300 slaves (Kate Mason Rowland, *The Life of George Mason, 1725-1792* [2 vols., New York and London, 1892], II, 367-68). Mason had opposed the slave trade in the Convention and was accused of ulterior motives similar to those charged by "Landholder."

4. "Landholder" was technically correct in stating that Mason's objections, as printed, were not presented to the Convention, but Mason made most of those objections to the Convention at one time or another, and had argued that the Constitution should be prefaced by a bill of rights (Farrand, II, 587-88).

5. On 25 October, during a debate in the Virginia House of Delegates on whether or not Virginia should call a state convention, Mason stated that "He would . . . declare that no man was more completely federal in his principles than he was. That from the east of New Hampshire to the south of Georgia, there was not a man more fully convinced of the necessity of establishing some general government," but that he could not support the Constitution (Petersburg *Virginia Gazette*, 1 November, RCS:Va.). Mason's remarks were reprinted in three Connecticut newspapers by 29 November.

### **The Hartford Newspapers Deny Partisanship 10, 24 December<sup>1</sup>**

*Connecticut Courant, 10 December*

The editors of this paper have of late been repeatedly accused of partiality in respect to the manner in which the important questions now under consideration have been discussed in their paper. We are told that several gentlemen have reported that objections have been stated and defects pointed out in the new form of government, which we have refused to publish. As the charge reflects upon our integrity and, if believed, must lessen the public opinion of our candor, we beg leave to state the facts respecting this matter, as well as our ideas of what we conceive to be a proper line of conduct for us to pursue. We affirm that since the Constitution has been published we have not received a single essay upon the subject which contained the smallest objection; had any been received which were written decently, we should certainly have published them. It is true that in some of the states the subject has been discussed with much party zeal—most of those essays however appear to be of a controversial nature; a publication of what was written on one side would be absurd, and in some cases unintelligible, except it was explained by publications of what was written on the other. We believe our correspondents in this state are as able to vindicate their opinions in writing as those of any other; and we conceive that a sense of what is due to our own characters as well as to the literary reputation of the state ought to induce us to prefer original essays whenever they can be obtained. It is true that we make no secret of our private opinions respecting the questions now under consideration; but we pledge ourselves to the public that we ever have and ever mean to maintain the liberty of the press, and to

publish any pieces which we judge will not disgrace our paper, uninfluenced by our private opinions of the merits of any question or the wishes of any party whatever.

*Connecticut Courant and American Mercury, 24 December<sup>2</sup>*

The PRINTERS to the PUBLIC.

Reports having been propagated in various parts that the presses in Hartford are under the direction of certain men, who exclude everything written against the new Constitution. Some of these reports are said to come from persons so eminent in civil and religious character, as gives them credibility with honest men who have not better information. Knowing that the press ought to be uninfluenced and that the people, the great source of power and who are finally to determine the momentous question, have a right to know every argument, the printers feel themselves injured by these suggestions, their honor as well as the public good being concerned. We now give the fullest assurance that all such reports are false, that no piece written against the Constitution has been offered to us, and that no man's advice hath been taken in selecting for publication. Those who circulate those reports are now called upon to prove them and give a single instance where anything written against the Constitution hath been refused, though many things in favor of it have been neglected. All persons who have heard such suggestions are requested to give up the authors of them. Those whose sentiments are in opposition are desired to forward them to the press that the public may have the benefit of their opinion and arguments. If any are diffident of their own skill in composition, they may forward their pieces in the most plain manner, with a desire to have them supervised, and we engage that they shall be impartially corrected and published in a dress worthy of the public view. Honest men will not be backward in doing this, and the people may derive much information from the strong natural sense, good judgment, and experience of those who have not been educated writers. We wish none to believe they are designedly held in the dark by us, and all such insinuations are either from our personal enemies or those who have no better arguments to defend their cause. After this explicit declaration, we trust no one will be so incautious as to believe, or so dishonorable as to propagate, reports of this kind.

The PRINTERS of the CONNECTICUT COURANT and AMERICAN MERCURY.

1. There is no evidence as to the sources of the criticism that led the two newspapers to publish their denials of partisanship. For an Antifederalist attack on their partisanship, see Hugh Ledlie to John Lamb, 15 January 1788, VII:B below.

There were only two responses, neither perhaps serious, which took advantage of the two papers' declared willingness to publish pieces opposed to the Constitution. "The Landloser" in the *Mercury* on 7 January (Mfm:Conn. 64) professed to see danger in Congress' power over elections. An "Extract of a Letter from New York" in the *Courant* on 21 January (Mfm:Conn. 77) argued the need for amendments to the Constitution.

2. Transcribed from the *Connecticut Courant*.

### **The People: Unconstitutionalism Middlesex Gazette, 10 December**

As the new Constitution so called is a matter of the greatest importance to this country, to which it behooveth everyone to contribute his mite, we therefore presume to show our opinion and we are sorry to see that some have written in a style bordering upon enthusiastic madness and in that way extol the great and good men and some undispected [*sic*] sections in the draft; and though we wish to see the Congress possessed of as much power as the case requires, we do not wish them possessed of more. We therefore take the liberty to say we think there [is] in that Constitution very ambiguous, dangerous, and unnecessary matter. We would further premise that the least ambiguity is dangerous, as this is in the nature of a grant and is, as all other grants, to be taken strongest against us the grantors. We therefore hold that if there is anything that may be made an ill use of, it should be corrected. Doubtless those good men that formed it thought they would make a good use of all the powers, but we query whether any body of men ever did not carry their powers to the extent.

The first objection we make to it is the grant of power the Congress will have of all our estates by impost, excise, and taxation unlimited and to put as much of that money in their own pockets as they please. This is an unlimited grant—and we think it would have been better to have had the representation dependent on the state legislatures for their pay, and then they would have been under less temptation to have made excessive grants to the [Senate or others?]; but as it now stands, they are under temptation to say to the Senate, as some British officers do, if we give you a goose, you can afford to give us a feather. We have heard but one reason why the deputies should pay themselves and that is the fear that the state legislatures would not give them what is adequate. If this reason is true, it is a very bad one; but we do not think it well founded.

We know those gentlemen that went first to Congress had as much as they asked for, and all that have been since, we understand, have had more. We cannot perceive why the Congress should have the power of controlling our elections of our deputies as to time, place, and mode. We know of no reason why they should interfere with our

common law courts (which have stood an hundred and fifty years equal in rectitude to any in the world) and impose upon us a court of appeals in the common law to judge in equity law and fact denying the benefit of a jury, on credit the only security of property to the common or poor people; and as it is the only thing that has saved the British people from tyranny, we think it is the only thing that will save us as to that high court. We are sorry to say we think it would be the direct road to bribery and corruption. Let Congress have all the powers that is necessary for them and let them be there-with content.

**Governor Samuel Huntington to Secretary Charles Thomson**  
Norwich, 11 December<sup>1</sup>

I have been honored with your letter of the 28th ultimo with the Journals of Congress which you have mentioned.<sup>2</sup>

The attention of this state is principally turned to the new proposed Constitution and most of our delegates elected to attend Congress the current year are also elected members of the state Convention which will meet the first Thursday in January to take into consideration the new proposed Constitution; which creates some embarrassment. But on the receipt of your letter, I have notified two of the delegates to attend Congress forthwith and hope they may arrive without delay.<sup>3</sup>

I am also to acknowledge the receipt of your several letters of the 3d and 28th of September, and also the 2d and 18th of October with the papers to which they severally refer, excepting the act of Congress mentioned in your letter of the 18th of October, for keeping up a body of 700 troops, which I have not been able to find, and must request a copy of that act as soon as may be.

1. RC, PCC, Item 66, Connecticut State Papers, 1775-89, Vol. II, 378, DNA. Thomson was Secretary of the Confederation Congress.

2. Thomson's circular letter of 28 November requested improved attendance in Congress (LMCC, VIII, 684).

3. Connecticut elected seven delegates to Congress each year, but only two or three of them ever attended at any one time. In December 1787 the delegates were John Chester, Joseph Platt Cooke, Pierpont Edwards, Benjamin Huntington, Stephen Mix Mitchell, John Treadwell, and Jeremiah Wadsworth (CSR, VI, 282, 355, 356). All but Cooke and Huntington were delegates to the state Convention. For Governor Samuel Huntington's letters to Jeremiah Wadsworth and Joseph Platt Cooke on Connecticut's representation in Congress, see Mfm:Conn. 49-51, 82.

**Advertisement**

**New Haven Gazette, 13 December<sup>1</sup>**

**BROKE** into the State of Connecticut on the evening of the 12th ultimo a large overgrown creature marked *and branded* CENTINEL.

She appears to be of Pennsylvania extraction and was lately in the keeping of J[ohn] L[amb] of New York—from whence she escaped to this state. She is well pampered for market and at first was thought to be of great value, but upon more minute examination she is found to be a deception. Cocks head and tail at first sight, but is soon discovered to be lame in her *four* feet. Nine hundred pounds (her late master's salary under the present constitution) written in small letters on her left hip, the hip which eminent farmers conjecture will soon be put out of joint. She has a large blaze in her forehead, in which is written in capitals, FRIENDS, COUNTRYMEN, and FELLOW CITIZENS. She was considerably *galled* and *fretted* before she left Pennsylvania, by the lash of Mr. [James] Wilson,<sup>2</sup> which caused her to quit the place of her nativity. She is well enough *spread* for the people of this state, and they do not wish her to be *spread* any more, and therefore if her original proprietor or her late protector will take her away and pay charges, no questions will be asked; if not before the *first Thursday in January* next, she will be reshipped to New York to pay *duties* as we are determined not to winter her.

1. This item, dated "December 7, 1787," was reprinted in the *Middlesex Gazette*, 17 December (CC:283-C for national circulation).

On 17 December the *American Mercury* stated: "A gentleman in this city [Hartford] received a packet last Saturday evening containing a number of handbills against the new Constitution. The person who was kind enough to send them has been careful to conceal his name. It is, however, conjectured that they were forwarded by a LAMB, or rather a wolf in sheep's clothing."

2. For Wilson's speech of 6 October, which was, in part, an answer to "Centinel" I, see CC:134.

### Norwich Packet, 13 December

The grand question at present is, what shall be the quantity of power to be delegated in order to establish our national government upon a basis, permanent and stable? It is agreed on all hands that a *certain proportion must be relinquished*. Then, if the wisest of politicians disagree in the premises, how can it be a matter of surprise that private citizens make it a matter of question; from thence originate the opposite opinions we see published from time to time. We conceive them, however, to be temporary evils, which in the end will terminate in our political salvation.

### Jeremiah Wadsworth to Rufus King

Hartford, 16 December (excerpt)<sup>1</sup>

A pamphlet is circulating here—*Observations*, etc., signed The Federal Farmer<sup>2</sup>—written with art, and, tho by no means unanswerable, it is calculated to do much harm. It came from New York under cover to

Wronghead [James Wadsworth] and [Stephen Mix] Mitchel and to all others supposed to be against the Constitution. You will wonder to hear Mitchell named. You may remember he was against the [Constitutional] Convention—but he is right now, as far as his popular itch will let him be. He will vote right.<sup>3</sup> Notwithstanding all the volumes sent in here from New York and circulated with industry, we shall have a large majority.<sup>4</sup> Did you think to ask [Samuel] Osgood<sup>5</sup> the question I desired? What are his politics—who writes Publius<sup>6</sup>—will it be printed in a pamphlet? If it is, tell Nat Shaler<sup>7</sup> to send me soon two dozen of them. I have a sprained wrist what prevents my writing but with great pain.

1. RC, King Papers, NHI.

2. For the pamphlet *Letters from a Federal Farmer*, see CC:242. For an attack on the pamphlet and on Richard Henry Lee as its author, see "New England," 24 December (V below).

3. For Mitchell's views on the Constitutional Convention, see Mitchell to William Samuel Johnson, 18 September, I above.

4. On 12 December, Wadsworth had written to Henry Knox that "our Antifederalers are busy but will be distanced—tho aided by your devils in New York and Pennsylvania from whence their daily news, pamphlets, and newspapers full of wrath, slander, and evil speaking" (RC, Knox Papers, MHI).

5. Osgood was a member of the Confederation Board of Treasury. He had misgivings about the Constitution (Osgood to Samuel Adams, 5 January 1788, CC:417).

6. For "The Federalist Papers," see CC:201.

7. Shaler, a partner in the New York mercantile firm of Shaler and Sebor, had formerly lived in Middletown.

## A Landholder VII Connecticut Courant, 17 December<sup>1</sup>

To the Landholders and Farmers.

I have often admired the spirit of candor, liberality, and justice with which the Convention began and completed the important object of their mission. "In all our deliberations on this subject," say they, "we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might otherwise have been expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable."<sup>2</sup>

Let us, my fellow citizens, take up this Constitution with the same spirit of candor and liberality; consider it in all its parts; consider the important advantages which may be derived from it and the fatal con-

sequences which will probably follow from rejecting it. If any objections are made against it, let us obtain full information on the subject and then weigh these objections in the balance of cool impartial reason. Let us see, if they be not wholly groundless. But, if upon the whole, they appear to have some weight, let us consider well whether they be so important that we ought on account of them to reject the whole Constitution. Perfection is not the lot of human institutions; that which has the most excellencies and fewest faults is the best that we can expect.

Some very worthy persons, who have not had great advantages for information, have objected against that clause in the Constitution which provides that "no religious Test shall ever be required as a qualification to any office or public trust under the United States." They have been afraid that this clause is unfavorable to religion. But, my countrymen, the sole purpose and effect of it is to exclude persecution and to secure to you the important right of religious liberty. We are almost the only people in the world who have the full enjoyment of this important right of human nature. In our country, every man has a right to worship God in that way which is most agreeable to his own conscience. If he be a good and peaceable citizen, he is liable to no penalties or incapacities on account of his religious sentiments; or, in other words, he is not subject to persecution.

But in other parts of the world, it has been, and still is, far different. Systems of religious error have been adopted in times of ignorance. It has been the interest of tyrannical kings, popes, and prelates to maintain these errors. When the clouds of ignorance began to vanish, and the people grew more enlightened, there was no other way to keep them in error but to prohibit their altering their religious opinions by severe persecuting laws. In this way, persecution became general throughout Europe. It was the universal opinion that one religion must be established by law, and that all who differed in their religious opinions must suffer the vengeance of persecution. In pursuance of this opinion, when popery was abolished in England, and the Church of England was established in its stead, severe penalties were inflicted upon all who dissented from the Established Church. In the time of the civil wars, in the reign of Charles I, the Presbyterians got the upper hand and inflicted legal penalties upon all who differed from them in their sentiments respecting religious doctrines and discipline. When Charles II was restored, the Church of England was likewise restored, and the Presbyterians and other dissenters were laid under legal penalties and incapacities. It was in this reign that a religious test was established as a qualification for office; that is, a law was made requiring all officers civil and military (among other things)

to receive the Sacrament of the Lord's Supper, according to the usage of the Church of England, written [within] six months after their admission to office, under the penalty of £500 and disability to hold the office. And by another statute of the same reign, no person was capable of being elected to any office relating to the government of any city or corporation unless, within a twelvemonth before, he had received the Sacrament according to the rites of the Church of England. The pretense for making these severe laws, by which all but churchmen were made incapable of any office civil or military, was to exclude the Papists; but the real design was to exclude the Protestant dissenters. From this account of test laws, there arises an unfavorable presumption against them. But if we consider the nature of them and the effects which they are calculated to produce, we shall find that they are useless, tyrannical, and peculiarly unfit for the people of this country.

A religious test is an act to be done, or profession to be made, relating to religion (such as partaking of the Sacrament according to certain rites and forms, or declaring one's belief of certain doctrines), for the purpose of determining whether his religious opinions are such that he is admissible to a public office. A test in favor of any one denomination of Christians would be to the last degree absurd in the United States. If it were in favor of either Congregationalists, Presbyterians, Episcopalians, Baptists, or Quakers, it would incapacitate more than three-fourths of the American citizens for any public office; and thus degrade them from the rank of freemen. There needs no argument to prove that the majority of our citizens would never submit to this indignity.

If any test act were to be made, perhaps the least exceptionable would be one requiring all persons appointed to office to declare, at the time of their admission, their belief in the being of a God and in the divine authority of the Scriptures. In favor of such a test, it may be said that one who believed these great truths will not be so likely to violate his obligations to his country, as one who disbelieves them; we may have greater confidence in his integrity. But I answer: his making a declaration of such a belief is no security at all. For suppose him to be an unprincipled man, who believes neither the Word nor the being of a God, and to be governed merely by selfish motives, how easy is it for him to dissemble? How easy is it for him to make a public declaration of his belief in the creed which the law prescribes; and excuse himself by calling it a mere formality? This is the case with the test laws and creeds in England. The most abandoned characters partake of the Sacrament in order to qualify themselves for public employments. The clergy are obliged by law



to administer the ordinance unto them; and thus to prostitute the most sacred office of religion, for it is a civil right in the party to receive the Sacrament. In that country, subscribing to the Thirty-Nine Articles is a test for admission into holy orders. And it is a fact that many of the clergy do this; when, at the same time, they totally disbelieve several of the doctrines contained in them. In short, test laws are utterly ineffectual; they are no security at all, because men of loose principles will, by an external compliance, evade them. If they exclude any persons, it will be honest men, men of principle, who will rather suffer an injury than act contrary to the dictates of their consciences. If we mean to have those appointed to public offices who are sincere friends to religion, we the people who appoint them must take care to choose such characters and not rely upon such cobweb-barriers as test laws are.

But to come to the true principle by which this question ought to be determined: The business of civil government is to protect the citizen in his rights, to defend the community from hostile powers, and to promote the general welfare. Civil government has no business to meddle with the private opinions of the people. If I demean myself as a good citizen, I am accountable not to man, but to God, for the religious opinions which I embrace and the manner in which I worship the Supreme Being. If such had been the universal sentiments of mankind, and they had acted accordingly, persecution, the bane of truth and nurse of error with her bloody axe and flaming hand, would never have turned so great a part of the world into a field of blood.

But while I assert the right of religious liberty, I would not deny that the civil power has a right, in some cases, to interfere in matters of religion. It has a right to prohibit and punish gross immoralities and impieties because the open practice of these is of evil example and public detriment.

For this reason, I heartily approve of our laws against drunkenness, profane swearing, blasphemy, and professed atheism. But in this state, we have never thought it expedient to adopt a test law, and yet I sincerely believe we have as great a proportion of religion and morality as they have in England, where every person who holds a public office must be either a saint by law or a hypocrite by practice. A test law is the parent of hypocrisy, and the offspring of error and the spirit of persecution. Legislatures have no right to set up an inquisition and examine into the private opinions of men. Test laws are useless and ineffectual, unjust and tyrannical; therefore, the Convention have done wisely in excluding this engine of persecution and providing that no religious test shall ever be required.

1. This essay was printed in the *American Mercury* on the same day and reprinted two more times in Connecticut by 28 December (CC:351 for national circulation). For a further discussion of the omission of a religious test for office-holding in the Constitution, see Oliver Wolcott, Sr.'s speech in the state Convention on 9 January 1788 (VI below), and *The Debate over Religion and the Constitution*, 28 January–10 March 1788 (VII:B below).

2. See President of the Convention to the President of the Congress, 17 September 1787 (CDR, 305).

### Jeremiah Wadsworth to Henry Knox

Hartford, 23 December (excerpt)<sup>1</sup>

I received yours of the 16th with the agreeable news of Pennsylvania adopting the proposed Constitution. Our Antifederals—supported by the scribblers and babblers of New York—are holding up their heads, and our majority will be less than was at first expected, but I think two-thirds may be reckoned on. As soon as that business is over, I will set out for New York—and perhaps attend Congress—but of this I have at present some doubts as our governor has ordered in [Joseph Platt] Cook, a man openly opposed to the Constitution—but this *entre nous*.<sup>2</sup>

[P.S.] If Publius comes out in a pamphlet, I would wish to have a number. Everything that is written against the Constitution in New York is forwarded under cover to our Wrong Heads—and every underhand measure taken to prevent our adopting it, but we persevere in pushing it forward and counteracting their plots.

Is there any Congress? If not, when will there be, and who is there at present?

1. RC, Knox Papers, MHi (printed CC:369).

2. See Samuel Huntington to Charles Thomson, 11 December, V above.

### Samuel Holden Parsons to Roger Alden

Middletown, 24 December<sup>1</sup>

The Secretary [Charles Thomson] informed me that my commission was ready for me; if you will be so kind as to deliver it to my son, you will oblige me. I expect to be in New York in February where I hope [to have] the pleasure of seeing you. I suppose you, with many other good men, are anxiously expecting the fate of the new Constitution in this state. The efforts of its enemies have been crowned with shame and disappointment; their unceasing endeavors to alarm the fears of [and] awake the jealousies of the people have produced examination and candid attention among the citizens of this state, and there are many more friends added to it. I think there

cannot remain a doubt of its being cordially received here. Our Convention consists of 175 members, of which tis very certain 112 are decidedly for adopting it; the remaining 63 are doubtful.

1. RC, PCC, Item 49, Letters and Papers of Charles Thomson, 1781-89, pp. 129, 132, DNA. Parsons, a Middletown lawyer, was asking for his commission as one of the judges of the Northwest Territory, a post to which Congress had appointed him in October. Alden, deputy secretary of Congress, endorsed the letter: "Commission delivered agreeable to his request—Decr. 28th 1787." For similar comments by Parsons on the Constitution, see his letter to Henry Knox, 24 December, Mfm:Conn. 55.

### Ezra Stiles Diary

New Haven, 24 December (excerpt)<sup>1</sup>

Honorable Abraham Baldwin of Augusta in Georgia spent the evening with me.<sup>2</sup>

We conversed on the new Constitution formed by the Convention, on which I have formed this as my opinion: (1) That it is not the most perfect constitution yet. (2) That it is a very good one, and that it is advisable to adopt it. However (3) That tho much of it will be permanent and lasting, yet much of it will be hereafter altered by future revisions. And (4) That the best one remains yet to be investigated.

When the Convention was proposed I doubted its expediency. (1) Because I doubted whether our wisest men had yet attained light enough to see and discern the best, and what ought finally to prevail.<sup>3</sup> (2) Neither did I think the people were ripe for the reception of the best one if it could be investigated. And yet (3) I did not doubt but time and future experience would teach, open, and lead us to the best one. And tho we have got a much better one than I expected, and a very good one, yet my judgment still remains as before. I think there is not power enough yet given to Congress for firm government. Neither can I see how far it is safe to surrender the powers of the states to the imperial body, without (1) prostrating the sovereignty of the particular states, (2) without laying the foundation of the President's growing up into an uncontrollable and absolute monarch. And yet I think the last as well guarded as possible; and I know not whether it is possible to vest Congress with laws, revenues, and army and navy without endangering the ruin of the interior powers and liberties of the states.

1. MS, Bienecke Library, CtY (printed CC:370). The diary was published by Franklin Bowditch Dexter as *The Literary Diary of Ezra Stiles, D.D., LL.D., President of Yale College* (3 vols., New York, 1901). Stiles was president of Yale College from 1778 to 1795.

2. Baldwin, who had moved from Connecticut to Georgia by 1784, had been a Georgia delegate to the Constitutional Convention. On 21 December, Stiles recorded Baldwin's account of the Convention in his diary (Dexter, *Stiles*, III, 293-95).

3. In his diary on 6 June 1787, Stiles had written that the Constitutional Convention "embosoms some of the most sensible and great characters in America; all of them excellent" (Dexter, *Stiles*, III, 267).

### A Landholder VIII

Connecticut Courant, 24 December<sup>1</sup>

To the Honorable ELBRIDGE GERRY, Esquire.

Sir, When a man in public life first deviates from the line of truth and rectitude, an uncommon degree of art and attention becomes necessary to secure him from detection. Duplicity of conduct in him requires more than double caution; a caution which his former habits of simplicity have never furnished him the means of calculating; and his first leap into the region of treachery and falsehood is often as fatal to himself as it was designed to be to his country. Whether you and Mr. [George] Mason may be ranked in this class of transgressors, I pretend not to determine. Certain it is that both your management and his for a short time before and after the rising of the Federal Convention impress us with a favorable opinion that you are great novices in the arts of dissimulation. A small degree of forethought would have taught you both a much more successful method of directing the rage of resentment which you caught at the close of the business at Philadelphia, than the one you took. You ought to have considered that you resided in regions very distant from each other, where different parts were to be acted, and then made your *cast* accordingly. Mr. Mason was certainly wrong in telling the world that he acted a double part; he ought not to have published two sets of *reasons for his dissent to the Constitution*.<sup>2</sup> *His New England reasons* would have come better from you. He ought to have contented himself with haranguing in the Southern States, *that it was too popular, and was calculated too much for the advantage of the Eastern States*. At the same time you might have come on and, in the coffeehouse at New York, you might have found an excellent set of objections ready-made to your hands; a set that with very little alteration would have exactly suited the latitude of New England, the whole of which district ought most clearly to have been submitted to your protection and patronage. A Lamb, a Willet, a Smith, a Clinton, a Yates,<sup>3</sup> or any other gentleman whose salary is paid by the state impost, as they had six months the start of you in considering the subject, would have furnished you with a good discourse upon the "*liberty of the press*," the "*bill of rights*," the "*blending of the executive and legislative*," "*internal taxation*," or any other topic which you did not happen to think of while in Convention.

It is evident that this mode of proceeding would have been well calculated for the security of Mr. Mason; he there might have vented his ancient enmity against the independence of America, and his sore mortification for the loss of his favorite motion respecting the navigation act; and all under the mask of sentiments which, with a proper caution in expressing them, might have gained many adherents in his own state. But, although Mr. Mason's conduct might have been easily guarded in this particular, your character would not have been entirely safe even with the precaution above mentioned. Your policy, sir, ought to have led you one step farther back. You have been so precipitate and unwary in your proceedings that it will be impossible to set you right, even in idea, without recurring to previous transactions and recalling to your view the whole history of your conduct in the Convention, as well as the subsequent display of patriotism contained in your publication. I undertake this business, not that I think it possible to help you out of your present embarrassment; but, as those transactions have evidently slipped your memory, the recollection of the blunder into which your inexperience has betrayed you may be of eminent service in forming future schemes of popularity, should the public ever give you another opportunity to traduce and deceive them.

You will doubtless recollect the following state of facts; if you do not, every member of the Convention will attest them. That almost the whole time during the setting of the Convention, and until the Constitution had received its present form, no man was more plausible and conciliating upon every subject than Mr. Gerry. He was willing to sacrifice every private feeling and opinion—to concede every state interest that should be in the least incompatible with the most substantial and permanent system of general government—that mutual concession and unanimity were the whole burden of his song; and although he originated no ideas himself, yet there was nothing in the system as it now stands to which he had the least objection. Indeed, Mr. Gerry's conduct was agreeably surprising to all his acquaintance, and very unlike that turbulent obstinacy of spirit which they had formerly affixed to his character. Thus stood Mr. Gerry; till, towards the close of the business, he introduced a motion respecting the redemption of the old continental money—that it should be placed upon a footing with other liquidated securities of the United States. As Mr. Gerry was supposed to be possessed of large quantities of this species of paper, his motion appeared to be founded in such barefaced selfishness and injustice that it at once accounted for all his former plausibility and concession, while the rejection of it by the Convention inspired its author with the utmost rage and intemperate opposition to the whole system he had formerly praised. His resentment could do no more than embarrass and delay the completion of the business for

a few days, when he refused signing the Constitution and was called upon for his reasons. These reasons were committed to writing by one of his colleagues and likewise by the Secretary, as Mr. Gerry delivered them. These reasons were totally different from those which he has published, neither was a single objection which is contained in his letter to the legislature of Massachusetts ever offered by him in Convention.<sup>4</sup>

Now, Mr. Gerry, as this is generally known to be the state of facts, and as neither the reasons which you publish nor those retained on the Secretary's files can be supposed to have the least affinity to truth, or to contain the real motives which induced you to withhold your name from the Constitution, it appears to me that your plan was not judiciously contrived. When we act without principle, we ought to be prepared against embarrassments. You might have expected some difficulties in realizing your continental money; indeed the chance was rather against your motion even in the most artful shape in which it could have been proposed. An experienced hand would therefore have laid the whole plan beforehand and have guarded against a disappointment. You should have begun the business with doubts and expressed your sentiments with great ambiguity upon every subject as it passed. This method would have secured you many advantages. Your doubts and ambiguities, if artfully managed, might have passed, like those of the Delphic Oracle, for wisdom and deliberation; and at the close of the business you might have acted either for or against the Constitution, according to the success of your motion, without appearing dishonest or inconsistent with yourself. One further precaution would have brought you off clear. Instead of waiting till the Convention rose before you consulted your friends at New York,<sup>5</sup> you ought to have applied to them at an earlier period to know what objections you should make. They could have instructed you as well in August as October. With these advantages you might have passed for a complete politician, and your duplicity might never have been detected.

The enemies of America have always been extremely unfortunate in concerting their measures. They have generally betrayed great ignorance of the true spirit and feeling of the country, and they have failed to act in concert with each other. This is uniformly conspicuous, from the first Bute Parliament in London to the last Shays Parliament at Pelham. The conduct of the enemies of the new Constitution compares with that of the other enemies above mentioned only in two particulars, its *object* and its *tendency*. Its object was self-interest built on the ruins of the country, and its tendency is the disgrace of its authors and the final prosperity of the same country they meant to depress. Whether the Constitution will be adopted at the first trial in the conventions of nine states is at present doubtful. It is certain,

however, that its enemies have great difficulties to encounter arising from their disunion; in the different states where the opposition rages the most their principles are totally opposite to each other and their objections discordant and irreconcilable; so that no regular system can be formed among you, and you will betray each other's motives.

In Massachusetts, the opposition began with you, and from motives most pitifully selfish and despicable; you addressed yourself to the feelings of the Shays faction, and that faction will be your only support. In New York, the opposition is not to this Constitution in particular, but to the federal impost; it is confined wholly to salary men and their connections, men whose salary is paid by the state impost. This class of citizens are endeavoring to convince the ignorant part of the community that an annual income of fifty thousand pounds, extorted from the citizens of Massachusetts, Connecticut, and New Jersey, is a great blessing to the State of New York. And although the regulation of trade and other advantages of a federal government would secure more than five times that sum to the people of that state, yet, as this would not come through the same hands, these men find fault with the Constitution. In Pennsylvania, the old quarrel respecting their state constitution has thrown the state into parties for a number of years. One of these parties happened to declare for the new Federal Constitution, and this was a sufficient motive for the other to oppose it.<sup>6</sup> The dispute there is not upon the merits of the subject, but it is their old warfare carried on with different weapons, and it was an even chance that the parties had taken different sides from what they have taken, for there is no doubt but either party would sacrifice the whole country to the destruction of their enemies. In Virginia, the opposition wholly originated in two principles, the madness of Mason and the enmity of the Lee faction to General Washington.<sup>7</sup> Had the General not attended the Convention nor given his sentiments respecting the Constitution, the Lee party would undoubtedly have supported it, and Colonel Mason would have vented his rage to his own Negroes and to the wind. In Connecticut, our wrongheads are few in number and feeble in their influence. The opposition here is not one-half so great to the federal government as it was three years ago to the federal impost; and the faction, such as it is, is from the same blindfold party.

I thought it my duty to give you these articles of information, for the reasons above mentioned. Wishing you more caution and better success in your future maneuvers, I have the honor to be, sir, with great respect your very humble servant.

1. "Landholder" VIII was also printed in the *American Mercury* on 24 December, the *Norwich Packet* on 3 January 1788, and the *Connecticut Gazette* on 4 January. (CC:371 for national circulation.) For earlier attacks on Gerry, see "Nobody," 19 November and "Landholder" IV-V, 26 November and 3 December (V above).

2. For the two versions of Mason's objections, see CC:276 A-B.

3. John Lamb, Marinus Willet, Melancton Smith, Governor George Clinton, and Robert Yates were New York Antifederalists.

4. For Gerry's objections in the Convention, see Farrand, *passim*. "Landholder's" charges were denied by Gerry in the *Massachusetts Centinel* on 5 January 1788 and by Luther Martin in the *Maryland Journal* on 18 January.

5. Gerry stopped in New York City for about ten days after leaving Philadelphia. There he received a copy of the amendments to the Constitution which Richard Henry Lee had presented to Congress on 27 September (GDR, 337-39, 342).

6. For party divisions over the Constitution in Pennsylvania, see RCS:Pa., *passim*.

7. See "Landholder" VI, 10 December, n. 1, V above, and "New England," 24 December, immediately below.

### New England: To the Honorable Richard Henry Lee, Esquire Connecticut Courant, 24 December<sup>1</sup>

We have by several conveyances received your labored essay against the form of government proposed by the Convention, entitled *Letters from a Federal Farmer*.<sup>2</sup> We were at first ignorant to whom we were indebted for that various information which you seem zealous to afford. The collector of impost for New York [John Lamb], with whom your pamphlets were left to be distributed, acquitted himself of his trust as well as could be expected from a man too violent to be prudent and too ignorant of the characters he addressed not to be frequently mistaken. It was easy to discover that his intention was to have committed your books to a set of men who are wrongheaded from instinct and who are ever grateful to those who furnish them with plausible arguments to justify the errors inherent in their understandings. But it has happened in some instances that the addresses were made to gentlemen who despised the affront offered to their reason and who consider it as a great misfortune that they have been suspected to have been of your party.<sup>3</sup> Your agent certainly cannot be accused of negligence, though by doing too much he has injured your cause. He ought, when he distributed the handbills and pamphlets committed to his care, to have ascertained the nature of the objections they contained; for want of this attention, you have lost the support of several very respectable wrongheads—the poison conveyed from the *Centinel* has been counteracted by the different poison of the *Federal Farmer*, and the patients left in their usual state of sanity and dullness.

The active curiosity of the New England character has been employed to discover the officious stranger who has thus familiarly undertaken to advise. Whether the discovery has been accomplished by human or necromantic arts cannot be material for you to know. We own that we were much surprised to find that a delegate in Congress from the *Ancient Dominion of Virginia* had descended from the imagined dignity of a planter to unite with the G—v—r of N— Y— [George



Clinton] and a train of collectors of impost and excise, tidewaiters, and bailiffs to instruct us poor and despised Yankees in the arts of government. We did not expect from the owner of several hundred Negroes such unusual anxiety for our liberties—still less from a person whom we well remember several years ago endeavored to persuade us to degrade General Washington and promote his relation, General Charles Lee—a man altogether unfit to command an army, of violent passions, unprincipled character, and one whom we had good reason to suspect was connected with our enemies.<sup>4</sup>

In one respect only have you discovered your real character; we can perceive that you have a better opinion of your own sagacity and discernment than of ours. Your comments and explanations of the new form of government are such as would be very proper were you addressing the people of New Zealand—but we can pardon your minute interpretations—by being accustomed to despise New England, you probably thought we were as dull as the Negroes of Virginia.

We however confess a dullness of apprehension when we attempt to conceive, what *honest* motives could induce a Virginian planter to become the instructor and guardian of New England. We have heard a rumor that you and your connections have been for several years the personal enemies of General Washington, and some shrewd men imagine that your only motive to your present conduct arises from a low envy of the brilliant virtues and unbounded popularity of that illustrious character. If we are not mistaken, all your cant about liberty, democracy, and aristocracy is hypocritical, or else arises from a real ignorance of the nature of political liberty—in your practical sense, liberty can only mean a privilege for gentlemen planters to do what they please. In no conversation, in no intercourse with mankind, have you been known as the guardian or protector of that depressed race of men whose toils have enabled you to live in affluence and, at leisure, plot dissensions and mischief to your country.

It is also very remarkable that your associates in New York should all happen to be persons whom we consider as our enemies and unworthy our confidence.

If those gentlemen who have printed a vast edition of your books, which they are distributing among us at their own expense, are as zealous friends as they represent, they have in their power to bestow a mere unequivocal evidence of attachment, than a present of several thousand pamphlets containing the most evident misrepresentations and the weakest reasoning. We are not so wanting in sagacity as not to discover the motives of this extraordinary zeal. Those gentlemen in New York, who receive large salaries and have large sums to employ in speculations, are too well acquainted with human nature not to know that their offices will be more insecure,

and their conduct more attentively observed, when the expenses of government shall be paid by their constituents than while paid by us.

The collector of impost can well afford to pay fifty pounds for pamphlets to be distributed in New England to prevent any derangement in a system, which enables him to receive two thousand pounds annually of our property. Perhaps he may expect to be reimbursed, for surely it would not be unreasonable in a state which receives a tribute of fifty thousand pounds annually from its neighbors to expend so trifling a sum to convince them that they were thus fleeced to preserve their liberties. But know, sir, the people of New England are not willing to purchase your books at such a price, nor are they so ignorant of political science that the collector of impost for New York and his train of tidewaiters need remit their usual attentions to business to give them information. The fact is that the presses in New England are open to all parties, and a greater number of papers are distributed weekly for the information of the people than the whole number of persons of all colors in the *Ancient Dominion* who are able to read.

As you have without our application undertaken to advise us, we on our part will repay you with some information which if properly improved may be useful.

Know then that the people of New England are a bold, hardy, and intelligent race of men, who are attached from habit and principle to a republican government. There is not among us, as you suggest, any party of men who wish to subvert our liberties. If any individuals with such inclinations exist, their impotence and folly is their protection from our resentment. We think that we have just reasons to consider that the real strength and energy of the American character resides with us. We are proud of what we have accomplished during the late war—when we reflect that the armies of Britain never entered our borders without being compelled to flee—that they never resided one day within our confines when they were not protected by the cannon of their ships—that our hardy citizens have acquired glory for themselves and country, in every field of danger from the bleak and inhospitable regions of Canada to the sickly plains of Carolina. That our toils have reared the fabric of American greatness, and that our habits of industry and virtue must preserve American liberty; it is surely not unreasonable for us to wish for such establishments as may best enable us to grow great by peaceable and regular means and acquire property by directing the exertions of our industry to the best advantage.

Our country is more populous than any other in America, and though we have not any single article of commerce equal to either

of the staple commodities of our Southern brethren—yet the productions of our country are more various and in greater abundance than theirs—a greater variety of useful domestic manufactures are to be found in New England than elsewhere. We are under the best advantages to become the carriers of America and to breed, by our fisheries and commerce, a hardy race of men who may constitute our wealth in peace and our glory and defense in war.

Every useful object of business which we can propose for ourselves happens to be in direct competition with the interest of Great Britain and in some degree opposed to the interest of the other maritime powers of Europe. We judge, and we know that we judge truly, that it is for our interest to combine our strength and resources against the encroachments of foreigners, and we are desirous that all the people of the United States may be connected with us for the establishment of the American empire.

These are our principal objects as a people, and we are not deceived in the characters of our public men as you imagine. They are not richer than most of us or in any respect elevated above our control, as you suggest—their offices depend upon our suffrages which we bestow upon persons with whom we are intimately acquainted.

It is true that we imagine that the establishment of a federal government will remedy some evils with which we find ourselves oppressed by the selfishness of our neighbors. We feel some impatience when we reflect on the conduct of New York. We remember when the whole strength and resources of that state were not competent to reduce their internal enemies. We have not forgotten the assistance we afforded them—the immense property which they acquired by our exertions and which has been converted to their particular benefit—the extensive region of new country which they claimed without title and which we have tacitly conceded to them—we thought would sufficiently evince the generosity of our dispositions and that we did not fight for plunder, but for liberty.

When the misguided State of Rhode Island refused to grant the Impost to Congress upon the first requisition, we well remember the curses which some of the *first* characters in New York vented against that state.<sup>5</sup> We admitted the absurdity of the conduct of Rhode Island—but what shall we now say of the conduct of New York, a state famed for political knowledge, a state under the highest obligations of gratitude to New England, who have since the peace been invariably pursuing a system founded in the most unjustifiable selfishness—a system which increases their relative importance only by weakening and depressing their neighbors.

We mean not to be too general and severe in our censures. We

believe that the people of that state are as honestly disposed as any other, but we can by no means admit this to be true, as respects a majority of their present rulers. We have waited for the moment of calm conviction, and we trust the period has nearly arrived when that people will be willing to combine their strength with ours and grow great by the means of regular industry under the protection of an equal and just government. If we should be disappointed in this respect, we shall certainly examine the justice of those measures by which our labors are rendered conducive to their benefit. If then we are told, as at present, *that the port of New York is their property and that they have a right to improve their natural advantages to their best particular advantage*, we shall certainly reply: *that the principles of reason and justice require that states and individuals should so exercise their rights as not to injure and depress their neighbors*. If this should not induce them to adopt a proper mode of conduct, we have no doubt but arguments derived from our *natural strength*, operating on their *natural weakness*, will produce the desired conviction. The opinion of any statesman is not much to be regarded who supposes that a powerful and enlightened people, uncontrolled by any tie of government, will consent to become perpetual tributaries to a weaker neighbor.

We admit that the adoption of a new form of government is a matter of great importance, and we pretend not to foresee all the consequences which may follow from its reception by the people. When we review the history of human events, we are disposed to acknowledge that the most momentous affairs of society have owed their origin to accident. The best-formed projects of the benevolent mind have originated systems of persecution and tyranny, and what was intended for mischief or a gratification of passion has established the empire of reason. The mad resentment of [Martin] Luther first enabled science to triumph over superstition—the benevolent exertions of [Bartolomé de] Las Casas in favor of liberty have entailed slavery on one-quarter of mankind! All that we can know is that the new plan of government appears to be well calculated to secure our liberty and promote our happiness—that the characters who framed it have given the most unequivocal evidence of their abilities and integrity—they are the ornaments of our country and of human nature. From what has already been accomplished, we believe the people of America are capable of arranging the powers of government from a rational conviction of its necessity, and such is our patriotism that we are willing to run the small risk occasioned by our ignorance of future events for the sake of an experiment which, if successful, must greatly advance the dignity of human nature.

Your essay on the new Constitution is doubtless the utmost effort of your art, assisted by several persons of reputed good sense in New York. It contains many eulogiums on the plan of government proposed, joined with much insinuation against the characters of its authors. It may possibly alarm the timorous and those unacquainted with the nature of government—indeed it much resembles your former productions which were designed to traduce the illustrious Washington, but it will not on that account be more likely to gain our confidence. The ideas which you have suggested on the powers proposed to be vested in the Senate and judiciary of the United States are too distorted and erroneous for a man of your abilities seriously to entertain. As we know your representations to be uncandid, we shall leave you to correct your errors by that reason which we suppose you to possess, and when you shall next publish your objections against the new form of government, in case they are fairly communicated, and with that candor which becomes a freeman when he addresses freemen as enlightened as himself, your arguments will be refuted or their force admitted by the people of NEW ENGLAND.

1. Reprinted five times from New Hampshire to Georgia by 14 April 1788 (CC: 372).
2. For *Letters from the Federal Farmer*, see CC:242.
3. See Jeremiah Wadsworth to Rufus King, 16 December, V above.
4. See "A Landholder" VI, 10 December, n. 1, V above.
5. For Rhode Island's refusal to grant the Impost of 1781, see CDR, 63, 140.

### **Extract of a Letter from Connecticut**

**30 December<sup>1</sup>**

This week the Convention of this Federal state meets at Hartford. This body will be the most respectable ever assembled in the state. It is composed of men distinguished for abilities and the love of their country—men whose minds spurn the fetters of local views, which would lead others to sacrifice the interest and honor of America to the narrow politics of their own state. Indeed, I feel happy in resting the decision of the important question with a council so truly adequate to judge and decide.

1. *Newport Herald*, 10 January 1788. This item was headed: "Extract of a letter from a gentleman in Connecticut to his friend in this town, dated Dec. 30, 1787."

### **Connecticutensis: To the People of Connecticut** **American Mercury, 31 December**

A revenue is absolutely necessary for every nation. Money must be raised for public uses. The United States are still largely in debt on account of the expenses of the late war. Foreign states who have

lent us their money in the time of our distress must be paid. Gratitude and justice requires it; and this is not all, they can make reprisals upon us, and let us know that we must pay, or the worst will be our own. Our own patriotic citizens who have lent their money to the public ought to be and must be paid. Money must be provided for our current national expense.

How shall these things be done? We have strained the point of dry taxation to its highest pitch. The farmer, who has a moderate decent farm just sufficient comfortably to support himself and family, finds it exceedingly hard to save enough out of his yearly earnings to pay the frequent demands of collectors. There is an easier way, my fellow citizens, to raise such sums of money as are necessary for public use; indirect taxation, duties laid upon those foreign articles which are imported and sold among us. Such duties are paid, in the first place, by the merchant; by the man that is buying, and selling, and getting gain, and has the money to pay. It is true that he will not bear the whole of this in the end; he will ask a higher price for his goods. But I ask you, is it not easier for you to give a little dearer for the goods you buy when you can pay in your way, and if they are higher, can buy a little the less; is not this easier than it is to have a collector come and dun you for a round sum of money, and pay it you must or your cattle and land must be sold at public vendue? Everyone must see that this way of indirect taxation is by far the easiest for the people. Reason shows us that this must be the case. The experience of all civilized nations shows us the same. In England, more than three-fourths of the public revenue is raised by indirect taxation; much the same way likewise may be said of the other European nations.

This advantage will also arise from taxing foreign commodities, that it will in reality encourage our own produce and manufactures. It has heretofore been our foolish policy to load our own commodities with taxes and let those of foreigners go free. We tax all our own commodities, not excepting the most favored, not excepting even our wool and flax. Although we do not charge our sheep in the list, yet we tax the land which they feed upon, which operates as a tax upon the wool itself. We tax the ground on which our flax grows, the oxen employed in tilling it, and the polls of those employed in raising and dressing the flax; so that in reality, this useful material for our own domestic manufactures pays a heavy tax. The lands on which our orchards grow are taxed; and thus the wholesome juice of our own apple pays a heavier tax than those fiery distilled spirits which destroy the health, property, and morals of the people. Now by taxing our own commodities higher than those of foreign nations, we discourage our own and give the preference to foreign produce and manufactures. This, my countrymen, is going on in the high road to national

poverty and distress. But in our present divided situation, we must go on so; we cannot adopt a rational system of trade and finance.

Instead of adopting a general system founded upon principles of justice and equality, the states are trying to take undue advantages of each other. The neighboring states have laid duties upon imported goods. We purchase these goods and use them; the consumer ultimately pays the duties. In this way, we the citizens of Connecticut are constantly paying an impost of forty thousand pounds a year into the treasury of New York. The collector of impost in that state has a salary of 3,000 dollars a year; if the new Constitution is adopted, the New York impost and Colonel [John] Lamb's salary go over the dam together. It is no wonder, then, that he is taking so much pains to circulate the Centinel and other factious pieces among us. But does he believe the people of Connecticut are such fools as to think it is for their interest to pay to the State of New York a yearly tribute of 40,000 pounds, because it is his interest to receive 3,000 dollars for collecting it?

The plain state of the matter is this: indirect taxation is by far the easiest and wisest way of raising a revenue. This mode cannot be adopted by the states, with any kind of justice or equality, in their present disunited situation. If the new Constitution should be adopted, the principal part of the public revenue would be raised in this most eligible way. Therefore, considering the subject in this light, there is a weighty reason for adopting the new Constitution.

### A Landholder IX

Connecticut Courant, 31 December<sup>1</sup>

To the honorable GENTLEMEN chosen to serve in the STATE CONVENTION.

Gentlemen, When the deputies of a free people are met to deliberate on a Constitution for their country, they must find themselves in a solemn situation. Few persons realize the greatness of this business, and none can certainly determine how it will terminate. A love of liberty in which we have all been educated, and which your country expects of you to preserve sacred, will doubtless make you careful not to lay such foundations as will terminate in despotism. Oppression and a loss of liberty arises from very different causes, and which at first blush appear totally different from another. If you had only to guard against vesting an undue power in certain great officers of state, your work would be comparatively easy. This sometimes occasions a loss of liberty, but the history of nations teacheth us that for one instance from this cause, there are ten from the contrary; a want of necessary power in some public department to protect and to preserve the true

interests of the people. America is at this moment in tenfold greater danger of slavery than ever she was from the councils of a British monarchy or the triumph of British arms. She is in danger from herself and her own citizens, not from giving too much, but from denying all power to her rulers—not from a constitution on despotic principles, but from having no constitution at all. Should this great effort to organize the empire prove abortive, Heaven only knows the situation in which we shall find ourselves; but there is reason to fear it will be troublesome enough. It is awful to meet the passions of a people who not only believe but feel themselves uncontrolled—who not finding from government the expected protection of their interests, tho otherwise honest, become desperate, each man determining to share by the spoils of anarchy what he would wish to acquire by industry under an efficient national protection. It becomes the deputies of the people to consider what will be the consequence of a miscarriage in this business. Ardent expectation is waiting for its issue—all allow something is necessary—thousands of sufferers have stifled their sighs in reverence to the public effort—the industrious classes of men are waiting with patience for better times, and should that be rejected on which they make dependence, will not the public convulsion be great. Or if the civil state should survive the first effects of disappointment, what will be the consequences of slower operations. The men who have done their best to give relief will despair of success and gloomily determine that greater sufferings must open the eyes of the deluded. The men who oppose, tho they may claim a temporary triumph, will find themselves totally unable to propose, and much less to adopt, a better system. The narrowness of policy that they have pursued will instantly appear more ridiculous than at present, and the triumph will spoil that importance which nature designed them to receive not by succeeding, but by impeding national councils. These men cannot therefore be the saviors of their country. While those who have been foremost in the political contention disappear, either thro despondence or neglect, every man will do what is right in his own eyes and his hand will be against his neighbor—industry will cease—the states will be filled with jealousy—some opposing and others endeavoring to retaliate—a thousand existing factions and acts of public injustice, thro the temporary influence of parties, will prepare the way for chance to erect a government which might now be established by deliberate wisdom. When government thus arises, it carries an iron hand. Should the states reject a union upon solid and efficient principles, there needs but some daring genius to step forth and impose an authority which future deliberation never can correct. Anarchy, or a want of such government as can protect the interests of the subjects against foreign and domestic injustice, is the worst of all conditions.



It is a condition which mankind will not long endure. To avoid its distress, they will resort to any standard which is erected and bless the ambitious usurper as a messenger sent by Heaven to save a miserable people. We must not depend too much on the enlightened state of the country. In deliberation this may preserve us; but when deliberation proves abortive, we are immediately to calculate on other principles, and inquire to what may the passions of men lead them when they have deliberated to the utmost extent of patience and been foiled in every measure by a set of men who think their own emoluments more safe upon a partial system than upon one which regards the national good.

Politics ought to be free from passion—we ought to have patience for a certain time with those who oppose a federal system. But have they not been indulged until the state is on the brink of ruin and they appear stubborn in error? Have they not been our scourge and the perplexers of our councils for many years? Is it not thro their policy that the State of New York draws an annual tribute of forty thousand pounds from the citizens of Connecticut? Is it not by their means that our foreign trade is ruined and the farmer unable to command a just price for his commodities? The enlightened part of the people have long seen their measures to be destructive, and it is only the ignorant and jealous who give them support. The men who oppose this Constitution are the same who have been unfederal from the beginning. They were as unfriendly to the old Confederation as to the system now proposed, but bore it with more patience because it was wholly inefficacious. They talk of amendments—of dangerous articles which must be corrected—that they will heartily join in a safe plan of federal government; but when we look on their past conduct, can we think them sincere. Doubtless their design is to procrastinate and, by this, carry their own measures; but the artifice must not succeed. The people are now ripe for a government which will do justice to their interests, and if the Honorable Convention deny them, they will despair of help. They have shown a noble spirit in appointing their first citizens for this business. When convened, you will constitute the most august assembly that were ever collected in the state, and your duty is the greatest that can be expected from men, the salvation of your country. If coolness and magnanimity of mind attend your deliberations, all little objections will vanish, and the world will be more astonished by your political wisdom than they were by the victory of our arms.

1. This item was published in the *American Mercury* on the same day and reprinted two more times in Connecticut and once in Massachusetts by 11 January 1788.

**A Freeman: To the People of Connecticut**  
**Connecticut Courant, 31 December**

This is a day, by way of eminence, for political deliberation, and we are amused with reasons against and reasons for the new Constitution from one part of the continent to the other. Held up to our view as something magnificent are the *reasons of the Honorable Mr. [Elbridge] Gerry* for not subscribing to the Constitution. From Virginia, we have the *objections of the Honorable George Mason*, pompously set forth. In New York, a factious genius pours a flood of eloquence against the Constitution. And our printers possess so much candor as to keep their presses open to all parties. Amid all these publications, a Freeman of Connecticut ventures to make his remarks and professes to do it in the spirit of candor.

In the course of some late publications, several things have been discussed relating to the new Constitution that might have a tendency to prevent prejudices and clear off objections, to give the landholders and farmers an opportunity to judge for themselves as to the defects or excellencies of it. And, as the season for the sitting of the state Convention approaches, so I would call your attention still further to the interesting subject.

Our country now seems to hang in anxious suspense, not knowing whether she is to have a good and efficient government or none at all, or a despotic one imposed upon her by some daring adventurer. She has fought, her enemies must do her the justice to own, gallantly with one of the most powerful kingdoms on the globe; a kingdom which had spread the glory of its arms and the terror of its name over every quarter of the world. She has bled, we are all mournful witnesses, at a thousand veins through a bloody and long war. She has nobly conquered, to the astonishment of the nations of Europe. On account of her splendid victories and passion for freedom approaching to enthusiasm, her fame has diffused itself far and wide. Her generals, her soldiers, her perseverance and patience under every difficulty, her statesmen and her resources are the admiration of distant nations, and probably will be of [the?] applauding posterity, if she improve aright the present eligible situation for adopting a good federal system of policy. The grand question is—shall she be happy in a good or wretched in a bad form of government? Shall all her blood and treasures expended in the late war be lost? Shall the advantages which she now possesses, prodigal-like be squandered away? When peace was established and the horrors of war terminated, the most of us mistakenly concluded that all was done for us, and that we had nothing left but to reach out the eager hand and take hold of happiness. Independence we fondly believed would cost us

little or nothing—good government, national faith, national honor, and national dignity would take place of course, without any exertions of our own. But an arduous task was still to be performed. We had an empire to build. The American Revolution is a distinguished era in the history of mankind. And the present is to us a period as important, as delicate and as critical, and perhaps more so, than any that has yet been. To fight battles and vanquish enemies is far less difficult than to curb selfish passions, to liberalize the narrow-minded, to eradicate old prejudices (as the most stupid and silly and ungenerous prejudices have subsisted in the several states against each other), to give up local attachments, and to cement together as *one great people*, pursuing one general interest. An opportunity now presents of realizing the richest blessings. The new Constitution holds out to us national dignity, respectability, and an energetic form of government. I wish to see candidly discussed the most material objections against it as they may appear in the public papers, be proposed by gentlemen of sense and merit, or be started by the common people and be enlarged upon with malignant pleasure by popular drudges, who clamor plausibly about the rights of the people, but whose intentions invariably are to promote and secure their own lucrative posts or honorable employments.

In this publication, I shall consider that objection to the Constitution upon which much is confidently advanced by many, *that if we adopt the Constitution our liberties are gone forever, that moment the nation receives this form of government, that moment we become a nation of slaves*. It is incumbent upon those who make this objection to point out the dangerous clause. They should be challenged to show where we may find it. Designing and factious men throw out this objection; and many honest, well-meaning farmers and landholders are frightened with it. They hear others, of whose wisdom, knowledge in politics, and character, they have an exalted opinion, speak of the Constitution as a dangerous one, an insidious one, which is to betray the liberties of the people, while it professes to defend and guard them. They consequently fear the worst of evils lie hidden under a fair guise. For themselves, they see no danger, and never would dream of any, were it not from the base surmises of the designing. With their own eyes they can see no evils, but the more shrewd have eyes to see. Such, and such characters, important men—men in high posts—men of reputed principles and integrity—object against the Constitution as designed to annihilate the state sovereignties, undermine our rights, and to end either in a corrupt aristocracy or absolute monarchy. Thus stands the objection. Let the well-meaning who fear no loss of lucrative posts view the *mighty scarecrow*. O ye

my countrymen, be not deceived with fair words and plausible speeches. You have eyes; use them for yourselves—employ your own good sense—read and examine the Constitution—trust not to others to do it for you—narrowly inspect every part of it. Then, you will be convinced that the objection is wholly groundless, having no existence but in imagination. Believe for once that many who pretend to be so tender for your rights, and are so deeply concerned for your liberties, and on all occasions boast of their love and veneration for liberty, only mean to dupe you. I am credibly informed that in a certain town, when the inhabitants were convened in pursuance of the order of the General Court to choose delegates to sit in Convention to determine whether this state will assent to and ratify a Constitution which has for its object the establishment of the dignity, freedom, and happiness of our country, a great man made a great speech, in length two hours, in breadth one hair, and closed with this striking observation: *My fellow citizens, this is the day in which you are to vote whether you will be freemen or slaves; if we reject the Constitution, we shall be free; if we adopt it, we shall be slaves.*<sup>1</sup> The candor and justice of this representation, I presume, will be discerned by every man of common sense. Such an observation not obliquely, but directly insinuates that the Constitution will infallibly make us a nation of slaves. There certainly is nothing in it that looks this way. On the contrary it seems to guard you on every side from despotism and shows an uncommon solicitude to prevent any infringement upon the liberties of the people; gives all the liberty which a judicious people could desire. Liberty, a word that has charms sufficient to captivate a generous mind, is revered in the Constitution; and is totally different from licentiousness. Many have no other idea of liberty, but for everyone to do as he pleases—to be as honest as he pleases—to be as knavish as he pleases—to revere the laws and authority of the state as much as he pleases—and to traduce and revile the rulers as much as he pleases. Such a liberty, which to our shame has for several years been our idol, ought to be done away and never more stop the progress of justice or with its foul streams pollute this beautiful country. Every government which is worth having and supporting must have a competent degree of power in it to answer the great ends of its creation—the happiness of the people, the protection of their persons, and security of their property. A government without such a power is only a burden. That government, provided for us by the concentrated wisdom of the states, secures all our liberties that ought to be secured.

1. No evidence has been found to indicate where such a speech might have been given.

The Forc'd Alliance  
Middlesex Gazette, 31 December<sup>1</sup>

The forc'd ALLIANCE;  
A DIALOGUE.

Or, the News-Boy's Shift for January 1st, 1788.

Hail to my happy friends—the accustom'd lay  
Must fail to greet you on this welcome day.  
For all our bards, so self important grown,  
Refuse to scribble for a single town;  
While pride directs their pomp-belabour'd rhymes  
To distant nations and to future times.  
Without the raid I'll try my utmost skill,  
To please my readers, and my purse to fill.

An *Oyster-Catcher's Song* is all I boast,  
Who, labouring late along the sea-beat coast,  
O'erheard two patriots, on the silent shore,  
By moonlight met to talk their systems o'er:  
Tho' foes by instinct; yet their private ends  
And common danger taught them to be friends.  
He sings how Wronghead thus the silence broke,  
And Lamb responsive swagger'd as he spoke.

WRONGHEAD.

What say our friends, that rule the roast at York?  
And what new change will *Constitution* work?  
Does Anarch's viceroy still the strife oppose,  
And Yates and Jones<sup>2</sup> defeat his numerous foes?

LAMB.

Fear not for Clinton—he, with mole-like toil,  
Our friends shall succour and our foes dispoil;  
Our salaries, post and imposts he'll maintain,  
And proud Conventions spend their wits in vain.

WRONGHEAD.

Had the small-pox but curried once this hide,  
I'd soon be there to labour at his side.  
For all our homebred friends, I rul'd of late,  
Have left my cause, and I must leave the state.

LAMB.

Through our glad harbour, sails unnumber'd pour,  
The wealth of nations to the croud'd shore;  
In prospect now we hold imperial reins,  
And sister states in tributary chains.

## WRONGHEAD.

In all the wealth that both the Indies pour,  
 While Yankey fools increase the splendid store,  
 Your State may boast—give us the hard-bound soil,  
 Where equal poverty repays the toil.

## LAMB.

Waft us, O winds, a vast increase of trade,  
 Full-freighted ships, with IMPOST to be paid,  
 Goods of all foreign growth, though vile and poor,  
 They'll pay the duties, and I ask no more.

## WRONGHEAD.

Oh, for those simple times, our father's knew,  
 Ere trade began, when all their laws were blue;  
 When log-built hutts defended from the storm,  
 And leather aprons kept their bellies warm;  
 When witches strove in vain to breath thro' hemp,  
 And common food was bear's grease mixt with samp.

## LAMB.

Shine clear, O moon, in all thy silver pride,  
 Aid my brave boys that watch the nightly tide;  
 May no vile smuggler shun their faithful view,  
 And rob my coffers of their rightful due.

## WRONGHEAD.

Oh, that a wall of brass, our State around,  
 Had us enclos'd and fixt the people's bound.  
 Of all its gates that open to the seas,  
 In this right hand had I the fatal keys;  
 With Satan's leave, I'd try one magic spell,  
 And send them by his Majesty to hell.

## LAMB.

Auspicious stars, that o'er the main preside,  
 That lead the tempests and the sailors guide,  
 Round other harbours show what dangers lurk,  
 And point each vessel to the port of York.

## WRONGHEAD.

And, Oh, return the late triumphant days,  
 When Springfield trembled at the march of Shays.  
 Ill-fated chief! alone, in northern woods,  
 He roams, where Laurence rolls his icy floods.

LAMB.

In fields of blood let Shays or Lincoln<sup>3</sup> fall,  
Let *Blue Laws* reign, or raise thy brazen wall.—  
But let imperial York still rule the sea.  
And leave our posts to Clinton and to me.

WRONGHEAD.

But vain the toil—our highest hopes are vain;  
This Constitution haunts my turbid brain.  
Scarce from dread Compo's distant field of fight  
A spectre rose so hideous to my sight;  
Nor yet such horror, lest the Upper Board,  
When I resign'd, should take me at my word.

LAMB.

Thy fears are just. My soul shall rue the day,  
That bears the impost from these hands away;  
For when to Congress, Clinton's pride shall yield,  
His friends must fall, his minions quit the field.

WRONGHEAD.

What then remains? shall men of sense and note,  
Who scorn my counsels and give me no vote,  
Shall laws, shall government, shall foederal power,  
Rise from the dust, and rule the peaceful shore?

LAMB.

Nor yet despair—for trite *Objections* rise,  
Where Mason gains, and Gerry, full supplies.  
See the loud Lees eke out their scribbling trade,  
And all York wits afford their feeble aid;  
No day elapses, but essays a score  
Come out from men, who ne'er essay'd before.

WRONGHEAD.

Had my good fire but taught this hand to write,  
That Constitution ne'er had seen the light.  
My sinking glory I'd revive amain,  
And vile *Detectors*<sup>4</sup> should detect in vain.

LAMB.

This load of sly-wrote Pamphlets, small and great,  
Distribute gratis——they'll distract your State.  
In them you'll find the hopeful scheme we form,  
To save our cause, and ward the gathering storm;  
In this let all your friends with us embark,  
And seek their safety in the chosen ark.

## WRONGHEAD.

On this new deluge may we safely ride,  
 Till ebbing waves succeed the raging tide;  
 Then, in good time, we'll send abroad a fowl,  
 And Bubo, though no dove, is yet an owl;  
 He, hooting round, will bring us in his bill,  
 Some sign to act, or longer to lie still.

1. (LT). This item, an attack upon James Wadsworth (i.e., "Wronghead") and John Lamb, is also printed as CC:398. The poem, possibly by Lemuel Hopkins, a Hartford physician and one of the "Connecticut Wits," was reprinted in the *Weekly Monitor* on 7 January and in the *Massachusetts Gazette* on 8 January. It was also published as a broadside by the printers of the *Connecticut Courant*. For the background of this poem, see Leon Howard, *The Connecticut Wits* (Chicago, 1943), 196. For another New Year's verse, also critical of Antifederalists, see Mfm: Conn. 65.

2. Probably Robert Yates and Samuel Jones, New York Antifederalists. "Yates" could also be Abraham Yates, Jr., another New York Antifederalist.

3. General Benjamin Lincoln commanded the Massachusetts troops which suppressed Shays's Rebellion.

4. For "Detector's" attacks upon Wadsworth as comptroller, see the *Weekly Monitor*, 27 August, 15 October, and 3 December.

## Ezra Stiles Diary

New Haven, 3 January 1788<sup>1</sup>

The Convention sitting at Hartford, the grandest assemblage of sensible and worthy characters that ever met together in this state. It so happens that the present Governor [Samuel Huntington] and Lieutenant Governor [Oliver Wolcott, Sr.], the late Governor [Matthew] Grisw[old], three members of the Continental Convention at Philadelphia, Judge [Roger] Sherman, Dr. [William Samuel] Johnson now President of Columbia College, and Judge [Oliver] Ellsworth, all the judges of the Superior Court, the most of the Council,<sup>2</sup> the Speaker of the Lower House [John Chester], etc. There are twelve among them who have been members of Congress.<sup>3</sup> There are 2 or 3 ministers.<sup>4</sup> There are a number determined inferior members. There is a great conflux of gentlemen from all parts of the state to attend and hear the deliberations.

1. MS, Bienecke Library, CtY.

2. The councillors were William Samuel Johnson, Stephen Mix Mitchell, Jonathan Sturges, John Treadwell, James Wadsworth, William Williams, and Erastus Wolcott.

3. The twelve men who had actually served in Congress (as contrasted to those elected) were Eliphalet Dyer, Oliver Ellsworth, Samuel Huntington, William Samuel Johnson, Richard Law, Stephen Mix Mitchell, Jesse Root, Roger Sherman, Jonathan Sturges, James Wadsworth, William Williams, and Oliver Wolcott, Sr.

4. The two clergymen were Robert Robbins of Colchester and Andrew Lee of Lisbon. See also Jonathan Trumbull to Jeremiah Wadsworth, 17 November, IV above.



**A Citizen of New Haven**  
**Connecticut Courant, 7 January<sup>1</sup>**

**Observations on the new Federal CONSTITUTION.**

In order to form a good constitution of government, the legislature should be properly organized and be vested with plenary powers for all the purposes for which the government is instituted to be exercised for the public good as occasion may require.

The greatest security that a people can have for the enjoyment of their rights and liberties is that no laws can be made to bind them nor any taxes be imposed upon them without their consent by representatives of their own choosing, who will participate with them in the public burthens and benefits; this was the great point contended for in our controversy with Great Britain, and this will be fully secured to us by the new Constitution. The rights of the people will be secured by a representation in proportion to their numbers in one branch of the legislature, and the rights of the particular states by their equal representation in the other branch.

The President and Vice President as well as the members of Congress will be eligible for fixed periods and may be reelected as often as the electors shall think fit, which will be a great security for their fidelity in office, and will give greater stability and energy to government than an exclusion by rotation, and will be an operative and effectual security against arbitrary government, either monarchical or aristocratic.

The immediate security of the civil and domestic rights of the people will be in the governments of the particular states. And as the different states have different local interests and customs which can be best regulated by their own laws, it would not be expedient to admit the federal government to interfere with them any further than may be necessary for the good of the whole. The great end of the federal government is to protect the several states in the enjoyment of those rights against foreign invasion, and to preserve peace and a beneficial intercourse among themselves, and to regulate and protect their commerce with foreign nations.

These were not sufficiently provided for by the former Articles of Confederation, which was the occasion of calling the late Convention to make amendments. This they have done by forming a new Constitution containing the powers vested in the federal government under the former, with such additional powers as they deemed necessary to attain the ends the states had in view in their appointment. And to carry those powers into effect, they thought it necessary to make some alterations in the organization of the government; this they supposed to be warranted by their commission.

The powers vested in the federal government are particularly defined, so that each state still retains its sovereignty in what concerns its own internal government and a right to exercise every power of a sovereign state not particularly delegated to the government of the United States. The new powers vested in the United States are to regulate commerce; provide for a uniform practice respecting naturalization, bankruptcies, and organizing, arming, and training the militia, and for the punishment of certain crimes against the United States; and for promoting the progress of science in the mode therein pointed out. There are some other matters which Congress has power under the present Confederation to require to be done by the particular states, which they will be authorized to carry into effect themselves under the new Constitution. These powers appear to be necessary for the common benefit of the states and could not be effectually provided for by the particular states.

The objects of expenditure will be the same under the new Constitution as under the old; nor need the administration of government be more expensive. The number of members of the Congress will be the same, nor will it be necessary to increase the number of officers in the executive department or their salaries. The supreme executive will be in a single person who must have an honorable support, which perhaps will not exceed the present allowance to the President of Congress and the expense of supporting a committee of the states in the recess of Congress.

It is not probable that Congress will have occasion to sit longer than two or three months in a year, after the first session which may perhaps be something longer. Nor will it be necessary for the Senate to sit longer than the other branch. The appointment of officers may be made during the session of Congress, and trials on impeachment and making treaties will not often occur and will require but little time of the Senate to attend to them. The security against keeping up armies in time of peace will be greater under the new Constitution than under the present, because it can't be done without the concurrence of two branches of legislature, nor can any appropriation of money for that purpose be in force for more than two years, whereas there is no restriction under the present Confederation.

The liberty of the press can be in no danger, because that is not put under the direction of the new government.

If the federal government keeps within its proper jurisdiction, it will be the interest of the state legislatures to support it, and they will be a powerful and effectual check to its interfering with their jurisdictions. But the objects of the federal government will be so obvious that there will be no great danger of any interference.

The principal sources of revenue will be imposts on goods imported and sale of the western lands, which probably will be sufficient to pay the debts and expenses of the United States while peace continues. But if there should be occasion to resort to direct taxation, each state's quota will be ascertained according to a rule which has been approved by the legislatures of eleven of the states, and should any state neglect to furnish its quota, Congress may raise it by a tax in the same manner as the state ought to have done; and what remedy more easy and equitable could be devised to obtain the supplies from a delinquent state?

Some object that the representation will be too small, but the states have never thought fit to keep half the number of representatives in Congress that they are entitled to under the present Confederation; and of what advantage can it be to have a large assembly to transact the few general matters that will come under the direction of Congress? The regulating the time, place, and manner of elections seems to be as well secured as possible. The legislature of each state may do it, and if they neglect to do it in the best manner, it may be done by Congress; and what motive can either have to injure the people in the exercise of that right? The qualifications of the electors are to remain as fixed by the constitutions and laws of the several states.

It is by some objected that the executive is blended with the legislature, and that these powers ought to be entirely distinct and unconnected, but is not this a gross *error* in politics? The united wisdom and various interests of a nation should be combined in framing the laws. But the execution of them should not be in the whole legislature; that would be too troublesome and expensive, but it will not thence follow that the executive should have no voice or influence in legislation. The supreme executive in Great Britain is one branch of the legislature and has a negative on all the laws. Perhaps that is an extreme that ought not to be imitated by a republic, but the partial negative vested in the President by the new Constitution on the acts of Congress, and the consequent revision, may be very useful to prevent laws being passed without mature deliberation.

The Vice President, while he acts as President of the Senate, will have nothing to do in the executive department. His being elected by all the states will incline him to regard the interests of the whole, and when the members of the Senate are equally divided on any question, who so proper to give a casting vote as one who represents all the states?

The power of the President to grant pardons extends only to offenses against the United States, which can't be productive of much mischief, especially as those on impeachment are excepted, which will exclude offenders from office.

It was thought necessary in order to carry into effect the laws of the Union, to promote justice, and preserve harmony among the states, to extend the judicial powers of the United States to the enumerated cases, under such regulations and with such exceptions as shall be provided by law, which will doubtless reduce them to cases of such magnitude and importance as cannot be safely trusted to the final decision of the courts of the particular states. The Constitution does not make it necessary that any inferior tribunals should be instituted, but it may be done if found necessary. 'Tis probable that the courts of the particular states will be authorized by Congress to try causes under the laws of the Union, as has been heretofore done in cases of piracy, etc., and the Supreme Court may have a circuit to make trials as convenient and as little expensive as possible to the parties; nor is there anything in the Constitution to deprive them of trial by jury in cases where that mode of trial has been heretofore used. All cases in the courts of common law between citizens of the same state, except those claiming lands under grants of different states, must be finally decided by the courts of the state to which they belong, so that it is not probable that more than one citizen to a thousand will ever have a cause that can come before a federal court.

Every department and officer of the federal government will be subject to the regulation and control of the laws, and therefore the people will have all possible security against oppression. Upon the whole, the Constitution appears to be well framed to secure the rights and liberties of the people and for preserving the governments of the individual states, and, if well administered, to restore and secure public and private credit, and to give respectability to the states both abroad and at home. Perhaps a more perfect one could not be formed on mere speculation; and if upon experience it shall be found deficient, it provides an easy and peaceable mode to make amendments. Is it not much better to adopt it than to continue in present circumstances? Its being agreed to by all the states that were present in Convention is a circumstance in its favor, so far as any respect is due to their opinions.

1. This item (printed 'CC:421) was written by Roger Sherman, a delegate from New Haven in the state Convention. For a photographic copy of a manuscript in Sherman's handwriting which contains several passages appearing in this essay, see Mfm:Conn. 63. This essay was reprinted in the *New Haven Gazette* on 25 December 1788. Similar ideas also appear in the Sherman-Ellsworth letter, 26 September (I above).

### **The Republican: To the People Connecticut Courant, 7 January<sup>1</sup>**

It is generally agreed that the old Articles of Confederation are inadequate to answer the great national purposes for which they were

designed. It is likewise generally agreed that the new Constitution is better adapted to answer these great purposes. All the objections which are made against it are reducible to this single one: that it is dangerous to liberty. Say the opposers of it, if we adopt it, our liberties have no security. If this objection be well founded, if the new Constitution does destroy the safeguards of that liberty for which American blood and treasure has been lavished, let us exert every nerve to oppose it. God forbid that we, my countrymen, who have maintained our liberties in spite of the seducing artifices, the hostile arms, and the horrid cruelties which Britain has called into action for the purpose of enslaving us, should now through our folly surrender those precious rights which God and nature have given to men. But on the other hand, if those patriotic citizens, whom we have chosen from among us for their knowledge of government, love of liberty, and love of their country, have formed a plan of government which, without endangering our liberties, is calculated to render us a great, respectable, and happy nation; let us not, through folly and ill-directed jealousy, reject this which is probably the only system for promoting our national felicity which we shall ever have an opportunity of adopting. If we reject this system, which comes recommended to us by the unanimous assent of the ablest and best men that the American continent could appoint, what reason or encouragement can there be for the states ever to appoint another convention? I use the expression *unanimous assent* because those three gentlemen<sup>2</sup> who refused to subscribe to the Constitution did so, not from substantial objections to it, but from partial considerations which can have no weight with a free and enlightened people.

In answer to the objection before stated, I say that adopting the new Constitution will not expose us to the loss of liberty; but the great barriers of liberty will still remain and, in all human probability, will continue to be its security for ages and generations to come. The principal circumstances which render liberty secure are a spirit of liberty among the people—a general diffusion of knowledge—a general distribution of property—a militia of freemen—and a fair representation in the supreme legislature.

The people of the United States possess in a high degree a spirit of liberty. This is a principle which is natural to the human mind. We love to have the command of our own actions and the direction of our own interests. Our minds rise with indignation against oppression and tyranny. These natural feelings have never been eradicated from our minds by subjection to the will of a tyrant. But that freedom with which the principles of liberty have been discussed, that ardor with which they have been inculcated upon the public minds, that long struggle for liberty which has called these principles into action, have

so fixed and confirmed the spirit of liberty that it must and will long continue to be a ruling principle of our actions and guard us against the encroachments of tyranny.

Another circumstance highly conducive to the security of liberty is the general diffusion of knowledge among the great body of the people. The American citizens in general are by far better educated and more knowing than the people at large in other countries. And in those states where the people have heretofore had the fewest advantages for learning, they are setting up schools and gaining fast in point of useful knowledge. This is a circumstance of the highest importance to a free people. For where the great body of the citizens are ignorant and incapable of discerning their true interests, they may be duped by artful and factious men and led to do things destructive to their own rights and liberties. But a sensible, intelligent people, who have access to the sources of information and are capable of discerning what measures are conducive to the public welfare, will not be easily induced to act contrary to their own interests and destroy those rights and liberties which are the foundations of public happiness.

Another circumstance highly favorable to liberty is the general distribution of property among the people at large. In most of the American states, property is more equally divided among the great body of the people than it is in any other country. Our laws and customs, which divide great estates among all the children of the deceased owner; the way being open for industrious men, who are born to no inheritance, to acquire property; and the plenty and cheapness of land will long cause property to be diffused among the people at large. The people do and will possess freeholds of their own; they can live comfortably and independently on their farms. Men in such a situation feel the dignity of human nature and scorn to be dependent on the will of a tyrant. When they exercise the important right of choosing men to act for them in a public capacity, they will act independently; we may reasonably presume they will choose those who will be faithful to their country.

It is a capital circumstance in favor of our liberty that the people themselves are the military power of our country. In countries under arbitrary government, the people oppressed and dispirited neither possess arms nor know how to use them. Tyrants never feel secure until they have disarmed the people. They can rely upon nothing but standing armies of mercenary troops for the support of their power. But the people of this country have arms in their hands; they are not destitute of military knowledge; every citizen is required by law to be a soldier; we are all marshaled into companies, regiments, and brigades for the defense of our country. This is a circumstance which

increases the power and consequence of the people; and enables them to defend their rights and privileges against every invader.

If in addition to the advantages, which I have before mentioned, for maintaining liberty, a people have a free constitution of government, their liberties are secured by the strongest barriers. The great distinction between a free and an arbitrary government is this: in the former the people give their assent to the laws by which they are governed; in the latter, the laws are made by a power which they cannot control. And the plain reason why the former kind of government secures the rights and liberties of the people is that the people will not consent to laws which are oppressive to themselves. In a country of any considerable extent, the people cannot meet together in person to make laws; consequently they must do it, if at all, by their representatives. Now if they have the privilege of [electing?] representatives to act for them, if they have an opportunity of choosing a fair and adequate representation, and if no law can be made without the consent [of these?] representatives, we may presume the people will be free from oppression because their own interest will induce them to choose those who will be faithful to their country. The new Constitution gives the people a fair opportunity to elect their Representatives for the general legislature. The state legislatures are to make the regulations and arrangements for the choice; and to make the privilege still more secure, these regulations are subject to the revision of the general legislature. The Constitution expressly provides that the choice shall be by the people, which cuts off both from the general and state legislatures the power of so regulating the mode of election as to deprive the people of a fair choice. As to the number of Representatives, it is certainly as great as it ought to be. It is greater than the numbers in Congress under the old Confederation; and we never have found that the number of members in Congress was so small as to occasion any danger or inconvenience. As our country grows more populous and wealthy, it will be proper to have a more numerous representation. Accordingly, it is wisely provided in the new Constitution that the number of Representatives shall increase as that of the people increases. Upon the whole, therefore, I am warranted in saying that there is full provision made in the new Constitution for an adequate representation of the people.

Now as the people of the United States profess a spirit of liberty to induce them to maintain their rights; as there is such a diffusion of knowledge among them as enables them to judge by what methods liberty is to be supported; as the people at large possess such a share of property as gives them the rank of independent freemen; as the people themselves are the military power of our country; these important supports of liberty, together with our choice of Representa-

tives in the lower branch of the legislature, would secure our rights even supposing the power of the President and Senate were vested in a king and body of nobles independent of the people. I am justified in making this assertion by the circumstances which the people of the United States are in and by the experience of other nations. With all the advantages for maintaining the rights of a free people, which I have mentioned, and when no oppressive measures of government could be taken without the consent of our Representatives, unless by an open violation of our constitutional rights, our liberties would stand firm. The people, we may safely presume, would choose men of abilities and integrity who would withstand every attempt to undermine their liberties. The spirit of the people would oppose every open and direct attempt to enslave them. Experience likewise justifies my assertion. The people of England possess a political constitution similar to the one I have been describing, though far inferior to it in the fairness of representation; and, though their advantages for maintaining liberty are far inferior to those which I have mentioned as possessed by us, yet they have long maintained their liberties. Kings have attempted to tyrannize over them; but they brought one to the block and expelled another from his throne and kingdom. It is true, their liberties are now impaired; but it is by causes which I have not time to delineate and which are not applicable to the political circumstances of this country. And impaired as their liberties are, their king still finds it necessary to submit to the public voice in the measures of his government.

But, my fellow citizens, it is not with us, as it is with other nations who have been called free and have been said to enjoy the privileges of a free government. Other nations have been called free, if they have had only the privilege of choosing one branch of their legislature, and that in a very partial, unequal manner. And such a privilege has insured to them the blessings of a free government until they become so degenerate and corrupt that they had not virtue enough to keep alive the sacred flame of liberty. But we, besides electing the Representatives in the federal legislature, choose the members of the Senate in a manner which even the opposers of federal measures cannot, without self contradiction, deny to be highly conducive to the safety of our liberties. These gentlemen say that our liberties are safe in the hands of the state legislatures. The state legislatures appoint the Senators; they will be faithful to the people; they will have better opportunities than the people to know the characters of those whom they appoint; therefore, they will appoint men who breathe the very spirit of the state legislatures and, consequently, deserve the most unlimited confidence of the people. No encroachment can be made



upon our liberties without their consent; they will withstand every encroachment; therefore, they will afford full security for our liberties.

The President of the United States is to be appointed in a manner which is wisely adapted to concentrate the general voice of the people. He is an officer appointed by the people. If he wishes to be appointed again, he depends upon the people. He therefore will be the guardian of the liberties of the people. The President, the Senate, the Representatives are all chosen by the people. They form a triple wall around our liberties. In short, the Constitution breathes the spirit of liberty. The people breathe the spirit of liberty. The state legislatures will still possess extensive powers; they will have great influence upon the general government; we ought to presume they will be faithful to the people; their influence will therefore be in favor of liberty. We possess advantages superior to those of any other people to maintain our liberty. Therefore, if we adopt the new Constitution, if we will act like rational freemen, and choose men of abilities and integrity to carry this plan of government into execution, we may with reason expect that our liberties and privileges will endure as long as is consistent with the instability of all human affairs. But if we reject this Constitution, it must be upon the principle that those who are chosen by the people are not fit to be trusted with the necessary powers of government. If this be a just principle, all our republican governments are but snares to enslave the people; a free government is impracticable; and we must adopt the gloomy idea that anarchy or tyranny is the only alternative for men.

But, my fellow citizens, the prospect of human affairs is not so gloomy. Act out your native good sense; be not afraid to entrust men appointed by yourselves with the powers necessary for promoting your interest; learn the characters of those whom you appoint to places of trust and power; choose men who know what the public good requires; and have virtue to act accordingly; act rationally upon the great political subjects which are submitted to your consideration. Our national hopes are fast approaching to their grand crisis. The friends of liberty throughout the world have their eyes fixed upon us; if we have not wisdom and virtue enough to unite *government and liberty*, the cause of liberty must be given up for lost. We are a young, virtuous, and growing people; we have the good wishes of all mankind; nature has bountifully bestowed upon us the blessings of climate and soil; the extent of our country affords room for our rapid increase for ages to come; a wise system of government we want; a wise system of government is offered for our acceptance; receive the offered good; put it in practice with wisdom, moderation, and virtue; and you may become a great, flourishing, and happy nation.

1. This item was dated "State of Connecticut, January 2, 1788."

2. Elbridge Gerry, George Mason, and Edmund Randolph refused to sign the Constitution.

### Connecticut Courant, 7 January<sup>1</sup>

The Constitution lately formed by the Federal Convention is justly accounted a matter of great consequence not only to the community at large, but to every individual. Everyone therefore has a right to judge for himself and choose whether to adopt it or not. It is however unhappy that mankind should so often form their opinions of the most interesting and intricate matters under the influence of undue bias; and commonly they are very hasty as well as confident in their decisions. We need not, therefore, be surprised should we hear a member of Assembly and of the approaching Convention, upon reading a few paragraphs in the Constitution, exclaim, "*It smells of Hell*"—and another that "*if it should be adopted we should be reduced to slavery, because it would appreciate public securities to a par with silver and gold; and this would bring us into Lordships.*" Nor need we wonder that towns should instruct their delegates to oppose a Constitution so replete with mischief. We have remarks upon this performance in the weekly papers that discover a good share of ingenuity; and many of them appear to be written with candor—but tis hardly to be expected that everyone, with all these helps, will be able to form an opinion fully satisfactory to himself, or, at least, very expressive of much prudence.

The man of ordinary abilities and whose business and situation in life have not led him to study into the nature of civil government nor to gain any tolerable acquaintance with the particular circumstances of the several states that compose this American empire (and this is true of much the greatest part of the people) may expect to have his discretion, his candor, and patriotism called in question if he appear very hasty and confident in deciding whether for or against the Constitution—before no man of a cool and candid mind, and free from the undue bias of selfishness, will confidently exclaim against it, when he considers that it was framed by a most respectable body of men from the several states in the Union, who stood foremost in the opinion of their constituents, for knowledge, wisdom, integrity, and patriotism—and who were under every inducement to consult the good of the whole, arising from duty, ingenuity, and interest.

Is there a man of common sense and prudence but would much rather refer a matter of this nature, magnitude, and intricacy to a number of men elected out of all the states, for that express purpose, than to trust his own abilities? Will it not be safe and prudent for

him to adopt a Constitution which yet he can't fully comprehend, when he considers that it was framed by a number of characters as respectable perhaps as ever convened in this empire, or could be formed of the same number of men? And when he considers further that they have had to form a Constitution for themselves as well as for their constituents? and have been under the best advantages to know the particular circumstances of the several states in the Union? Have been upon the business for several months—have attended minutely to every article, to every clause in the draft; and have heard and weighed whatever could occur to the mind of each individual, either for or against—and when he considers further that this National Convention were under incomparably better advantages than he to judge what *rights* each state must surrender, and what they may reserve, a matter peculiarly difficult in this instance, arising from a great difference among the several states as to their situation, extent, habits, and particular interests, and in which are involved their prosperity, felicity, safety, and perhaps their national existence. I say when these things are taken into consideration, they will go far toward making every candid and modest man very diffident of his own ability to judge in this very important and intricate affair; and will make him very jealous of every man who shall, in a confident and noisy manner, reprobate the Constitution and try to raise the popular spirit against it. For indeed it is not uncommon to hear persons exclaim against the doings of the late Convention with a great deal of warmth and bitterness or against their being referred to state conventions rather than to the freemen at large, tho their objections discover nothing more than their ignorance or their selfishness; and as to some of these confident objectors, there is no room to doubt, but that their main aim is to gain the ear and confidence of the people; and, in this way, work themselves into some *places* of honor and profit.

Since we are in general very unequal to the task of forming a judgment upon the Constitution, every man of common sense and suitable candor will cheerfully refer the matter to the approaching state Convention and peaceably acquiesce in their result, rather than by noisy and bitter exclamations work himself and others into a ferment which may tend to throw us into great confusion and contention.

1. This item was prefaced: "*Omitted last week* [31 December] *for want of room.*"

VI  
**THE CONNECTICUT CONVENTION**  
 3-9 January 1788

The Connecticut Convention met at Hartford from 3 to 9 January 1788. When the delegates met, they knew that three states—Delaware, Pennsylvania, and New Jersey—had ratified the Constitution, two of them unanimously. Connecticut was the first New England state to meet. It was therefore watched closely by other states, and especially by Massachusetts, whose convention was to meet on 9 January.

The delegates convened at the State House, meeting place of the legislature. The roll was called, the election certificates were examined, and Matthew Griswold was elected President and Jedidiah Strong secretary. The delegates then moved to the First Church (North Meeting House), where the public was allowed to sit in the gallery. The pastor of the church, the Reverend Nathan Strong, offered a prayer, and the Constitution and other documents were read to the Convention. The Convention then resolved unanimously to consider the Constitution “by single articles, sections, paragraphs, or detached clauses and sentences as occasion might require” and “that no other vote be taken thereon till the one decisive, general question.”

According to the *New Haven Gazette*, 10 January (VI below) and a letter of Enoch Perkins who took notes on the debates (to Simeon Baldwin, 15 January, VII:B below), there were several speakers for and against the Constitution. However, the newspapers reported only two speeches by Oliver Ellsworth, and one each by William Samuel Johnson, Samuel Huntington, Oliver Wolcott, Sr., and Richard Law in support of the Constitution. The only Antifederal speech reported consists of a single-paragraph account of one by James Wadsworth.

Apparently the debates were sometimes marked by bitterness and hostility. Antifederalist Hugh Ledlie claimed that opponents of the Constitution “were browbeaten” by the Federalist delegates and the pro-Federalist gallery (to John Lamb, 15 January, VII:B below).

William Williams and Samuel Holden Parsons renewed a personal quarrel which led to a confrontation between them (Enoch Perkins to Simeon Baldwin, 15 January, VII:B below).

On 9 January, Samuel Holden Parsons moved that the Convention ratify the Constitution. Before the vote was taken, the state's three leading officials—Governor Samuel Huntington, Lieutenant Governor Oliver Wolcott, and Chief Judge Richard Law—spoke in support of the Constitution. Other delegates followed. The yeas and nays were then called on Parsons' motion, and the Constitution was ratified 128 to 40.

Two copies of the engrossed Form of Ratification were signed and certified. Shortly thereafter, President Matthew Griswold transmitted one copy to the President of Congress, and it was read to Congress on 22 January. The second copy of the Form was delivered to Connecticut's secretary of state.

The closing date of the Connecticut Convention is usually given as 9 January, after the vote for ratification late in the afternoon. However, there is some evidence that the Convention possibly met on the 10th to sign the Form of Ratification, which had to be engrossed after the vote to ratify. (See Samuel Holden Parsons to William Cushing, 11 January, and Hugh Ledlie to John Lamb, 15 January, both VII:B below.)

Letters and newspaper items written after the close of the Convention throw more light on the character of the debates, and on some of the issues involved, than do the newspaper reports of the debates. These documents are printed in VII:B below.

### Connecticut Convention Roster

This roster is compiled from the *Weekly Monitor*, 14 January; the *Connecticut Courant*, 14 January; and *Glorious News*, a broadside published by Josiah Meigs (Mfm:Conn. 59, 68, 69). The *Courant* listed the names of the delegates, with their military and honorific titles, in two paragraphs—one headed "yeas" and the other "nays." The *Monitor* and the broadside listed the delegates by towns and counties. The *Monitor* indicated how each delegate had voted, while the broadside marked only those delegates who had voted against ratification.

A total of 174 men was elected to the Convention. A "Y" has been placed after the names of those delegates who voted for ratification, an "N" after those who voted against ratification, and an "A" after those who were either absent or abstained.

The first names of the delegates have been spelled out, and their last names are spelled correctly so far as the sources make it possible to do so. The names of two towns were later changed. Bethlehem became Bethlehem and Chatham became East Hampton.

## HARTFORD COUNTY

Hartford  
 Jeremiah Wadsworth (Y)  
 Jesse Root (Y)  
 Berlin  
 Isaac Lee (Y)  
 Selah Hart (Y)  
 Bristol  
 Zebulon Peck, Jr. (Y)  
 East Hartford  
 William Pitkin (A)<sup>2</sup>  
 Elisha Pitkin (Y)  
 East Windsor  
 Erastus Wolcott (Y)  
 John Watson (Y)  
 Enfield  
 Daniel Perkins (N)  
 Joseph Kingsbury (A)<sup>2</sup>  
 Farmington  
 John Treadwell (Y)  
 William Judd (Y)  
 Glastonbury  
 Joseph Mosely (Y)  
 Wait Goodrich (Y)  
 Granby  
 Hezekiah Holcomb (N)  
 Southington  
 John Curtiss (Y)  
 Asa Barns (Y)  
 Suffield  
 Alexander King (N)  
 David Todd (N)  
 Simsbury  
 Noah Phelps (N)  
 Daniel Humphrey (N)  
 Wethersfield  
 Stephen Mix Mitchell (Y)  
 John Chester (Y)  
 Windsor  
 Oliver Ellsworth (Y)  
 Roger Newberry (Y)

## NEW HAVEN COUNTY

New Haven  
 Roger Sherman (Y)  
 Pierpont Edwards (Y)  
 Branford  
 William Gold (N)  
 Timothy Hoadley (N)  
 Cheshire  
 David Brooks (N)  
 Samuel Beach (Y)

## Derby

Daniel Holbrook (Y)  
 John Holbrook (Y)  
 Durham  
 James Wadsworth (N)  
 Daniel Hall (N)  
 East Haven  
 Samuel Davenport (N)  
 Guilford  
 Andrew Ward (N)  
 John Elliott (N)  
 Hamden  
 Theophilus Goodyear (A)<sup>2</sup>  
 Milford  
 Gideon Buckingham (Y)  
 Lewis Mallet, Jr. (Y)  
 North Haven  
 Daniel Bassett (N)  
 Wallingford  
 Street Hall (N)  
 Samuel Whiting (N)  
 Waterbury  
 Joseph Hopkins (Y)  
 John Welton (Y)  
 Woodbridge  
 Samuel Osborn (N)  
 Samuel Newton (N)

## NEW LONDON COUNTY

New London  
 Richard Law (Y)  
 Amasa Learned (Y)  
 Norwich  
 Samuel Huntington (Y)  
 Jedidiah Huntington (Y)  
 Bozrah  
 Isaac Huntington (Y)  
 Colchester  
 Robert Robbins (Y)  
 Daniel Foot (Y)  
 Franklin  
 Eli Hyde (Y)  
 Groton  
 Joseph Woodbridge (Y)  
 Stephen Billings (Y)  
 Lisbon  
 Andrew Lee (Y)  
 Lyme  
 Matthew Griswold (Y)  
 William Noyes (Y)  
 Montville  
 Joshua Raymond, Jr. (Y)

- Preston  
 Jeremiah Halsey (Y)  
 Wheeler Coit (Y)
- Stonington  
 Charles Phelps (Y)  
 Nathaniel Minor (Y)
- FAIRFIELD COUNTY**
- Fairfield  
 Jonathan Sturges (Y)  
 Thaddeus Burr (Y)
- Danbury  
 Elisha Whittelsey (Y)  
 Joseph Moss White (Y)
- Greenwich  
 Amos Mead (Y)  
 Jabez Fitch (Y)
- New Fairfield  
 Nehemiah Beardsley (Y)  
 James Potter (Y)
- Newtown  
 John Chandler (Y)  
 John Beach (Y)
- Norwalk  
 Hezekiah Rogers (Y)  
 Samuel C. Silliman (A)
- Redding  
 Lemuel Sanford (Y)  
 William Heron (Y)
- Ridgefield  
 Philip Burr Bradley (Y)  
 Nathan Dauchy (Y)
- Stamford  
 James Davenport (Y)  
 John Davenport, Jr. (Y)
- Stratford  
 William Samuel Johnson (Y)  
 Elisha Mills (Y)
- WINDHAM COUNTY**
- Windham  
 Eliphalet Dyer (Y)  
 Jedidiah Elderkin (Y)
- Ashford  
 Simeon Smith (Y)  
 Hendrick Dow (Y)
- Brooklyn  
 Seth Paine (Y)
- Canterbury  
 Asa Witter (Y)  
 Moses Cleaveland (Y)
- Hampton  
 Amos Utley (A)
- Killingly  
 Sampson Howe (Y)  
 William Danielson (Y)
- Lebanon  
 William Williams (Y)  
 Ephraim Carpenter (N)
- Mansfield  
 Constant Southworth (N)  
 Nathaniel Atwood (N)
- Plainfield  
 James Bradford (Y)  
 Joshua Dunlop (Y)
- Pomfret  
 Jonathan Randall (N)  
 Simon Cotton (N)
- Thompson  
 Daniel Learned (Y)
- Voluntown  
 Moses Campbell (Y)  
 Benjamin Dow (Y)
- Woodstock  
 Stephen Paine (N)  
 Timothy Perrin (N)
- LITCHFIELD COUNTY**
- Litchfield  
 Oliver Wolcott, Sr. (Y)  
 Jedidiah Strong (Y)
- Barkhamsted  
 Joseph Wilder (N)  
 Bethlehem [Bethlehem]  
 Moses Hawley (Y)
- Canaan  
 Charles Burrall (Y)  
 Nathan Hale (Y)
- Colebrook  
 (Unrepresented)
- Cornwall  
 Edward Rogers (A)  
 Matthew Patterson (N)
- Goshen  
 Daniel Miles (Y)  
 Asaph Hall (Y)
- Hartland  
 Isaac Burnham (Y)  
 John Wilder (Y)
- Harwinton  
 Abner Wilson (N)  
 Mark Prindle (Y)
- Kent  
 Jedidiah Hubbel (Y)

- New Hartford  
 Aaron Austin (Y)  
 Thomas Goodman (N)
- New Milford  
 Samuel Canfield (Y)  
 Daniel Everitt (Y)
- Norfolk  
 Asahel Humphrey (N)  
 Hosea Humphrey (N)
- Salisbury  
 Hezekiah Fitch (Y)  
 Joshua Porter (Y)
- Sharon  
 Josiah Coleman (N)  
 Jonathan Gillet (N)
- Southbury  
 Benjamin Hinman (Y)
- Torrington  
 Epaphras Sheldon (Y)  
 Eliphalet Enos (N)
- Warren  
 Eleazer Curtiss (Y)
- Washington  
 John Whittlesey (Y)  
 Daniel Nathaniel Brinsmade (Y)
- Watertown  
 Thomas Fenn (Y)  
 David Smith (Y)
- Winchester  
 Robert McCune (Y)
- Woodbury  
 Daniel Sherman (Y)  
 Samuel Orton (Y)
- MIDDLESEX COUNTY
- Middletown  
 Asher Miller (Y)  
 Samuel H. Parsons (Y)
- Chatham [East Hampton]  
 Ebenezer White (Y)  
 Hezekiah Goodrich (Y)
- East Haddam  
 Dyar Throop (Y)  
 Jabez Chapman (Y)
- Haddam  
 Cornelius Higgins (Y)  
 Hezekiah Brainerd (Y)
- Killingworth  
 Theophilus Morgan (Y)  
 Hezekiah Lane (Y)
- Saybrook  
 William Hart (Y)  
 Samuel Shipman (Y)
- TOLLAND COUNTY
- Tolland  
 Jeremiah West (Y)  
 Samuel Chapman (Y)
- Bolton  
 Ichabod Warner (Y)  
 Samuel Carver (Y)
- Coventry  
 Jeremiah Ripley (Y)  
 Ephraim Root (Y)
- Ellington  
 Ebenezer Nash (N)
- Hebron  
 Daniel Ingham (N)  
 Elihu Marvin (N)
- Somers  
 Joshua Pomeroy (N)  
 Abiel Pease (N)
- Stafford  
 John Phelps (Y)  
 Isaac Foot (Y)
- Union  
 Abijah Sessions (Y)
- Willington  
 Caleb Holt (Y)  
 Seth Crocker (Y)

1. Illness prevented Pitkin, a Superior Court judge, from attending (see "A Connecticut Farmer," 28 January, VII:B below).

2. *Glorious News* (Mfm:Conn. 69) listed Kingsbury as absent, while the *Weekly Monitor* (Mfm:Conn. 59) listed him as not voting on ratification.

3. *Glorious News* listed Goodyear as absent, while the *Weekly Monitor* listed him as not voting on ratification.



## The Connecticut Convention

Thursday

3 January 1788

### Convention Proceedings<sup>1</sup>

The Honorable Convention for this state met this day at the State House in the city of Hartford; and appointed His Excellency Matthew Griswold, Esquire, late governor of this state, President, and Jedediah Strong, Esquire, secretary.<sup>2</sup> After examining the certificates of the members, they adjourned to the North Meeting House, which had been previously fitted up with stoves for the purpose of accommodating the Convention.<sup>3</sup> After some debate upon the most eligible method of entering upon the important subject on which they were convened, and of effecting a full discussion and thorough investigation of it, they resolved that the Constitution proposed by the late Federal Convention should be read and discussed by sections; but that no vote should be taken on it till the whole should be fully discussed. [*Connecticut Courant*, 7 January]<sup>4</sup>

\* \* \* \*

The assembly being thus formed and the roll called in the State House; on motion of Colonel Jesse Root,<sup>5</sup> seconded by Colonel Eliphalet Dyer, etc., the delegates repaired in solemn procession to the North Meeting House, where, after prayers offered by the Reverend Mr. [Nathan] Strong,<sup>6</sup> by order of the President, the proposed CONSTITUTION was read, together with the several public resolves, official letters, etc., accompanying the same, in their order. Whereupon, the Lieutenant Governor [Oliver Wolcott] proposed that in order to obtain and facilitate a fair, free, full, and advantageous discussion of the important subject, it should be taken up in cursory manner, by single articles, sections, paragraphs, or detached clauses and sentences as occasion might require; with suitable pauses for any objections, doubts, or queries to be freely offered for particular explanation, etc., yet so as to preclude no general remarks or observations which any gentleman might be disposed to make on either side in the process of such disquisition, or general review, at the close thereof. And being seconded by General Samuel H. Parsons, Dr. William Samuel Johnson, Judge Richard Law, Mr. Oliver Elsworth, Colonel John Chester,<sup>7</sup> etc., with this addition, viz., "that no other vote be taken thereon till the one decisive, general question." It was agreed *nem. con.* and voted accordingly; and thereupon from day to day. [*Weekly Monitor*, 14 January]

1. For two brief newspaper accounts of this day's proceedings, see Mfm:Conn. 58.
2. Strong was clerk of the House of Representatives and Litchfield town clerk.
3. On 31 December 1787, the *Connecticut Courant* reported that the stoves were being installed "in consequence of a vote of the First Society in this city [Hartford]" (Mfm:Conn. 57).
4. This report was prefaced "STATE of CONNECTICUT, Jan. 3d, 1788." It was also printed in the *American Mercury* on the same day and reprinted in six other Connecticut newspapers by 14 January. It was reprinted, in whole or in part, in twenty-one other newspapers from Maine to Maryland by 13 February.
5. Root, a Hartford lawyer and a justice of the peace for Hartford County, had served in the Continental Congress from 1778 to 1782. In 1789 he was appointed judge of the Superior Court, and in 1798 he was elevated to Chief Judge.
6. Strong was pastor of the First Church of Hartford (North Meeting House). He became a prominent Federalist politician.
7. Chester was a Wethersfield representative in 1771-72, 1774, and almost continuously from 1777 to 1788, serving as Speaker from 1785 to 1788. In October 1787 and in May 1788 he was elected to the Confederation Congress.

## The Connecticut Convention

Friday

4 January 1788

### Convention Debates

OLIVER ELLSWORTH opened the debates of the day in a speech the substance of which is as follows.

Mr. President. It is observable that there is no preface to the proposed Constitution; but it evidently presupposes two things: one is the necessity of a federal government; the other is the inefficiency of the old Articles of Confederation. A union is necessary for the purposes of national defense. United, we are strong; divided, we are weak. It is easy for hostile nations to sweep off a number of separate states one after another. Witness the states in the neighborhood of ancient Rome. They were successively subdued by that ambitious city, which they might have conquered with the utmost ease if they had been united. Witness the Canaanitish nations, whose divided situation rendered them an easy prey. Witness England, which, when divided into a number of separate states, was twice conquered by an inferior force. Thus it always happens to small states, and to great ones, if divided. Or if to avoid this, they connect themselves with some powerful state, their situation is not much better. This shows us the necessity of our combining our whole force; and, as to national purposes, becoming one state.

A union, sir, is likewise necessary considered with relation to economy. Small states have enemies as well as great ones. They must provide for their defense. The expense of it, which would be moderate

for a large kingdom, would be intolerable to a petty state. The Dutch are wealthy, but they are one of the smallest of the European nations, and their taxes are higher than in any other country of Europe. Their taxes amount to forty shillings per head, when those of England do not exceed half that sum.

We must unite in order to preserve peace among ourselves. If we are divided, what is to hinder wars from breaking out among the states? States, as well as individuals, are subject to ambition, to avarice, to those jarring passions which disturb the peace of society. What is to check these? If there is a parental hand over the whole, this, and nothing else, can restrain the unruly conduct of the members.

Union is necessary to preserve commutative justice between the states. If divided, what is to hinder the large states from oppressing the small? What is to defend us from the ambition and rapacity of New York, when she has spread over that vast territory which she claims and holds? Do we not already see in her the seeds of an overbearing ambition? On our other side, there is a large and powerful state [Massachusetts]. Have we not already begun to be tributaries? If we do not improve the present critical time, if we do not unite, shall we not be like Issachar of old, a strong ass crouching down between two burdens? New Jersey and Delaware have seen this and have adopted the Constitution unanimously.

A more energetic system is necessary. The present is merely advisory. It has no coercive power. Without this, government is ineffectual or, rather, is no government at all. But it is said, such a power is not necessary. States will not do wrong. They need only to be told their duty, and they will do it. I ask, sir, what warrant is there for this assertion? Do not states do wrong? Whence come wars? One of two hostile nations must be in the wrong. But it is said, among sister states this can never be presumed. But do we not know that when friends become enemies, their enmity is the most virulent? The seventeen provinces of the Netherlands were once confederated; they fought under the same banner. Antwerp, hard pressed by Philip, applied to the other states for relief. Holland, a rival in trade, opposed and prevented the needed succors. Antwerp was made a sacrifice. I wish I could say there were no seeds of similar injustice springing up among us. Is there not in one of our states [Rhode Island] injustice too barefaced for Eastern despotism? That state is small; it does little hurt to any but itself. But it has a spirit which would make a Tophet of the universe. But some will say, we formerly did well without any union. I answer, our situation is materially changed. While Great Britain held her authority, she awed us. She appointed governors and councils for the American provinces. She had a negative upon our laws. But now, our circumstances are so altered that there is no arguing what we shall be from what we have been.

It is said that other confederacies have not had the principle of coercion. Is this so? Let us attend to those confederacies which have resembled our own. Sometime before Alexander, the Grecian states confederated together. The Amphictyonic Council, consisting of deputies from these states, met at Delphi and had authority to regulate the general interests of Greece. This council did enforce its decrees by coercion. The Boeotians once infringed upon a decree of the Amphictyons. A heavy mulct was laid upon them. They refused to pay it. Upon that, their whole territory was confiscated. They were then glad to compound the matter. After the death of Alexander, the Achaean League was formed. The decrees of this confederacy were enforced by dint of arms. The Aetolian League was formed by some other Grecian cities in opposition to the Achaean; and there was no peace between them till they were conquered and reduced to a Roman province. They were then all obliged to sit down in peace under the same yoke of despotism.

How is it with respect to the principle of coercion in the Germanic body? In Germany, there are about three hundred principalities and republics; deputies from these meet annually in the general Diet to make regulations for the empire. But the execution of those is not left voluntarily with the members. The empire is divided into ten circles; over each of which a superintendent is appointed with the rank of a major general. It is his duty to execute the decrees of the empire with a military force.

The confederation of the Swiss cantons has been considered as an example. But their circumstances are far different from ours. They are small republics, about twenty miles square, situated among the Alps and inaccessible to hostile attacks. They have nothing to tempt an invasion. Till lately, they had neither commerce nor manufactures. They were merely a set of herdsmen. Their inaccessibleness has availed them. Four hundred of those mountaineers defeated 15,000 Austrians, who were marching to subdue them. They spend the ardor of youth in foreign service; they return old and disposed for tranquility. Between some of the cantons and France there has long subsisted a defensive treaty. By this treaty, France is to be a mediator to settle differences between the cantons. If any one is obstinate, France is to compel a submission to reasonable terms.

The Dutch Republic is an example that merits attention. The form of their constitution, as it is on paper, admits not of coercion. But necessity has introduced it in practice. This coercive power is the influence of the stadtholder, an officer originally unknown to their constitution. But they have been necessitated to appoint him, in order to set their unwieldy machine of government in motion. He is commander in chief of their navy and of their army consisting of 40 or 50 regiments. He appoints the officers of the land and

naval forces. He resides in the States-General, and in the states of every province; and by means of this, he has a great opportunity to influence the elections and decisions. The province of Holland have ever been opposed to the appointment of a stadtholder, because, by their wealth and power, being equal to all the other provinces, they possess the weight and influence of the stadtholder when that office is vacant. Without such an influence, their machine of government would no more move than a ship without wind or a clock without weights.

But to come nearer home, Mr. President, have we not seen and felt the necessity of such a coercive power? What was the consequence of the want of it during the late war, particularly towards the close? A few states bore the burden of the war. While we, and one or two more of the states, were paying 80 or 100 dollars per man to recruit the Continental Army, the regiments of some states had scarcely men enough to wait on their officers. Since the close of the war, some of the states have done nothing towards complying with the requisitions of Congress; others, who did something at first, seeing that they were left to bear the whole burden, have become equally remiss. What is the consequence? To what shifts have we been driven? We have been driven to the wretched expedient of negotiating new loans in Europe to pay the interest of the foreign debt. And what is still worse, we have even been obliged to apply these new loans to the support of our own civil government at home.

Another ill consequence of this want of energy is that treaties are not performed. The Treaty of Peace with Great Britain was a very favorable one for us. But it did not happen perfectly to please some of the states, and they would not comply with it. The consequence is, Britain charges us with the breach and refuses to deliver up the forts on our northern quarter.

Our being tributaries to our sister states is a consequence of the want of a federal system. The State of New York raises 60 or 80,000£. 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. If we import by the medium of Massachusetts, she has an impost, and to her we pay a tribute. If this is done when we have the shadow of a national government, what shall we not suffer when even that shadow is gone?

If we go on as we have done, what is to become of the foreign debts? Will foreign nations forgive us this debt, because we neglect to pay? or will they levy it by reprisals as the laws of nations authorize them? Will our weakness induce Spain to relinquish the exclusive navigation of the Mississippi or the territory which she claims on

the east side of that river? Will our weakness induce the British to give up the northern posts? If a war breaks out, and our situation invites our enemies to make war, how are we to defend ourselves? Has government the means to enlist a man or buy an ox? or shall we rally the remainder of our old army? The European nations, I believe to be not friendly to us. They were pleased to see us disconnected from Great Britain; they are pleased to see us disunited among ourselves. If we continue so, how easy it is for them to canton us out among them, as they did the kingdom of Poland? But supposing this is not done. If we suffer the Union to expire, the least that can be expected is that the European powers will form alliances, some with one state and some with another, and play the states off one against another, and that we shall be involved in all the labyrinths of European politics. But I do not wish to continue the painful recital. Enough has been said to show that a power in the general government to enforce the decrees of the Union is absolutely necessary.

The Constitution before us is a complete system of legislative, judicial, and executive power. It was designed to supply the defects of the former system; and, I believe, upon a full discussion, it will be found calculated to answer the purposes for which it was designed. [*Connecticut Courant*, 7 January]<sup>1</sup>

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DR. WILLIAM SAMUEL JOHNSON rose after Mr. Ellsworth and expressed himself to the following purpose.

My honorable friend has represented to us the miserable state which we are in with respect to our public affairs. It is a melancholy picture, but not too highly drawn. Our commerce is annihilated; our national honor, once in so high esteem, is no more. We have got to the very brink of ruin; we must turn back and adopt a new system. The gentleman's arguments have demonstrated that a principle of coercion is absolutely necessary, if we would have a Union to answer any beneficial purposes. All ancient leagues have had this principle. Holland has in fact had it. When a Dutch province has neglected to furnish her quota for the national expense, taxes have been levied by an army. It was necessary that each province should be compelled to pay her part. But how was this effected? There was no other way but by force of arms, a method most dangerous to the public tranquility.

Under our old Confederation, each state was bound by the most solemn obligations to pay its proportion of the national expense. If any state did not perform what it had so solemnly promised, it be-

came a transgressor. It did an injury to the other states to which it had plighted its faith for the performance of what it had stipulated in the Articles of Confederation. The other states have a right to redress; they have a right by the law of nature and nations to insist upon and compel a performance. How shall this be done? There is no other way but by force of arms. What is the consequence? This way of enforcing federal decrees leads directly to civil war and national ruin. This was the case with the ancient leagues. The states in confederacy were bound by compact to bear certain proportions of the public burdens. Some of the states were delinquent; they failed in performing their stipulations. This injurious conduct provoked the others; they had recourse to arms for redress. While they were thus involved in civil war, neighboring powers took advantage of it and availed themselves of the forces of a part to subdue the rest. Such is the nature of this kind of confederacies, that the general decrees must either remain without efficacy or be put in execution by a military force.

The Convention saw this imperfection in attempting to legislate for states in their political capacity; that the coercion of law can be exercised by nothing but a military force. They have therefore gone upon entirely new ground. They have formed one new nation out of the individual states. The Constitution vests in the general legislature a power to make laws in matters of national concern, to appoint judges to decide upon these laws, and to appoint officers to carry them into execution. This excludes the idea of an armed force. The power which is to enforce these laws is to be a legal power vested in proper magistrates. The force which is to be employed is the energy of law; and this force is to operate only upon individuals who fail in their duty to their country. This is the peculiar glory of the Constitution, that it depends upon the mild and equal energy of the magistracy for the execution of the laws. The Convention have framed a system of government and now submit it to the wisdom of their country. We address ourselves, not to your passions, but to your reason; we speak as to wise men. Judge ye what we say. As to the old system, we can go no further with it; experience has shown it to be utterly inefficient. The states were sensible of this. To remedy the evil, they appointed the Convention. Though no enthusiast, I cannot but impute it to a signal intervention of Divine Providence that a Convention from states differing in circumstances, interests, and manners should be so harmonious in adopting one grand system. If we reject a plan of government which with such favorable circumstances is offered for our acceptance, I fear our national existence must come to a final end. [*Connecticut Courant*, 14 January]<sup>2</sup>

1. Ellsworth's speech was also printed in the *American Mercury* on the same day and was reprinted in six other Connecticut newspapers by 14 January. It was reprinted fourteen other times from New Hampshire to Maryland by 13 February and in the April issue of the *Philadelphia American Museum* (CC:413).

For Ellsworth's objections to the reporting of his speech, see Ellsworth to the Printers, *Connecticut Courant*, 14 January, VII:B below. For a defense of the publishers, see "A Plain Farmer," 28 January, VII:B below.

2. Johnson's speech was also printed in the *American Mercury* on the same day. It was reprinted in six more Connecticut newspapers by 21 January, and in ten other newspapers from Rhode Island to Maryland by 13 February (CC:413).

### Extract of a Letter from Hartford, 6 January<sup>1</sup>

I shall endeavor that you have the earliest information of so happy an event as the adoption of the new Constitution.

The opposition, headed by General [James] Wadsworth, supported by Colonel W[illiam] Williams, Messrs. Joseph Hopkins, [Ephraim] Carpenter, Hall,<sup>2</sup> and H[osea] Humphreys, is dwindling to nothing. We are at present discussing the 8th section of the first Article. Tomorrow forenoon will probably finish the first Article.

The arguments urged by General Wadsworth have exceedingly injured the cause of the opposition—they have been weak and, in some instances, urged with great spleen.<sup>3</sup>

1. *New Haven Gazette*, 10 January. The letter was headed: "Extract of a letter from a gentleman in Hartford to his friend in this city dated Jan. 6th."

2. Hall was the surname of three Convention delegates—Asaph Hall of Goshen, Daniel Hall of Durham, and Street Hall of Wallingford. The latter two voted against ratification. For a Federalist attack on Street Hall, see *American Mercury*, 19 November (Mfm:Conn. 39).

3. For another newspaper attack upon Wadsworth's actions in the Convention, see "Plebian," 28 January, VII:C below.

## The Connecticut Convention

Monday

7 January 1788

### Convention Debates<sup>1</sup>

The paragraph which respects taxes, imposts, and excises was largely debated by several gentlemen.

GENERAL JAMES WADSWORTH objected against it, because it gave the power of the purse to the general legislature; another paragraph gave the power of the sword; and that authority which has the power of the sword and purse is despotic. He objected against imposts and excises because their operation would be partial and in



favor of the Southern States. Some other objections were likewise made against this paragraph. [*Connecticut Courant*, 14 January]

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In answer to them, OLIVER ELLSWORTH expressed himself nearly to the following effect.

Mr. President. This is a most important clause in the Constitution; and the gentlemen do well to offer all the objections which they have against it. Through the whole of this debate, I have attended to the objections which have been made against this clause; and I think them all to be unfounded. The clause is general; it gives the general legislature "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." There are three objections against this clause. *First*, that it is too extensive, it extends to all the objects of taxation; *secondly*, that it is partial; *thirdly*, that Congress ought not to have power to lay taxes at all.

The first objection is that this clause extends to all the objects of taxation. But, though it does extend to all, it does not extend to them exclusively. It does not say that Congress shall have all these sources of revenue, and the states none. All, excepting the impost, still lie open to the states. This state owes a debt; it must provide for the payment of it. So do all the other states. This will not escape the attention of Congress. When making calculations to raise a revenue, they will bear this in mind. They will not take away that which is necessary for the states. They are the head and will take care that the members do not perish. The state debt, which now lies heavy upon us, arose from the want of powers in the federal system. Give the necessary powers to the national government, and the state will not be again necessitated to involve itself in debt for its defense in war. It will lie upon the national government to defend all the states, to defend all its members from hostile attacks. The United States will bear the whole burden of war. It is necessary that the power of the general legislature should extend to all the objects of taxation. That government should be able to command all the resources of the country, because no man can tell what our exigencies may be. Wars have now become rather war[s] of the purse, than of the sword. Government must therefore be able to command the whole power of the purse; otherwise a hostile nation may look into our Constitution, see what resources are in the power of government, and calculate to go a little beyond us. There they may obtain a decided superiority over us and reduce us to the utmost distress. A government which can command but half its resources is like a man with but one arm to defend himself.

The second objection is that the impost is not a proper mode of taxation; that it is partial to the Southern States. I confess I am mortified when I find gentlemen supposing that their delegates in Convention were inattentive to their duty and made a sacrifice of the interests of their constituents. If, however, the impost be a partial mode, this circumstance, high as my opinion of it is, would stagger my belief in it; for I abhor partiality. But I think there are three special reasons why an impost is the best way of raising a national revenue.

The first is, it is the most fruitful and easy way. All nations have found it to be so. Direct taxation can go but little way towards raising a revenue. To raise money in this way, people must be provident; they must be constantly laying up money to answer the demands of the collector. But you cannot make people thus provident; if you would do anything to purpose, you must come in when they are spending and take a part with them. This does not take away the tools of a man's business or the necessary utensils of his family. It only comes in when he is taking his pleasure and feels generous when he is laying out a shilling for superfluities. It takes two pence of it for public use and the remainder will do him as much good as the whole. I will instance two facts which show how easily and insensibly a revenue is raised by indirect taxation. I suppose people in general are not sensible that we pay a tax to the State of New York. Yet it is an uncontrovertible fact that we, the people of Connecticut, pay annually into the treasury of New York more than fifty thousand dollars. Another instance I will mention. One of our common river sloops pays in the West Indies a portage bill of £60. This is a tax which foreigners lay upon us and we pay it. For a duty laid upon our shipping which transports our produce to foreign markets, sinks the price of our produce and operates as an effectual tax upon those who till the ground and bring the fruits of it to market. All nations have seen the necessity and propriety of raising a revenue by indirect taxation, by duties upon articles of consumption. France raises a revenue of 24 millions sterling per annum, and it is chiefly in this way. 50 millions of livres they raise upon the single article of salt. The Swiss cantons raise almost the whole of their revenue upon salt. Those states purchase all the salt which is to be used in the country; they sell it out to the people at an advanced price; the advance is the revenue of the country. In England, the whole public revenue is about 12 millions sterling per annum. The land tax amounts to about 2 millions; the window and some other taxes to about two millions more. The other 8 millions is raised upon articles of consumption. The whole standing army of Great Britain could not enforce

the collection of this vast sum by direct taxation. In Holland, their prodigious taxes, amounting to forty shillings for each inhabitant, are levied chiefly upon articles of consumption. They excise everything, not excepting even their houses of infamy.

The experiments which have been made in our own country show the productive nature of indirect taxes. The imports into the United States amount to a very large sum. They never will be less, but will continue to increase for ages and centuries to come. As the population of our country increases, the imposts will necessarily increase. They will increase because our citizens will choose to be farmers, living independently on their freeholds, rather than to be manufacturers and work for a groat a day. I find by calculation that a general impost of 5 percent would raise the sum of £245,000 per annum, deducting 8 percent for the charges of collecting. A further sum might be deducted for smuggling, a business which is understood too well among us, and which is looked upon in too favorable a light. But this loss in the public revenue will be overbalanced by the increase of importations. And a further sum may be reckoned upon some articles, which will bear a higher duty than the one recommended by Congress. Rum, instead of 4d. per gallon, may be set higher without any detriment to our health or morals. In England, it pays a duty of 4s. 6d. the gallon. Now let us compare this source of revenue with our national wants. The interest of the foreign debt is £130,000 lawful money per annum. The expense of the civil list is £37,000. There are likewise further expenses for maintaining the frontier posts, for the support of those who have been disabled in the service of the continent, and some other contingencies amounting together with the civil list to £130,000. This sum added to the interest of the foreign debt will be £260,000. The consequence follows that the avails of the impost will pay the interest of the whole foreign debt and nearly satisfy these current national expenses. But perhaps it will be said that these paper calculations are overdone, and that the real avails will fall far short. Let me point out then what has actually been done. In only three of the states, in Massachusetts, New York, and Pennsylvania, £160 or 180,000 per annum have been raised by impost. From this fact, we may certainly conclude that, if a general impost should be laid, it would raise a greater sum than I have calculated. It is a strong argument in favor of an impost that the collection of it will interfere less with the internal police of the states than any other species of taxation. It does not fill the country with revenue officers, but is confined to the seacoast and is chiefly a water operation. Another weighty reason in favor of this branch of revenue is, if we do not give it to Congress, the individual states will have it. It

will give some states an opportunity of oppressing others and destroy all harmony between them. If we would have the states friendly to each other, let us take away this bone of contention and place it, as it ought in justice to be placed, in the hands of the general government.

But says an honorable gentleman [James Wadsworth] near me, the impost will be a partial tax; the Southern States will pay but little in comparison with the Northern. I ask, what reason is there for this assertion? Why, says he, we live in a cold climate and want warming. Do not they live in a hot climate and want quenching? Until you get as far south as the Carolinas, there is no material difference in the quantity of clothing which is worn. In Virginia, they have the same coarse of clothing that we have. In Carolina, they have a great deal of cold, raw, chilly weather. Even in Georgia, the river Savannah has been crossed upon the ice. And if they do not wear quite so great a quantity of clothing in those states as with us, yet people of rank wear that which is of a much more expensive kind. In these states, we manufacture one-half of our clothing and all our tools of husbandry; in those, they manufacture none, nor ever will. They will not manufacture because they find it much more profitable to cultivate their lands which are exceedingly fertile. Hence, they import almost everything, not excepting the carriages in which they ride, the hoes with which they till the ground, and the boots which they wear. If we doubt of the extent of their importations, let us look at their exports. So exceedingly fertile and profitable are their lands, that a hundred large ships are every year loaded with rice and indigo from the single port of Charleston. The rich returns of these cargoes of immense value will be all subject to the impost. Nothing is omitted; a duty is to be paid upon the blacks which they import. From Virginia, their exports are valued at a million sterling per annum; the single article of tobacco amounts to seven or eight hundred thousand. How does this come back? Not in money, for the Virginians are poor to a proverb in money. They anticipate their crops; they spend faster than they earn; they are ever in debt. Their rich exports return in eatables, in drinkables, in wearables. All these are subject to the impost. In Maryland, their exports are as great in proportion as those in Virginia. The imports and exports of the Southern States are quite as great in proportion as those of the Northern. Where then exists this partiality which has been objected? It exists nowhere but in the uninformed mind.

But there is one objection, Mr. President, which is broad enough to cover the whole subject. Says the objector [James Wadsworth], Congress ought not to have power to raise any money at all. Why? Because they have the power of the sword, and, if we give them the

power of the purse, they are despotic. But I ask, sir, was there ever a government without the power of the sword and the purse? This is not a new-coined phrase, but it is misapplied; it belongs to quite another subject. It was brought into use in Great Britain, where they have a king vested with hereditary power. Here, say they, it is dangerous to place the power of the sword and the purse in the hands of one man, who claims an authority independent of the people. Therefore, we will have a Parliament. But the King and Parliament together, the supreme power of the nation, they have the sword and the purse. And they must have both, else how could the country be defended? For the sword without the purse is of no effect; it is a sword in the scabbard. But does it follow, because it is dangerous to give the power of the sword and the purse to a hereditary prince, who is independent of the people, that therefore it is dangerous to give it to the Parliament, to Congress which is your parliament, to men appointed by yourselves and dependent upon yourselves? This argument amounts to this, you must cut a man in two in the middle to prevent his hurting himself.

But says the honorable objector [James Wadsworth], if Congress levy money, they must legislate. I admit it. Two legislative powers, says he, cannot exist together in the same place. I ask, why can they not? It is not enough to say they cannot. I wish for some reason. I grant that both cannot legislate upon the same object, at the same time, and carry into effect laws which are contrary to each other. But the Constitution excludes everything of this kind. Each legislature has its province; their limits may be distinguished. If they will run foul of each other, if they will be trying who has the hardest head, it cannot be helped. The road is broad enough, but if two men will jostle each other, the fault is not in the road. Two several legislatures have in fact existed and acted at the same time in the same territory. It is in vain to say they cannot exist, when they actually have done it. In the time of the war, we had an army. Who made the laws for the army? By whose authority were offenders tried and executed? Congress was the power. By their authority, a man was taken, tried, condemned, and hanged in this very town. He belonged to the army; he was a proper subject of military law; he deserted to the enemy; he deserved his fate. Wherever the army was, in whatever state, there Congress had complete legislative, judicial, and executive power. This very spot where we now are is a city. It has complete legislative, judicial, and executive powers. It is a complete state in miniature. Yet it breeds no confusion; it makes no schism. The city has not eat[en] up the state, nor the state the city. But if this is a new city, if it has not had time to unfold its principles, I will

instance the city of New York, which is, and long has been, an important part of that state. It has been found beneficial; its powers and privileges have not clashed with the state. The city of London contains three or four times as many inhabitants as the whole state of Connecticut. It has extensive powers of government, and yet it makes no interference with the general government of the kingdom. This Constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the national judges, who to secure their impartiality are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make a law which is an usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so. Still, however, if the United States and the individual states will quarrel, if they want to fight, they may do it, and no frame of government can possibly prevent it. It is sufficient for this Constitution that, so far from laying them under a necessity of contending, it provides every reasonable check against it. But, perhaps at some time or other, there will be a contest; the states may rise against the general government. If this does take place, if all the states combine, if all oppose, the whole will not eat up the members, but the measure which is opposed to the sense of the people will prove abortive. In republics, it is a fundamental principle that the majority govern, and that the minority comply with the general voice. How contrary then to republican principles, how humiliating is our present situation. A single state can rise up and put a *veto* upon the most important public measures. We have seen this actually take place; a single state has controlled the general voice of the Union—a minority, a very small minority has governed us. So far is this from being consistent with republican principles, that it is, in effect, the worse species of monarchy.

Hence we see, how necessary for the Union is a coercive principle. No man pretends the contrary. We all see and feel this necessity. The only question is, shall it be a coercion of law or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the states, one against another. I am for coercion by law, that coercion which acts only upon delinquent individuals. This Constitution does not attempt to coerce sovereign bodies, states in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should

attempt to execute the laws of the Union by sending an armed force against a delinquent state, it would involve the good and bad, the innocent and guilty, in the same calamity. But this legal coercion singles out the guilty individual and punishes him for breaking the laws of the Union. All men will see the reasonableness of this; they will acquiesce and say, let the guilty suffer. How have the morals of the people been depraved for the want of an efficient government which might establish justice and righteousness. For the want of this, iniquity has come in upon us like an overflowing flood. If we wish to prevent this alarming evil, if we wish to protect the good citizen in his right, we must lift up the standard of justice; we must establish a national government to be enforced by the equal decisions of law and the peaceable arm of the magistrate. [*Connecticut Courant*, 14 January]

1. These debates were also printed in the *American Mercury* on the same day and were reprinted in six other Connecticut newspapers by 21 January. They were also reprinted nine times from Massachusetts to South Carolina by the second week in May 1788 (CC:420).

In comparing Ellsworth's speech to his own, Pierpont Edwards declared that Ellsworth's speech was so superior that he felt "like a lightning bug in broad daylight" (William G. Brown, *The Life of Oliver Ellsworth* [New York, 1905], 174-75). For a reference to Edwards' speeches, see Enoch Perkins to Simeon Baldwin, 15 January, VII:B below.

## The Connecticut Convention

Wednesday

9 January 1788

### Convention Proceedings and Debates<sup>1</sup>

The Convention got through with debating upon the Constitution by sections. It was canvassed critically and fully. Every objection was raised against it which the ingenuity and invention of its opposers could devise. The writer of this account could wish to exhibit to public view, though he is sensible he could do it but imperfectly, the whole of the debates upon this interesting subject; but they would be so exceedingly prolix that he is obliged to give up any such attempt. Suffice it to say that all the objections to the Constitution vanished before the learning and eloquence of a Johnson, the genuine good sense and discernment of a Sherman, and the Demosthenian energy of an Ellsworth.

After the Convention had finished debating upon the Constitution by sections, General Samuel H. Parsons, in order to bring up the subject for a general discussion, moved the grand question, "That

this Convention do assent to, ratify and adopt the Constitution reported by the Convention of delegates in Philadelphia on the 17th day of September A. D. 1787 and referred to the determination of this Convention by an act of General Assembly in October last."

This motion was seconded by General Jedidiah Huntington.<sup>2</sup> [*Connecticut Courant*, 14 January]

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SAMUEL HUNTINGTON: Upon the general discussion of the subject, His Excellency Governor Samuel Huntington expressed himself nearly as follows.

Mr. President, I do not rise to detain this Convention for any length of time. The subject has been so fully discussed that very little can be added to what has been already offered. I have heard and attended with pleasure to what has been said upon this subject. The importance of it merited a full and ample discussion. It does not give me pain, but pleasure, to hear the sentiments of those gentlemen who differ from me. It is not to be expected from human nature that we should all have the same opinion. The best way to learn the nature and effects of different systems of government is not from theoretical dissertations, but from experience from what has actually taken place among mankind. From this latter source of information, it is that mankind have obtained a more complete knowledge of the nature of government than they had in ages past. It is an established truth that no nation can exist without a coercive power, a power to enforce the execution of its political regulations. There is such a love of liberty implanted in the human breast that no nation ever willingly gave up its liberty. If they lose this inestimable birthright of man, it is from a want not of will but of the proper means to support it. If we look into history, we shall find that the common avenue through which tyranny has entered in, and enslaved nations who were once free, has been their not supporting government. The great secret of preserving liberty is to lodge the supreme power so as to be well supported and not abused. If this could only be effected, no nation would ever lose its liberty. The history of mankind clearly shows that it is dangerous to entrust the supreme power in the hands of one man. The same source of knowledge proves that it is not only inconvenient but dangerous to liberty for the people of a large community to attempt to exercise in person the supreme authority. Hence arises the necessity that the people should act by their representatives; but this method, so necessary for the support of civil liberty, is an improvement of modern times. Liberty however is not so well secured as it ought to be when the supreme power is lodged in one body of representatives. There ought to be two branches of the legislature, that the one may be a check upon the other.



It is difficult for the people at large to know when the supreme power is verging towards abuse and to apply the proper remedy. But if the government be properly balanced, it will possess a renovating principle by which it will be able to right itself. The constitution of the British nation affords us great light upon the subject of government. Learned men in other countries have admired it, but they thought it too finespun to prove beneficial in practice. But a long trial has now shown its excellence; and the difficulties which that nation now experiences arise not from their constitution but from other circumstances.

The Author of Nature has given to mankind a certain degree of insight into futurity. As far as we can see a probability that certain events will happen, so far we do well to provide and guard. But we may attempt to go too far; it is in vain to think of providing against every possible contingency. The happiness of civil society depends not merely upon their constitution of government but upon a variety of circumstances. One constitution may suit one particular nation exceedingly well; when a different one would suit another nation in different circumstances. Even among the American states there is such a difference in sentiments, habits, and customs that a government which would be very suitable for one might not be agreeable to another.

I am fully of opinion that the great council of the Union must have a controlling power with respect to matters of national concern. There is at present an extreme want of power in the national government; and it is my opinion that this Constitution does not give too much. As to the subject of representation, at first view it appears small; but upon the whole, the purposes of the Union could not be so well answered by a greater number. It is impracticable to have the numbers of the representation as great, and the times of electing as frequent, as they are in our state governments. Nor is this necessary for the security of liberty. It is sufficient if the choice of Representatives be so frequent that they must depend upon the people, and that an inseparable connection be kept up between the electors and elected.

The state governments, I think, will not be endangered by the powers vested by this Constitution in the general government. While I have attended in Congress, I have observed that the members were quite as strenuous advocates for the rights of their respective states as for those of the Union. I doubt not but this will continue to be the case, and hence I infer that the general government will not have the disposition to encroach upon the states. But still the people themselves must be the chief support of liberty. While the great body of the freeholders are acquainted with the duties which they owe to their

God, to themselves, and to men, they will remain free. But if ignorance and depravity should prevail, they will inevitably lead to slavery and ruin. Upon the whole view of this Constitution, I am in favor of it and think it bids fair to promote our national prosperity.

This is a new event in the history of mankind. Heretofore, most governments have been formed by tyrants and imposed on mankind by force. Never before did a people, in time of peace and tranquility, meet together by their representatives and, with calm deliberation, frame for themselves a system of government. This noble attempt does honor to our country. While I express my sentiments in favor of this Constitution, I candidly believe that the gentlemen who oppose it are actuated by principles of regard to the public welfare. If we will exercise mutual candor for each other, and sincerely endeavor to maintain our liberties, we may long continue to be a free and happy people. [*Connecticut Courant*, 14 January]<sup>3</sup>

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OLIVER WOLCOTT: Mr. President, I do not expect to throw any new light upon a subject which has been so fully discussed. Yet I cannot content myself without giving my opinion more explicitly than by a silent vote. It is generally agreed that the present Confederation is inadequate to the exigencies of our national affairs. We must therefore adopt this plan of government or some other, or risk the consequences of disunion. As the present Articles of Confederation are inadequate, we ought to consider whether this Constitution be as good as can be agreed on by so many different states or whether it be a dangerous system; whether it secures the liberties of the people or whether its tendency be unfavorable to the rights of a free people. I have given it all the consideration in my power. I have a considerable time since made up my mind upon it; and I think it my duty to give my voice in favor of adopting it. It is founded upon the election of the people. If it varies from the former system, or if it is to be altered hereafter, it must be with the consent of the people. This is all the security in favor of liberty which can be expected. Mankind may become corrupt and give up the cause of freedom, but I believe that love of liberty which prevails among the people of this country will prevent such a direful calamity.

This Constitution effectually secures the states in their several rights. It must secure them for its own sake, for they are the pillars which uphold the general system. The Senate, a constituent branch of the general legislature without whose assent no public act can be made, are appointed by the states and will secure the rights of the several states. The other branch of the legislature, the Representatives, are to be elected by the people at large. They will therefore be

the guardians of the rights of the great body of the citizens. So well guarded is this Constitution throughout that it seems impossible that the rights either of the states or of the people should be destroyed.

I do not see the necessity of such a test as some gentlemen wish for.<sup>4</sup> The Constitution enjoins an oath upon all the officers of the United States. This is a direct appeal to that God who is the Avenger of Perjury. Such an appeal to Him is a full acknowledgment of His being and providence. An acknowledgment of these great truths is all that the gentlemen contend for. For myself, I should be content either with or without that clause in the Constitution which excludes test laws. Knowledge and liberty are so prevalent in this country that I do not believe that the United States would ever be disposed to establish one religious sect and lay all others under legal disabilities. But as we know not what may take place hereafter, and any such test would be exceedingly injurious to the rights of free citizens, I cannot think it altogether superfluous to add a clause which secures us from the possibility of such oppression. I shall only add that I give my assent to this Constitution and am happy to see the states in a fair way to adopt a system which will protect their rights and promote their welfare. [*Connecticut Courant*, 14 January]<sup>5</sup>

\* \* \* \*

RICHARD LAW: Mr. President. The important subject before us has been examined so particularly that I do not expect to add anything new. As we have been a long time poring upon the defective parts of this Constitution, I think it will not be amiss to pay some attention to its excellencies. There is one clause in it which provides a remedy for whatever defects it may have. The clause to which I refer is that which provides that whenever two-thirds of Congress, or a convention to be called at the instance of two-thirds of the states, shall propose amendments and they be agreed to by three-fourths of the states, such amendments shall be valid as part of the Constitution. This is an easy and peaceable way of amending any parts of the Constitution which may be found inconvenient in practice.

As this is a most important question, as it concerns not only present but future generations, we ought to consider it upon its real merits without suffering our minds to be misled by examples of other nations whose circumstances are very different from ours. Some have been led into a mistake by comparing a part of this Constitution with that of Great Britain. But this is very different from theirs. Our President is not a king, nor is our Senate a House of Lords. They do not claim an independent hereditary authority. But the whole is elective; all are dependent upon the people. The President, the Senate, the Representatives are all creatures of the people. Therefore, the

people will be secure from oppression, though I admit that, if our President and Senate possessed an independent hereditary authority, the democratical branch would be too weak for the others.

Some suppose that the general government, which extends over the whole, will annihilate the state governments. But we ought to consider that this general government rests upon the state governments for its support. It is like a vast and magnificent bridge built upon thirteen strong and stately pillars. Now the rulers, those who occupy the bridge, cannot be so beside themselves as to knock away the pillars which support the whole fabric. But some say a free government like this has not energy enough to pervade a country of such vast extent. We are not satisfied with this assertion; we want to try [the] experiment. A free system of government now presents itself for our acceptance. We shall be wanting to ourselves if, instead of adopting it, we wait for the arm of tyranny to impose upon us a system of despotism. The finger of Providence is evidently to be seen in the political affairs of this country. The old Articles of Confederation were once the best that we should have been willing to adopt. We have been led on by imperceptible degrees to see that they are defective; and now, if it be the design of Providence to make us a great and happy people, I believe, that He who turns the hearts of the children of men, as the rivers of water are turned, will induce the people of the United States to accept of a Constitution which is so well calculated to promote their national welfare. [*Connecticut Courant*, 14 January]<sup>6</sup>

\* \* \* \*

Several other gentlemen likewise offered their sentiments upon this important question; and after everything which any member had to offer upon the subject had been heard with that candor and attention which was becoming in an assembly convened to decide upon the fate of an empire, the question was put upon the motion of General Samuel H. Parsons; upon which the yeas and nays being called for, were as follows. [*Connecticut Courant*, 14 January]

[At this point the *Connecticut Courant* contains the names of the delegates voting for and against ratification and the Form of Ratification. For the votes of the delegates, see the Convention Roster, VI above.]

\* \* \* \*

The time was busily employed, with great attention, in examination and scrutiny, with various particular strictures interspersed with more general dissertations on the distinct and relative parts of the interesting theme and probable operation, when applied to practice and actual experiment, until the next Wednesday evening; when the great ques-

tion being generally called for, was formally proposed, and explicitly answered, by yea and nay, as appears by the foregoing roll, and the following authenticated Ratification or exemplification, viz.

[Form of Ratification]

The foregoing Ratification being engrossed, duplicates on parchments were subscribed and certified accordingly, the one to be transmitted to Congress and the other lodged in the office of the secretary of this state. [*Weekly Monitor*, 14 January]

1. The proceedings and debates of this day are from the *Connecticut Courant* and the *Weekly Monitor* of 14 January. The *Courant's* account was also printed in the *American Mercury* on 14 January and in six other Connecticut newspapers by 25 January. Outside Connecticut, the *Courant's* account was reprinted in full in the *New York Journal*, and in part in twenty-six other newspapers from Maine to Georgia by 28 February. The Philadelphia *American Museum* reprinted the day's three major speeches in its August 1788 issue. (For the background of the *Museum's* publication, see Mfm:Conn. 97.)

2. General Huntington, a Norwich alderman, became sheriff of New London County in October 1788 and state treasurer in January 1789.

3. Governor Huntington's speech is also printed as CC:428. Although Huntington did not use the term "bill of rights," it seems that he was answering delegates who argued that a bill of rights was necessary. In a letter dated 23 September 1788, Huntington reported: "The Convention in this state, at the time they ratified the new Federal Constitution, would have preferred some alterations and amendments rather than the present form, if I may judge from the sentiments that were thrown out in discussing the subject; but deemed it too dangerous to hazard delays under a tottering constitution, until every difficulty should be removed so as to obtain a constitution which would meet the entire approbation of all the states in the Union, which it is not probable would ever be the case" (to Governor Samuel Johnston of North Carolina, Mfm:Conn. 99).

4. Evidently there was opposition to the Constitution because it did not require a religious qualification for officeholding. "Landholder" VII on 17 December (V above) went to great lengths in arguing that such a "test" was unnecessary. For the post-Convention controversy between "Landholder" and William Williams over Williams' remarks in the Convention about "Landholder" VII and "religious tests," see The Debate over Religion and the Constitution, 28 January–10 March, VII:B below.

5. Wolcott's speech is also printed as CC:428.

6. Law's speech is also printed as CC:428.

### The Connecticut Form of Ratification, 9 January<sup>1</sup>

In the Name of the People of the State of Connecticut.  
We the Delegates of the People of sd. State in general Convention assembled, pursuant to an Act of the Legislature in October last, Have assented to and ratified, and by these presents do assent to, ratify and adopt the Constitution, reported by the Convention of Delegates in Philadelphia, on the 17th day of September AD. 1787. for the United States of America.

Done in Convention this 9th. day of January AD. 1788. In witness whereof we have hereunto set our hands.

Matthew Griswold President:	John Chandler
Jereh Wadsworth	John Beach
Jesse Root	Hezh. Rogers
Isaac Lee	Leml. Sanford
Selah Heart	William Heron
Zebulon Peck jur	Philip Burr Bradley
Elisha Pitkin	Nathan Dauchy
Erastus Wolcott	James Davenport
John Watson	John Davenport Junr
John Treadwell	Wm. Saml. Johnson
William Judd	Elisha Mills
Joseph Mosely	Elipht Dyer
Wait Goodrich	Jeda: Elderkin
John Curtiss	Simeon Smith
Asa Barns	Hendrick Dow
Stephen Mix Mitchell	Seth Paine
John Chester	Asa Witter
Oliv Ellsworth	Moses Cleaveland
Roger Newberry	Samson Howe
Roger Sherman	Willm Danielson
Pierpont Edwards	Wm. Williams
Samuel Beach	James Bradford
Daniel Holbrook	Joshua Dunlop
John Holbrook	Daniel Learned
Gideon Buckingham	Moses Campbell
Lewis Mallet Jr.	Benjamin Dow
Joseph Hopkins	Oliver Wolcott
John Welton	Jedidiah Strong
Richd Law	Moses Hawley
Amasa Learned	Charles Burrall
Saml. Huntington	Nathan Hale
Jed Huntington	Daniel Miles
Isaac Huntington	Asaph Hall
Robert Robbins	Isaac Burnham
Danll Foot	John Wilder
Eli Hyde	Mark Prindle
Joseph Woodbridge	Jedidiah Hubbel
Stephen Billings	Aaron Austin
Andrew Lee	Samuel Canfield
William Noyes	Daniel Everitt
Joshua Raymond Junr.	Hez: Fitch
Jerh. Halsey	Joshua Porter
Wheeler Coit	Benjn Hinman
Charles Phelps	Epaphras Sheldon
Nathaniel Miner	Eleazer Curtiss
Jonathan Sturges	John Whittlesey
Thaddeus Burr	Danl Nathl Brinsmade
Elisha Whittlesey	Thomas Fenn
Joseph Moss White	David Smith
Amos Mead	Robert McCune
Jabez Fitch	Daniel Sherman
Nehemiah Beardsley	Samuel Orton
James Potter	Asher Miller

Saml H. Parsons  
 Ebenr White  
 Hezh Goodrich  
 Dyar Throop  
 Jabez Chapman  
 Cornelius Higgins  
 Hezekiah Brainerd  
 Theophilus Morgan  
 Hezh. Lane  
 William Hart  
 Saml. Shipman

Jeremiah West  
 Samuel Chapman  
 Ichabod Warner  
 Samuel Carver  
 Jeremiah Ripley  
 Ephraim Root  
 John Phelps  
 Isaac Foot  
 Abijah Sessions  
 Caleb Holt  
 Seth Crocker

State of Connecticut, ss. Hartford January ninth Anno Domini one thousand, seven hundred and eighty eight. The foregoing Ratification was agreed to, and signed as above, by one hundred and twenty eight, and dissented to by forty Delegates in Convention, which is a Majority of eighty eight.

Certified by Matthew Griswold President.

Teste Jedidiah Strong Secretary

1. Engrossed MS (LT), RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787-92, DNA. The Form retained by the state has not been located. For a photographic copy of the Form sent to Congress, see Mfm:Conn. 70. The text of the Form of Ratification was printed eight times in Connecticut and thirteen other times from Massachusetts to Georgia by 28 February.

**Matthew Griswold, President of the Convention  
 to the President of Congress, Hartford, January<sup>1</sup>**

I herewith transmit enclosed to you the Ratification of the Convention of delegates from the several towns in the State of Connecticut held at Hartford on the 3rd day of January instant (pursuant to a resolve of the legislature of the state at the sessions of their General Assembly held at New Haven on the second Thursday of October 1787) adopting the Federal Constitution of civil government for the United States of America composed by the Convention held at Philadelphia on the 17th of September last for that purpose which Ratification is subscribed by a great majority of all the delegates appointed by the State of Connecticut to deliberate upon the matters aforesaid. This state will undoubtedly do all in their power to promote the establishment of so salutary a plan of government.

1. RC, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights. . . , 1787-92, DNA. The letter was endorsed by Roger Alden, the deputy secretary of Congress, as read on 22 January.

## VII

### THE AFTERMATH OF RATIFICATION

Every newspaper in Connecticut reported the news of ratification within two weeks after the Convention adjourned. Some Connecticut newspapers, such as the *New Haven Gazette*, 24 January, praised the minority for its willingness to accept the decision of the majority (VII:C below). But such was not the attitude of Federalist leaders. They were unwilling to condone any opposition, and they continued their efforts to destroy the political careers of such men as James Wadsworth. They attacked him in private letters and in the newspapers. In the spring of 1788, he was defeated for reelection to the Council and was replaced as comptroller of the state by Oliver Wolcott, Jr. He was reelected a judge of the New Haven County Court in 1789, but he stuck to his principles and refused the judgeship. In January 1789 the legislature had adopted a law requiring all state officials to take an oath to support the Constitution of the United States. Wadsworth refused to take the oath (to Governor Samuel Huntington, 15 October 1789, Mfm:Conn. 101). The day after it replaced Wadsworth with another judge, the legislature repealed the oath law.

Nor did the Federalists forgive men who had raised doubts about the Constitution, even though in the end they voted to ratify. William Williams voted for ratification although he objected, according to his opponents, because the Constitution did not require a religious test for officeholding. "Landholder" attacked Williams by name in the newspapers. Williams replied, denying the charge, whereupon "Landholder" attacked him again. However, Williams retained his position as a member of the Council. Judge Eliphalet Dyer of the Superior Court had also raised objections to the Constitution but had voted to ratify. An attempt was made to defeat him, but he was reelected Judge in 1788, and in 1789 he became Chief Judge of the Superior Court.

The continued Federalist attacks on those who had doubts about the Constitution or who opposed it evidently had an intimidating effect. Thus Hugh Ledlie asked that his correspondence not be



shown to anyone from Connecticut because "some of these harpies" express their "malevolent, vindictive tempers" toward "anyone that dare either write, speak, or act or even think against their new Dagon Constitution" (to John Lamb, 15 January, VII:B below). William Williams, in requesting a Connecticut congressman in New York to send him a copy of an Antifederalist pamphlet, asked that the request be kept confidential because, if known, it would be considered "treason" by "the hot Constitutionalists" (to Benjamin Huntington, 21 October 1788, Mfm:Conn. 100).

Connecticut newspapers also continued to reprint Federalist material from other states. Among the items were Francis Hopkinson's "New Roof," 29 December 1787, and "A.B.," 6 February 1788; Tench Coxe's "Philanthropos," 16 January; and a bogus "Centinel" XV, 16 February (all in *Commentaries on the Constitution*). The newspapers also continued their virtual boycott of Antifederalist writings. Two doubtful exceptions were responses to the assertion of the Hartford newspapers in December that they were nonpartisan and willing to print material opposed to the Constitution (see *The Hartford Newspapers Deny Partisanship*, 10, 24 December, V above and Mfm:Conn. 64, 77).

Connecticut newspapers and most Connecticut leaders therefore remained overwhelmingly Federalist as they awaited the decisions of other states in the months that followed Connecticut's ratification.

## A. Reports of the Vote for Ratification 9-12 January

### Pierpont Edwards to Samuel Russel

Hartford, 5:30 P.M., 9 January<sup>1</sup>

We have this moment finished taking the yeas and nays, and by the enclosed copy of the roll of the Convention you will learn that there were 128 for and 39 [40] against adopting the Federal Constitution.

1. Broadside, *American Broadside*s, Bienecke Library, CtY. Russel owned a tobacco manufactory in New Haven. This letter, received in New Haven at 10:30 P.M. on 9 January, was part of the broadside entitled *Glorious News*. See Mfm:Conn. 69 for a photographic copy of the broadside.

### Samuel Holden Parsons to Henry Knox

Hartford, 7:00 P.M., 9 January<sup>1</sup>

Huzza for good times. The vote is this moment taken. Yeas 128, nays 40 on the question of adopting the new Constitution.

1. RC, Knox Papers, MHi. Parsons mistakenly dated the letter "7 O'Clock Thursday Evening" [10 January]. Knox caught the error, and in his reply of 13 January, he thanked Parsons for his note of "Wednesday evening." Knox also declared that "The business now draws to a crisis. If Massachusetts adopts it [the Constitution] with a considerable majority, all will go well, otherwise we must all, I believe, become inhabitants of Ohio" (Charles S. Hall, *Life and Letters of Samuel Holden Parsons* . . . [Binghamton, N.Y., 1905], 512).

**Jeremiah Wadsworth to Henry Knox**  
Hartford, 9 January<sup>1</sup>

This moment from Convention—where the proposed Constitution was passed 127 [128] yeas, 40 noes—it ought to be remarked that all the first characters in the Convention were for the Constitution, and General James Wadsworth the only man of any real consequence who was against it. Our governor, deputy governor, late Governor [Matthew] Grisswold, and all the judges of the Superior Court were present except one—and for it. All of the Council for (one against it, General Wadsworth).

1. RC, Knox Papers, MHi. Wadsworth misdated the letter "1787." He was probably answering Knox's letter of 6 January, in which Knox asked for information about Connecticut (Mfm:Conn. 62). Upon receiving Wadsworth's reply, Knox wrote that Connecticut's ratification of the Constitution "does my heart good" (to Wadsworth, 13 January, VIII below).

**Letter from a Member of the Convention**  
Hartford, 9 January<sup>1</sup>

This day the NEW CONSTITUTION was RATIFIED and CONFIRMED by this state in Convention—ONE HUNDRED AND TWENTY-SEVEN [128] YEAS to *forty* NAYS. It is remarkable that no man of consequence in Convention was among the nays but ——— W———, Esquire, well known here by the name of — Wronghead.

P.S. This business being just finished by a vote and the Ratification not signed, the Governor cannot send on an official account, but will do it as soon as possible.

1. *Boston Gazette*, 14 January. This item, reprinted five times in New England by 21 January, was headed: "Extract of a letter from a Member of the Convention in Connecticut, dated Hartford the 9th January, 1788." Jeremiah Wadsworth was probably the writer, since the extract is similar to his letter to Henry Knox on the same day (immediately above). If so, the recipient was probably Samuel Breck of Boston. See Breck to Wadsworth, 12 January, VIII below.

**Governor Samuel Huntington to Secretary Charles Thomson**  
Hartford, 9 January<sup>1</sup>

I have received your favor of the 27th ultimo, covering the act of Congress to which it refers.

I have the satisfaction to inform you that the Convention of this state have this day ratified the new proposed Constitution by a majority of more than three to one.<sup>2</sup>

Two of the delegates designated to attend Congress have been detained to attend the Convention of this state, which being this day dissolved, you may expect this state will be represented in Congress within a few days.<sup>3</sup>

1. RC, PCC, Item 66, Connecticut State Papers, 1775-89, Vol. II, 382-85, DNA. The date on the letter seems to have been supplied by Roger Alden, deputy secretary of Congress, who endorsed the letter as received on 17 January.

2. On 23 January, Huntington repeated this information in letters to the governors of New Jersey and Virginia (Mfm:Conn. 79, 80).

3. Jeremiah Wadsworth arrived in Congress on 21 January and Stephen Mix Mitchell on 29 February. Joseph Platt Cooke, who was not a member of the Convention, also arrived on 29 February.

### Samuel Holden Parsons to William Cushing Hartford, 9 January<sup>1</sup>

The Convention of this state, after deliberating with great calmness and candor on the important question of adopting the proposed Federal Constitution from Thursday last, have decided this day and assented to the proposed government—yeas 128, nays 40. The 4th and 8th sections in the 1st Article and the 1st and 2d sections in the 3d Article met the most opposition. I would give you the arguments but [—] would expect on so decided a majority. No time is now in my power to go into the detail on that subject, but I will try to write you next post.<sup>2</sup>

1. RC, Cushing Papers, MHi. As in his letter to Henry Knox (immediately above), Parsons misdated this letter "Thursday night." Cushing, Chief Justice of the Supreme Judicial Court of Massachusetts, was in Boston as a delegate to the Massachusetts Convention.

2. See Parsons to Cushing, 11 January, VII:B below.

### Ezra Stiles Diary New Haven, 9, 10 January<sup>1</sup>

January 9. At V h 30' P.M. [5:30 P.M.] the Convention at Hartford accepted and ratified the new Federal Constitution. 128 yeas and 39 [40] nays, Total 167 [168] + 6 absent = 183 [174] total members of Convention. A courier set off from Hartford at VI [6:00 P.M.], rode 14 miles in one hour and six minutes, and reached the city of New Haven before XI h at night [11:00 P.M.].<sup>2</sup>

January 10. At XII.25' this morning [12:25 A.M.], the four bells in the city began and continued to ring above an hour and ceased at I h 40' [1:40 A.M.] during which thirteen cannon were discharged.

Very cold. Th[ermometer] 11 and at III 1/2 [3:30] th[ermometer] 8 1/2 serene mane. President [Abraham] Baldwin<sup>3</sup> visited me and we conversed on the Federal Constitution.

1. MS, Bienecke Library, CtY.

2. The broadside *Glorious News* (Mfm:Conn. 69) gave the time of arrival as 10:30 P.M. The *New Haven Gazette*, 17 January, reported that the news of ratification was received in New Haven "five hours after the final vote was passed."

3. Baldwin was president of the state-chartered, but not yet established, University of Georgia.

### Thaddeus Leavitt Diary Suffield, 10 January<sup>1</sup>

This day a state Convention, which had met at Hartford agreeable to a resolve of the General Assembly in October last, adopted the Federal Constitution made and proposed by a Convention of the United States on the 17th September last at Philadelphia. In favor of it, 128 members; and against it, 40 ditto. Among the negatives were the two Suffield members, viz. Alexn. King, Esquire and David Tod. The principal part of the inhabitants of Suffield are much opposed to the Constitution taking place—but I conceive there can no weighty arguments be advanced against it—when, on the other hand, reason, experience, justice, safety, and the present as well as the future well being and safety of this country depend on its taking place. And I believe and wish it may be a lasting blessing to the THIRTEEN UNITED STATES OF AMERICA. At present only 4 states have adopted it, viz. Pennsylvania, New Jersey, Delaware, and Connecticut.

1. Typescript, Leavitt Book, Kent Memorial Library, Suffield, Conn. Leavitt, a Suffield merchant and shopkeeper, was a justice of the peace for Hartford County.

### Levi Hart to Henry Marchant Preston, 12 January (excerpt)<sup>1</sup>

I congratulate you on the adoption of the Federal Constitution by the Convention of this state, on the 9th instant. 128 for it and only 40 against it. We shall soon have the yeas and nays. I think it a happy event that hitherto every state which has acted on the important subject has been in favor of the Constitution and cannot but hope that the most wise and gracious Disposer of Events has blessing laid up for these states for a long succession of ages.

I am not indeed insensible of the many dangers which threaten us, but from the analogy of Divine Providence, I think we have great cause to hope.

1. RC, Marchant Papers, Rhode Island Historical Society. Marchant, a Newport, Rhode Island, lawyer, had been a delegate to the Continental and Confederation congresses. See also Hart to Joseph Bellamy, 25 February, Mfm:Conn. 87.

## B. Commentaries on the Convention 10 January–10 March

**Jonathan Trumbull, Jr. to George Washington  
Hartford, 10 January (excerpt)<sup>1</sup>**

With great satisfaction, I have the honor to inform that last evening the Convention of this state, by a great majority, voted to ratify and adopt the new proposed Constitution for the United States—yeas 127 [128], nays 40.

With additional pleasure, I can inform that the debates on this subject have been conducted with a spirit of great candor, liberality, and fairness— and the decision received with the universal applause of a numerous body of the people of the state, who attended the public deliberations of their Convention and expressed their cordial assent on the moment of decision with a general clap.<sup>2</sup>

The great unanimity with which this decision has been made, and the liberality with which its previous deliberations have been conducted in this state, I hope will have a happy influence on the minds of our brethren in the Massachusetts—their Convention is now collecting and will be favored with this information tomorrow.

It may not be amiss to mention that in the list of affirmants in this state stand the names of all our principal characters with the men of liberality, sentiment, and influence.

Altho not honored with the appointment of a delegate<sup>3</sup> (being, in my particular circle, under the cloud of commutation and Cincinnati), I have attended the debates of this Convention from their beginning to the close and have been amply compensated by the pleasure, the satisfaction, and instruction [as if] I have participated on the occasion.

1. RC, Washington Papers, DLC. Trumbull misdated his letter 9 January. Since the vote was taken late on the afternoon of the 9th, the letter was evidently written on the 10th.

2. For a conflicting description of the manner in which the debates were conducted, and the reaction to them, see Hugh Ledlie to John Lamb, 15 January, VII:B below.

3. Trumbull had represented Lebanon in the House of Representatives in 1774–75 and 1779–81. The town voted twice to reject the Constitution, the second time by a vote of 81 to 41 (see Lebanon Town Meeting, IV above). William Williams and Ephraim Carpenter represented the town in the Convention, where Williams voted to ratify and Carpenter voted against ratification.

**Samuel Holden Parsons to William Cushing  
Middletown, 11 January<sup>1</sup>**

The ratification of the Constitution of government proposed by the General Convention was subscribed and completed in this state last Thursday. The numbers present were 168, of which 40 only gave their negative. That human imperfection can be capable of establishing or framing a perfect system of government is not to be expected; and where different interests are to be united and the component members of the general government are so diverse in their manners and habits, as in the present case, the difficulty is greatly increased. I am, on these considerations, more surprised that the delegates of the states have united in a system which contains so few imperfections than alarmed at the powers granted in the Constitution to the legislative, executive, or judicial departments. The objection founded on the want of a bill of rights appears to me to have no weight. This Constitution is grounded on the idea that the people are the fountain of all power, that no dominion can rightfully be exercised over them but by their consent, and that every officer of government is amenable to them in the exercise of the authorities granted. If this is a just idea, it is the ruler who must receive a bill of rights from the people and not they from him. Every power not granted rests where all power was before lodged—and establishing any other bill of rights would be dangerous, as it would at least imply that nothing more was left with the people than the rights defined and secured in such bill of rights. At the time those matters were so much agitated in England, the king was supposed to be the fountain of all power, and every franchise the people possessed was by his gift and an act of grace and favor. The reverse of this is true here, and therefore no such measure can be a proper one.

If the union of the American states is necessary for their security, which I believe no man will seriously deny, the only inquiry that can fairly be made by an honest man will be, does the proposed plan grant such powers as if properly exercised will accomplish the best good and greatest happiness of the members and are those powers sufficiently guarded against an undue use of them—or on the whole, considering every attending circumstance, is as much political and civil liberty secured by this Constitution as we have reasonably to expect from a constitution where so many different interests are to be consulted, and in a case where a union is necessary? For myself, I believe, whatever answer may be given to the first question, the powers granted are as great as the public mind is prepared to give, and I hope properly administered may serve good purposes for a time (I hope a long time). The objects to which the legislative powers

extend are necessary to the happiness and prosperity of the whole territory, and such as no particular state can extend her acts to so as to control the conduct of her neighbors.

That the means of securing the welfare of the community must be coextensive with the objects to which the legislature extends its views I think must be admitted. If the property and personal service of the individuals is necessary, under any given circumstance, to secure the republic, it is certain there must somewhere be lodged a power to call them forth; as the cases which may occur are so various, human foresight so limited, and the occasions may probably be so pressing as not to admit a consultation of the people, it must be exercised at discretion limited in the best manner we can to prevent abuse. To say the United States may have the impost and nothing more is not granting the means of protection in the probable cases which may occur; to devolve on them a duty to protect and secure the states and deny them the means is an absurdity. I think we involve ourselves in unnecessary doubts about our security against an undue use of the powers granted by the Constitution, by not clearly distinguishing between our present condition and that of the people of Great Britain. There, the supreme executive is hereditary. He does not derive his powers from the gift of the people; at least, if the contrary is true in *theory*, its practical operation is not such. He there holds, as his prerogative, the power of raising and disbanding armies, the right to make war and peace with many other very great and important rights independent of any control. That the armies are *his armies*, and their direction is solely by him without any control. The only security the people there have, against the ambition of a bad king, is the power to deny money, without which no army can be kept up. Here the army, when raised, is the army of the people. It is they who raise and pay them; it is they who judge of the necessity of the measure; tis they who are to feel the burthens and partake the benefits. To deny them the power by their representatives to raise armies when they judge it necessary, to deny them the right to command so much property as shall be necessary for all the exigencies of the states, is to require of them the discharge of duties they are totally unable to fulfill.

I think we are safe in the exercise of those powers by Congress, especially when experience shows us that a body of men raised by the legislature never did set up the legislative authority as the supreme head, independent of the people; but whenever any evil effects have followed, it has been by setting up an individual in utter extinction of the legislative. It is therefore *our* army and *our* purse, and not the sword or purse of a king.

If a constitution is not to be established unless it is impossible to abuse the powers given to the destruction of the community, I will venture to assert that no government can ever be established—for the delegation of powers is necessary to the being of society, and it is impossible so to guard them that they may not be abused for a time. An assembly of a state, the officers of a county or town or of any smaller community may betray the confidence reposed in them; and it is impossible to grant such powers as are necessary to do us good without granting such as *may* do us evil. Our security must rest in our frequently recurring back to the people, the fountain of all power, by our elections. The contrary opinion appears to involve a suspicion that a man becomes a villain the moment he is entrusted with power. If this [is] so, in the extent the objection supposes, it concludes against the propriety of establishing any government in any possible case.

But it is said the representation is too small. This is matter of opinion on which men will differ. If we look forward half a century, we shall probably see a representation as large as will be found necessary or convenient; and when we find so great a difficulty in keeping up that number under the present Confederation, it is not likely we shall think the proposed numbers too few, at present.

It is also objected that by law Congress may alter the *time, place, and manner* of choosing Representatives and they may so abuse this power as to destroy the free election of the states. It appears to me proper that Congress should determine the *time*. Our different legislatures have on this subject gone into different practices. It is necessary all elections should be in season to attend the federal legislature and expedient, at least, they should be in one day throughout the Union. This can only be done by the national authority. It may be so that the present places of holding elections will be impossible for the electors to be convened at; witness South Carolina and Georgia in the late war, and, even after this Constitution shall be ratified, it may happen that some one of the states in the Union may neglect or refuse to make any law by which the electors may be convened. A variety of other cases may occur in which it will be proper for Congress, by their acts, to enable the electors to exercise their undoubted privileges—and, when our own experience has so often convinced us of the necessity of frequent changes in the manner of elections to prevent corruption, who can wish the manner to be unalterably fixed? The qualifications of electors is exclusively with the states and there it ought forever to rest.

As to the executive powers, some appear to apprehend danger; but, when the President is created by the people, when he so often falls back to the state of a private citizen, when he [has] no possibility of



gaining greater emoluments during his continuance in office, and when there is nothing of any great importance in his power *solely*, I think no man of considerable discernment can have fears from this quarter unless he has also very weak nerves.

The judicial powers, at first view, seemed to me the most exceptionable—but I believe it will always be admitted that the judicial powers of every state must be coextensive with the legislative—and I cannot find that the legislative powers proposed in this Constitution are extended to any objects in which the nation are not immediately or mediately concerned. The general laws of bankruptcy appear to be necessary both for creditors and debtors, and it appears reasonable, when conformed to in one state, they should be effectual to secure the debtor throughout the Union. Those acts may and often do affect the rights of citizens of different states, to guard which the powers of particular states do not extend. It is therefore proper that those should be regulated by some authority extending over all. The same apply in cases of captures and a variety of other cases. Perhaps, however, it may be questioned whether an appeal will lie from a *state court* to the *Supreme Federal Court* or from the inferior federal court only. If that is the case, the jurisdiction is concurrent and in the election of the plaintiff to which [court] he will apply. If the right is proper to be granted, the guards against abuse must be by laws to regulate the exercise of the right.

Trial by jury is said to be taken away. No such inference can be drawn from the Constitution. All civil [cases] were never tried by jury in this country or in Great Britain. Admiralty causes, ecclesiastical, and chancery cases are of that number. The mode of ascertaining the fact will be pointed out by law, and we cannot suppose Congress to divest themselves of all good sense as well as honesty so as to adopt measures totally repugnant to the habits and feelings of the people as the objection supposes. It appears to me that few men will at this time of day reject the idea of coercion as necessary to a good government. The existence of those principles of pure virtue in the members of the community, which are necessary on the ground of the objectors, is not at this time generally believed and the want of it is the principal, if not the only reason, why government is necessary. This is a powerful motive to induce men to consent to be governed, but this consent would be of little avail unless a coercive power to compel obedience was not also granted; and I think it must appear much more eligible to carry home the punishment of the offense to the person of the transgressor by legal decrees, than to exercise the power of the sword against states and communities and involve the innocent and guilty in one indiscriminate scene of distress. But this

system tis said will destroy the states' sovereignty or reduce us to the necessity of adopting the absurd position of *Imperium in Imperio*. I admit it will and ought to *limit* the exercise of sovereign authority in the states and restrain it to fewer objects. This must be necessary if a supreme authority [is] the last resort in any matters, and the absurdity of *Imperium in Imperio* never existed but where both powers were coextensive in their objects. A town, city, or county to some purposes have complete legislative powers, yet no man supposes a state cannot exist under those circumstances. A Congress have made laws to govern their armies, but did we ever find any evil consequence flowing from it to weaken the powers of civil government?

In the new Constitution, all contracts are left as they were in the old. This appears to me proper, as we cannot, if we were desirous, destroy all the debt of the United States. We have other powers to consult on this subject. Nor would it have been well to have any new engagements on the subject. The want of power to establish religious tests is a grievance in the minds of some. In addition to the very many and conclusive arguments against religious tests, I am fully convinced of the expediency of inserting the exclusive clause, lest in future time by construction such right may be supposed to exist, and, under the influence of the enthusiasm which has impelled men to the greatest absurdities, we may in future *hang witches* or establish such tests as would disgrace human nature. But what will become of the states who refuse their assent and are in the present Confederation? I answer, we have all broken that covenant; and it is now prostrate in the dust and no state can charge another with breaking these covenants as they have by common consent dissolved it. I have to apologize for troubling you; but, can any the least benefit be derived by new arguments or old ones placed in different lights, I have a consciousness you will pardon me.

1. RC, Robert Treat Paine Papers, MHi. On 9 January, Parsons had promised Cushing a report of the debates (VII:A above). This letter would seem to be an elaboration of Parsons' views on the issues raised in the Convention rather than a summary of the debates. For a further statement of Parsons' views, see his letter to George Washington, 21 April 1788, Mfm:Conn. 94.

**Oliver Ellsworth to the Printers  
Connecticut Courant, 14 January<sup>1</sup>**

The few cursory observations made by me at the opening of the Convention were not designed for a newspaper; and what you have published as the substance of them, from some person's minutes I suppose, is less proper for one than the observations themselves were. It is particularly erroneous with regard to some of the historic facts

alluded to which are stated in a manner that neither the observations or history will fully justify, tho the deviations do not go to circumstances very material to the argument itself.

1. This letter was dated "Jan. 10, 1788." An identical letter, addressed to the printer of the *American Mercury*, was also published on 14 January. The letter, which was also reprinted in four other Connecticut newspapers by 21 January, refers to Ellsworth's speech of 4 January, VI above. Ellsworth was answered by "A Plain Farmer," 28 January, VII:B below.

### Weekly Monitor, 14 January

Seldom or never perhaps could an assembly of chosen philosophers and patriots, whose natural tempers, particular interests, and habitual modes of thinking are always necessarily various as their features, free and unconfined by any ungenerous restraint, conduct an affair of equal importance with greater decorum and propriety, or to more general satisfaction and applause. It being a fortunate circumstance in the dispensations of Providence that amongst many other able advocates for the general welfare of the great body of the people at large (who are always to be considered in this *free Constitution* as being under GOD Almighty, the ultimate resort and grand fountain of invincible power, and sacred form of democratical government) those very honorable and worthy gentlemen, who had been by the good people of this state so judiciously designated and so successfully employed in framing the admirable system, were present, happily united in the laudable design and generously disposed, as well as abundantly gratified,<sup>1</sup> to obviate every substantial objection to it. Nor is it easy to imagine a national question, of equal magnitude, comprehending partial innovation and general assimilation, of such complicated and promising extent, more opportunely presenting itself to the candid and critical deliberations of a variegated human tribunal.

We may, therefore, esteem it no unwarrantable arrogance to flatter ourselves that none of the confederating states, in this extensive, proposed Union, can more happily display a dispassionate investigation of the solicitous subject or anticipate a more pleasing prospect of its actual realization and beneficial consequences, not only to this, but equally to the present and future inhabitants of each sister state, as well as in proportionable degree to society at large. That though there was not apparently, in the course of inquiry or even in the result, a perfect unanimity of all the members, some being unfortunately embarrassed with previous instructions; yet conversions were daily multiplied in favor of the affirmative, and none discovered or expected to increase or support the declining opposition.

A very numerous and respectable audience attended the debates with great decency, who, when the decisive vote was summarily declared from the chair, clapped their hands for joy.

But it was a just observation of a sensible heathen queen that when, because the LORD delighted in his people, he gave a good king to rule over them. By this favorite Constitution, the law is king; on the grounds and principles whereof, so favorable to the general welfare and individual felicity, a virtuous people may questionless be as happy as the fluctuating and precarious condition of mortality can admit; but of itself cannot make a heaven of hell; and, therefore, the reverse character may expect, with horror, a contrary operation and malignant effect.

1. On 21 January the printer of the *Monitor* reported that the words "abundantly gratified" should have been "abundantly qualified" (Mfm:Conn. 78).

**Hugh Ledlie to John Lamb**  
Hartford, 15 January<sup>1</sup>

The length of time since our acquaintance first commenced in New York about the years 1765 and 1766 makes me almost diffident whether you continue the same patriot and friend to your country. I then found you together with [Isaac] Sears, [Thomas] Robinson, [William] Wiley, [Gershom] Mott, [Edward] Light [Laight], [John Morin] Scott, [Jonathan?] Hazard, etc., etc., and many others whose names I have forgot, a committee for opposing the diabolical and oppressive Stamp Act, when [Lewis] Pintard, [Charles] Williams, etc., 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.<sup>2</sup> But to return, I say, I should 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 public newspapers handled in a very rough, ungentlemanlike manner<sup>3</sup>—but even then I remained ignorant who those scurrilous, defamatory, backbiting writers meant, until a few days since being in company with General James Wadsworth who first told me it was you, and added an anecdote. The other day, or some time since, a gentleman, one Mr. [Alexander] 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 General Washington would in all probability be the first President under it. To which you replied, that in that case all might be well, but perhaps after him General 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 opprobrious, indecent, and, I believe, false speeches made use of at our late Convention in this place by some sly, mischievous insinuations, viz., that out of the impost, £8000 was paid by this state annually to the State of New York; out of which you received upwards of £900, which enabled you and others to write the Federal Farmer and other false libels and send them into this and the neighboring states to poison the minds of the good people against the good Constitution. They say a [John] Lamb, a [Marinus] Willet, a [Melancton] Smith, a [George] Clinton, and a [Robert] Yates's salaries are paid by this state through your state impost.<sup>4</sup> The late Convention, which met in this town the 3d instant and voted the new Constitution the 9th in the evening and finished the 10th, was carried on, by what I can learn, with a highhand against those that disapproved thereof. For, if I am not misinformed, when the latters were speaking, which by the bye were far from being the best orators (a few excepted), they were browbeaten by many of those Ciceroes, as they think themselves, and others of superior rank, as they call themselves, as also by the unthinking deluded multitude, who were previously convened as it is thought by many, for that purpose; which together with shuffling and stamping of feet, coughing, talking, spitting, and whispering, as well by some of the members as spectators, with other interruptions, etc., etc., too many to be here enumerated, which I am told is true, for I was not there myself, being at that time confined by a slight touch of the gout. All these menaces and stratagems were used by a junto who tries to carry all before them in this state, as well by writing as every other diabolical and evil pretense. And as the presses in this state are open to them, but evidently shut against all those that would dare and presume to write on the other side against the new Constitution, they have greatly the advantage and, by these means, stigmatize everyone they think acts or thinks to the contrary of what they say or do. Witness our late Landholder [Oliver Ellsworth] and some others of the same class against Richard Henry Lee, Esquire, Mr. [George] Mason, Mr. [Elbridge] Geary, etc., etc.;<sup>5</sup> yet, notwithstanding all their long labored, scurrilous, vindictive, bitter, malicious, and false insinuations, there was found in our Convention forty-one [forty] righteous men that did not bow the knee to Baal, but, in the midst of all the storms of reproaches, etc., etc., stood their ground firm tho 127 [128] of those (called by some, of the first rank by their soft, smooth speeches) just at the close voted for the new Constitution, a Constitution that in the end will work the ruin of the freedom and liberty of these thirteen dis-united states. I am not alone in this opinion, for there are many

of the first abilities in this and the neighboring states with whom I correspond, as well by letters as otherways, besides the above 41, that think this new Constitution a gilded pill. But some of them, notwithstanding the gilding is so artfully laid on, can discern the arsenic and poison through the outside coloring—and our good printers (after the nag was stolen, I think after they had spent all their venom which came from the quills of the junto in favor of the new Constitution and just before the sitting of our Convention) then and not till then they published a pompous libel, that then and at all times they would publish on both sides.<sup>6</sup> But the D[evi]l trust them, says many that from principle are against the new Constitution, and so none that I know of was ever sent them, well knowing it must run the gauntlet through all these infernal grub street, hireling, scurrilous scribblers, that watch and guard the posts of the printers' doors in this town, and who are daily attending for the selfsame purpose of disjointing, mangling, and torturing every piece that don't please their palate. This, sir, is some of the reasons why so few or none are sent. Another reason is, they have got almost all the best writers (as well as speakers) on their side, tho we vie with and, I believe, overbalance them in point of honesty and integrity. The piece alluded to as above teems with trying to sow discord and contention between the United States by insinuating that Richard H. Lee, Esquire has [been] and is a great enemy to General Washington, and that he endeavored to get his cousin, General [Charles] Lee, to be commander of our late army, etc., etc.<sup>7</sup> In short, they leave, as the old saying is, no stone unturned, but they compass sea and land. They rake H[el]l and skim the D[evi]l to make one proselyte, and when they have found him, they make him twofold more the child of h[el]l than he was before. This proverb is of late verified by their turning from light to darkness—Copper [Joseph Hopkins], Wimble [William Williams], and some others, whom at present I'll forbear to name. We that are against the new Constitution are stigmatized by those mighty men of Moab by the opprobrious name of Wrongheads. If they are named right, I believe there is a majority in this state against the new Constitution, for it is thought by the best judges that if the freemen, etc., of this state could be convened together in one body, the greatest number would vote against the new proposed Constitution, notwithstanding all that is held out to the people at large in the public newspapers in this state. We wish here we had some of your good writers and a free press. We would souse some of our upstart sons of Apollo that pretend to great things.

One worthless man that gains what he pretends  
 disgusts a thousand unpretending friends  
 trials light as air,—are to the jealous confirmation strong  
 as proofs of Holy Writ—the wise too jealous are  
 fools too secure—Beware, beware, beware  
 for I apprehend a dreadful snare  
 is laid for virtuous innocence  
 under a friend's false pretense.

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 overruling Providence) than in the virtue and wisdom of your state together with that of Virginia and Massachusetts not adopting the new Constitution; and I have heard some of the first characters that composed our late Convention say that if nine states did adopt the Constitution and New York rejected it, they would remove into your state, where they could enjoy freedom and liberty, for which they had fought and 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 new Constitution 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, Fair Haven, Crown Point, up the Mohawk River, German Flats, Fort Stanwix, Wood Creek, the Oneida Lake, Trois Rivieres on the Onondaga River, Schoharyskill, Bradstreets Island in Lake Ontario, in the mouth of the River St. Lawrence, Oswego only excepted, Niagara, and above all somewhere on the south banks of Lake Erie—most or all of those places I am acquainted with), and if the proposed Constitution takes place and Providence permits, 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 Convention was one of the most overbearing assemblies that ever set in this state, and as the new Constitution gives all the power both of the sword and purse into the hands of the Congress, our people reckon it leads to and opens a door for despotism, tyranny, anarchy, and confusion, 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 General J[ames] W[adsworth].<sup>8</sup> I never could see one until a few days before our Convention sat. The rest, besides those sent as above, were all secreted, burnt, and distributed amongst those for the new Constitution in order to torture,

ridicule, and make shrewd remarks and may [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 detached sentences just such as served their vile, malignant purposes long before I or any against the Constitution ever saw, I mean the Federal Farmer. On the whole, should be glad to know who those gentlemen are whom our heads of wit takes in hand to vilify in our public papers besides yourself. Pray, sir, who is Mr. Willet, Mr. Smith, Mr. Clinton, and Mr. Yates? Is Mr. Willet he that defended so nobly at Fort Stanwix in the late war? Also, who is Mr. Smith, and is Mr. Clinton your worthy governor—and pray who is Mr. Yates? Two of those names, viz., Judge Yates and Malankton Smith, Esquire, lodged at my house upwards of 20 days in December 1787 together with Mr. [James] Duane, your mayor, Chancellor [Robert R.] Livingston, Judge Herring [John Haring], Mr. [Egbert] Benson, your attorney general, and Mr. [Simeon] DeWitt, your surveyor general. [I] should be glad to know which or whether all or any of the above gentlemen are against or for the new proposed Constitution.<sup>9</sup> Our 41 members of Convention that opposed the Constitution went home very heavy-hearted and discouraged to think that by one stroke they had lost all their liberty and privileges, both civil and sacred, as well as all their property, money, etc., etc., by a set of men whose aim is entirely popularity, as they think will please the bulk of the people and procure them places, salary, and pensions under the new Constitution, as I am informed that many who are now in office and who, it is said, were decidedly against it until they came to this town to Convention. Then they were told plainly that if they did not turn and vote for it, they must not expect any places either of trust or profit under the new Constitution. Thus this capital stroke was reserved for the finishing blow, as those concerned well knew the pulses of these sort of men, for—as one of your city said at the beginning of the late war, he then being on Long Island and settling some affairs from this state, that he could buy any councillor in this state for a half joe or a piece of Irish linen—there is nothing that works so effectually as interest. So it is well verified as to some of our great men in the present case, some of whom I believe I could call by name, but at present I'll forbear, only that I will add one sentiment more and have done until I hear from New York, viz.: That I verily believe we have some of the most selfish, avaricious, narrow, contracted set of mortals that now exist in these thirteen disunited states. You'll please to excuse some low, scurrilous, vulgar language [and] the want of diction and grammar, as I am not a man of a liberal education and only follow the plow, having no other



employ to get my bread but by the sweat of my brow, for I enjoy neither place nor pension, as they that are for the new Constitution in this state; and I am sure I shall never have any except I turn to their side, which at present I have no thoughts of. Sir, you'll please to forgive this lengthy, unconnected scrawl, as it hastily flew from one of the pens of the family of the Wrongheads, so called by the Tory Roundheads. We this way fear this new Constitution will work much mischief before it is adopted, and the destruction and ruin of the thirteen states if it takes place. Please to give my compliments to all the before-named gentlemen and Hugh Hughes, Esquire, being one of the old committee, more especially to those that are decidedly against the new Constitution.<sup>10</sup>

P.S. Sir, General James Wadsworth is one of the many steeds that has behaved in character against the new Constitution and stood firm and intrepid, notwithstanding all the scoffs, flirts, browbeatings, flings, coughs, shuffles, threats, and menaces of the opposite faction in Convention. The sophistry, coloring, and smooth speeches of those great men which spoke last gave a turning cast to the whole and thereby gave the weaker brethren a different turn of mind from what they had when they came from home and or the instructions they received from the towns to which they belonged. But further, these forty-one good men in the minority say, in the name of common sense, why was the people in the different states so blind to their own interest as, at first, to choose and send to the General Convention at Philadelphia men then belonging to Congress; but more especially, afterwards, to send those very men to the state Convention to confirm their own dear acts and doings at Philadelphia. It is beyond all conceptions that wise men should act in this form as to send the very men whose interest it is to vote themselves places of honor and trust, profit, and money into their own pockets. Just so, things were managed at our late Convention in this town. The very men that framed the new Constitution at Philadelphia, together with our present governor, lieutenant governor, judges of our superior and inferior courts, present delegates to Congress, judges of probates, lawyers, tagrag and bobtail, with some reverend divines, and placemen, salarymen, sinecures, and expectants of every denomination whatsoever were the men chosen in this state to attend our Convention, and who voted to a man for the new Constitution. Only the honest forty-one, who enjoyed none of the above lucrative places, posts, or pensions, etc., etc., etc., and that stood free and unbiased in their minds and were the only honest disinterested men that voted in the negative. We this way hope that if a convention is formed in your state (which we hope will not be), that none of this sort of self-interested gentry may be chosen, which was evidently the case here,

which in the opinion of many honest, good, and disinterested men disaffected the honest, true, and simple desire of not only framing a good constitution at Philadelphia, but adopting the Constitution in our late Convention in this town. Now, sir, I don't mean to be understood that there was not a number of worthy characters (provided they had been disinterested) that voted for the new Constitution. But, in the name of common sense, how can these men [be disinterested], who it is said has their chests and trunks, etc., filled with public securities bought up by their emissaries heretofore from  $1/3$  to  $6/8$  on the pound; and the moment the new Constitution takes place, they are all to be made good (as they imagine with interest from their date) and equal to gold and silver—so that the poor first proprietor will be obliged to work perhaps at hard labor to pay 20/. and the interest thereon for what he sold for  $2/6$ .—in short, these and many other iniquitous practices that has been and now is carrying on by many of those great and mighty men that has heretofore made their jack out of flour, and beef, Long Island plunder, etc., etc. You'll be so good as not to let anyone from this quarter see this letter and indeed no one except some select friends, and please [not?] to give or let anybody have or [see?] any copy, extracts, or detached sentences, as you may well learn the malevolent, vindictive tempers of some of these harpies, at least I have found it so against anyone that dare either write, speak, or act or even think against their new Dagon Constitution. Now, sir, as I told you before that you must not look for either diction, grammar, or even connection from a plowman; but this much I can say, that whatever inaccuracies or incoherence or sentiments thrown together, that they come from a staunch republican Whig who can trace his pedigree in that line much farther back than Charles the 2d even in Shropshire near Ludlow Castle, down to Henry the 2d and before, 14 miles above the city of Berwick on the banks of the Tweed. Adieu, my dear old friend and acquaintance. Please to write how and by whom you receive this and how the land lies in your state touching the new Constitution, etc., and what help we may depend on from the known virtue, wisdom, and good policy of your state in opposing the new Constitution. You may depend on it, you have many good and honest friends this way notwithstanding the many scurrilous, inflammatory pieces published of late in our partial public papers, for it is evident everything was published that was in favor of the new Constitution, but on the contrary, everything huggermugged and suppressed that was truly alarming against it. I believe by this time I have tired your patience; therefore to make any further apology would be to add to the length of this long epistle, therefore [I] shall conclude.

N.B. There is five gentlemen of the first characters on the continent that I formerly occasionally and now with some of them that are now living correspond with (viz.), Dr. [Benjamin] Franklin, Governor [William] Franklin,<sup>11</sup> Governor [William] Livingston, now of the Jerseys, the Honorable William Smith<sup>12</sup> and Sir Henry Moore,<sup>13</sup> formerly of your city, Dr. [William Samuel] Johnson of this state, and the Honorable Samuel Adams<sup>14</sup> of Boston, all of whom, the latter excepted, I fear are decidedly against me as to the new Constitution. What Governor Livingston's opinion is I can never learn,<sup>15</sup> as it is somewhat above two years since I received a letter from him on account of the commutation and Cincinnati affairs. I wish I could know what part he takes as touching the new Constitution. If I did, I would write him as well as my old friend Samuel Adams, who by the bye is on the right side of the question, and whose opinion in all cases of government, etc., especially when it coincides with my weak opinion, I value much. I wish you would write which side of the question Governor Livingston takes. Sir Henry Moore, William Smith, Esquire, Phillip Livingston,<sup>16</sup> and William Livingston, esquires were formerly some of the greatest and best friends I ever had in America, but my old friend William Smith, Esquire, taking the wrong side of the question, from whom I had a letter some time since. I, from these connections and correspondents, heretofore received great satisfaction in both church and state, more especially from Governor Livingston when he occasionally corresponded with me when writing against the Bishop of Landaff, etc.<sup>17</sup> Dr. Johnson, who is at present one of the best friends I have in this state, last May, before he went to the Convention at Philadelphia, was so kind as to spend part of two afternoons with me and now an evening the 5th instant. In May, we talked much of the intended Convention at Philadelphia. The other evening more particularly of the new Constitution; but, altho we differed widely in sentiments about and concerning the new Constitution and the doings of our then-present Convention, so far as they had then transpired, yet all these (as the old saying is) broke no squares in all our other politics or friendship. I have not seen or corresponded with my old friend Dr. Franklin since October 1775 then at Cambridge at General Washington's house and at Roxbury—on turtle I had the pleasure of dining with him, the General, etc., etc., two days. This journey I made particularly by the Dr.'s desire when the Colonel Harison [Benjamin Harrison] and Mr. [Thomas] Lynche, [Sr.]<sup>18</sup> went [as] a committee through this town from Congress to General Washington, etc., at Cambridge, except that I wrote the Dr. last May by Dr. Johnson.<sup>19</sup>

1. RC, Lamb Papers, NHi. Ledlie dictated the letter to an amanuensis who had little knowledge of punctuation. Ledlie's signature appears after the body of the

letter and after each postscript. For a photographic copy of the manuscript, see Mfm:Conn. 72. Lamb did not reply and Ledlie wrote him again on 2 April. Ledlie suggested that Lamb had not answered, perhaps because he did not oppose the Constitution (Mfm:Conn. 92).

2. The first seven men mentioned had been members of the New York Sons of Liberty. Pintard and Williams had been manhandled for using stamped paper and were forced to recant publicly.

3. For examples of newspaper attacks on Lamb, see *New Haven Gazette*, 22 November and 13 December, both in V above.

4. The men named were New York Antifederalists and officeholders. The charge was made by "A Landholder" VIII, 24 December, V above.

5. See "A Landholder" IV-VI, 26 November, 3, 10 December and "New England," 24 December, all in V above.

6. See *The Hartford Newspapers Deny Partisanship*, 10, 24 December, V above.

7. See "New England," 24 December, V above.

8. For the receipt of out-of-state Antifederalist literature by Connecticut Federalists, see Jeremiah Wadsworth to Rufus King, 16 December, and "New England," 24 December, both V above.

9. See RCS:N.Y., *passim*, for the views of these men on the Constitution.

10. Hughes, former member of the New York Sons of Liberty, opposed the Constitution.

11. William Franklin, the son of Benjamin Franklin and the last royal governor of New Jersey, was living in England.

12. Smith, a member of the New York Council before 1776, was a Loyalist and became Chief Justice of Quebec in 1786.

13. Moore was the royal governor of New York from 1765 to 1769.

14. For Adams's opposition to the Constitution, see Adams to Richard Henry Lee, 3 December (CC:315).

15. For Livingston's support of the Constitution, see RCS:N.J.

16. Philip Livingston represented New York in the Continental Congress from 1775 to 1778.

17. In 1768, Livingston had published a pamphlet, addressed to the Bishop of Landaff, in which he denied the need for an American bishop by defending the religious condition of the colonies.

18. Harrison represented Virginia in the Continental Congress from 1774 to 1777 and was governor of that state from 1781 to 1784. Lynch represented South Carolina in Congress in 1774 and 1775. In 1775, Congress appointed these two men and Benjamin Franklin to confer with General Washington at Cambridge.

19. Ledlie wrote to Franklin on 22 May 1787 (RC, Franklin Papers, American Philosophical Society Library).

### Enoch Perkins to Simeon Baldwin Hartford, 15 January (excerpt)<sup>1</sup>

You may think it a little extraordinary that I did not write you an early and particular account of the proceedings of the late Convention. I assure you that I had a sincere wish to do it; but a variety of circumstances, amounting almost to an impossibility, prevented. I had particular reasons for attending the Convention all the hours that they were sitting—company I could not be excused from. The printers were very desirous that I should write something respecting the debates of the Convention for them to publish. I undertook, and

this occupied every moment of spare time. The proceedings of the Convention have now got to be quite an old story. But I mean to write you a long letter; and if I should happen to say anything on this subject which you have heard before, it will not be much trouble for you to read it.

General [James] Wadsworth attacked the Constitution *pugnis* and *calcibus, conquibus, and rostro*. Colonel [Eliphalet] Dyer, to show his wisdom and importance, and to show that other men did not know so much as *I*, made a great many objections against it. He talked till, I believe, he disgusted every single soul who heard him.<sup>2</sup> Mr. [Joseph] Hopkins was afraid lest the liberties of the people should be infringed. But the objections and the objectors were weak; the strength lay on the other side. Mr. [Oliver] Ellsworth was a complete master of the subject; he was armed at all points; he took a very active part in defending the Constitution; scarcely a single objection was made but what he answered; his energetic reasoning bore down all before it. Father [Roger] S[herma]n's good sense, penetration, and knowledge of the political affairs of his country had very great weight. He did a great deal at removing objections. Dr. [William Samuel] Johnson reasoned well on the subject; his eloquence was music to the ear. Governor [Samuel] Huntington, in his calm, placid manner, offered his sentiments and did a great deal toward reconciling the opposition. You might perceive by what [Lieutenant] Governor [Oliver] Wolcott said that he thought well; but he is no speaker. [Richard] Law spoke two or three times in his usual dry manner. At the beginning of the debate, Colonel [William] Williams rose and talked a great while, partly on one side and partly on the other, and finally observed with striking propriety that *his arguments concluded nothing*. He was unwise enough to revive the memory of last winter's controversy by interrupting General [Samuel Holden] Parsons and calling him to order. Parsons gave him a spat and let him run.<sup>3</sup> [Pierpont] Edwards spoke once or twice very well; but he thought it best for those to defend the Constitution who could be heard with less distrust. Upon the whole, everything relating to this important transaction was conducted with good policy and decorum, and led to a happy result. The greater part of the opposition went away above half convinced that the Constitution ought to be adopted.

After the grand question was decided, General Wadsworth and some of his coadjutors, being together, could not help expressing their chagrin at the defection of Colonel W[illia]ms and Mr. Hopkins. One of them (I am told), speaking of the latter, called him Copper. General W[adswor]th replied, *don't call him Copper, call him Weathercock*.

1. RC, Simeon E. Baldwin Collection, CtY. Perkins was a Hartford lawyer. Baldwin, a New Haven lawyer, had married Roger Sherman's daughter, Rebecca, in July 1787.

2. For subsequent efforts to remove Dyer as a Superior Court judge, see Perkins to Baldwin, 31 March, and Zephaniah Swift to Paul Fearing, 10 April, both in VII:C below.

3. For the origins of the controversy between Williams and Parsons, see the Connecticut Introduction.

### **A Connecticut Farmer**

**Connecticut Courant, 28 January<sup>1</sup>**

I am a man of a considerable landed property. During the whole war, I have paid as large rates as almost any man. None have paid more cheerfully or punctually; and, though I believe taxes have not been so equally laid as they might have been, and through the delinquency of others I have frequently paid mine twice over, yet have never murmured. I have done everything in the power of my might to push on the late war to a happy conclusion, and happy was I to see it close with the prospect of so great advantages to these United States. I therefore may claim the appellation of a patriot; however, I have lamented the want of an efficient federal government which many among us, under the pretense of patriotism, have done all in their power to prevent. Where such were men of sense and influence, the mischief they have done is too great for them ever to atone, and for such still to persist in their opposition is unpardonable; and I am persuaded the honest and unlearned in politics among the yeomanry never will forgive them, for now their eyes are opened and they see every man clearly. The wonderful interpositions of Divine Providence in our favor from our first opposition to Great Britain are too numerous to be reckoned up; but appears to me the hand of God was as visible in our behalf as it was in bringing the children of Israel out of the land of Egypt through the Red Sea and wilderness into Canaan; and though for our sins, our murmuring and opposition to government, etc., God has punished us in some degree as He did them, yet He has not left us nor Himself without a witness that He is still our God and will protect and finally deliver us from unreasonable and wicked men, and make of us a great and happy nation. We are greatly indebted to those true and worthy patriots who have been our constant guard and guide, in Congress and out, by their exertions to enlighten us by their writings, to guard us against the stratagems designed to ensnare us by false or pretended patriots. How much do we owe, under God, to the late worthy Federal Convention composed of the greatest and most virtuous characters of the United States? And how manifest is it that God was in the midst of them, which appears by their wonderful unanimity—so that (I am

told) there was but three dissenting voices among them. Surely, He who has the hearts of all in His hands and can turn them as the rivers of water are turned did fashion their hearts alike. But when we come nearer home and consider our state Convention, composed of the greatest characters for wisdom, virtue, and piety among us, and the candor with which they treated each other, and their final determination, for so great a majority of more than three-fourths for ratifying the Federal Convention, I am convinced this is the Lord's doing, and it is marvelous in our eyes. By the list we received in the papers of the yeas and nays, that is, for and against ratifying the doings of the Federal Convention, it stands nearly or quite thus:<sup>2</sup> for ratifying were two governors, one lieutenant governor, six assistants, four of the honorable judges of the Superior Court, two ministers of the Gospel, eight generals, eighteen colonels, seven majors, thirteen captains, the rest to the number of sixty-seven were composed of judges of the county courts, justices of the peace, and gentlemen in private character, their additions not being given in the printed list.

Against ratifying were one assistant, two generals, four colonels, one major, three captains, one lieutenant, and to the number of twenty-nine composed of judges of the county, justices of the peace, and private characters as aforesaid. Now, after all this, if any are so weak or wicked, ignorant or obstinate, as still to resist, oppose, or try to delude others, all that I shall say, they shall have my pity and prayers, but never my vote for any public office whatever if I know them, because they will in my humble opinion be found to fight even against God. Too much praise cannot be given to our great and good men in our late state Convention, who took so much pains to convince the unconvinced and to withstand gainsayers. Their speeches are equal to any of the Roman senators and will deserve as famous a place in modern history as theirs did among the ancients. And the gentleman who has lately so much enlightened our minds with nine numbers under the signature of Landholder merits greatly of all good men. I render him hearty and public thanks, and should be happy in an acquaintance and correspondence with him. Why one of the honorable judges of the Superior Court, whose patriotism is equal to the rest, was not named on either side, as we hear he was delegated, the public are at a loss and wish to be informed.<sup>(a)</sup> I am, Messieurs printers, yours and the public's real friend and humble servant.

(a) *The honorable gentleman* [William Pitkin of East Hartford] *alluded to in the close of the foregoing piece was confined by sickness and not able to take his seat in the Convention.*

1. This item, dated "N.H. Jan. 18, 1788," was reprinted in full in the *Connecticut Journal*, 6 February, *Pennsylvania Packet*, 9 February, and the *Middlesex Gazette*, 11 February; and in part in seven other newspapers from New Hampshire to New Jersey by 11 March.

2. See the lists of yeas and nays in the *Weekly Monitor*, 14 January (Mfm:Conn. 59) and in the *Connecticut Courant*, 14 January (Mfm:Conn. 68).

### A Plain Farmer

*Connecticut Courant*, 28 January<sup>1</sup>

As I live a good ways from Hartford and could not conveniently leave my farming business to go to Convention, I was very glad you took pains to collect and print some of the debates upon the most weighty parts of the Constitution. I read them with a great deal of pleasure and liked them right down well. And I have heard our deputies say, they were almost word for word the same as were spoken; and they wondered how anybody could write so fast after one that was speaking. But one of the speakers says there are some mistakes in them, and the observations themselves would have been much better.<sup>2</sup> Now, I think it would be a right good plan for that gentleman to remember his speeches, and write them down, and let you have them to print. I am sure I should be exceeding glad to read them. I like to hear how well these great folks can talk. Until that gentleman will do as I say, I shall be very glad that somebody wrote down the speeches as well as he could and that you printed them in that way.

I remain your good friend and customer.

1. This item, dated "Jan. 18, 1788," was addressed to "Mess. HUDSON and GOODWIN," printers of the *Courant*. It was reprinted in four Connecticut newspapers and one Pennsylvania newspaper by 9 February.

2. See Oliver Ellsworth to the Printers, *Connecticut Courant*, 14 January, VII:B above.

### The Debate over Religion and the Constitution

28 January–10 March

*The Landholder to William Williams*

*American Mercury*, 28 January<sup>1</sup>

Whenever one man makes a charge against another, reason and justice require that he should be able to support the charge. In some late publications, I have offered my sentiments on the new Constitution, have adduced some arguments in favor of it, and answered objections against it. I did not wish to enter into a controversy with any man. But I am unwilling to have accusations publicly thrown out against me without an opportunity to answer them. In the late Convention, when a *religious test* was the subject of debate, you took



the liberty of saying, *that the Landholder* (in treating of the same subject) *had missed the point; that he had raised up a man of straw and kicked it over again.*<sup>2</sup> Now, sir, I wish this matter may be fairly cleared up. I wish to know, what is the real point? Who and what the *real* man is? Or in other words, what a religious test is? I certainly have a right to expect that you will answer these questions and let me know wherein I am in the wrong. Perhaps you may show that my ideas on the subject are erroneous. In order to do this, it would not be amiss to offer a few reasons and arguments. You doubtless had such as were convincing, at least to yourself, though you happened to omit them at the time of the debate. If you will show that I am in the wrong, I will candidly acknowledge my mistake. If on the contrary, you should be unable to prove your assertions, the public will judge whether *you or I have missed the point* and which of us has *committed the crime of making a man of straw.*

Not doubting but you will have the candor to come to an explanation on this subject, I am, sir, your humble servant.

*A New Test, New Haven Gazette, 31 January*<sup>3</sup>

A NEW TEST. Humbly proposed to those who wish for a test in the new Constitution.

I swear, in the name of the all-seeing DEITY, that I will henceforth be a slave to no sect or party of men. That I will espouse no principles either in religion or politics but such as I believe true, and that I will submit myself only to reasonable authority.

I likewise solemnly declare that I consider myself as a citizen of the intellectual world and a subject of its Almighty Lawgiver and Judge. That by Him I am placed upon an honorable theater of action to sustain, in the sight of mortal and IMMORTAL beings, that character and part which He shall assign me, in order to my being trained up for perfection and immortality—and shall, from this time forth, devote my life to the service of GOD, my country, and mankind.

So help me GOD!

*William Williams to the Printer*  
*American Mercury, 11 February*<sup>4</sup>

Since the Federal Constitution has had so calm, dispassionate, and rational a discussion, and so happy an issue, in the late worthy Convention of this state, I did not expect any members of that honorable body to be challenged in a newspaper, and especially by name and by anonymous writers, on account of their opinion, or decently expressing their sentiments relative to the great subject then under

consideration or any part of it. Nor do I yet see the propriety or happy issue of such a proceeding. However, as a gentleman in your paper feels uneasy that every sentiment contained in his publications (tho in general they are well written) is not received with perfect acquiescence and submission, I will endeavor to satisfy him, or the candid reader, by the same channel that I am not so reprehensible as he supposes, in the matter referred to.

When the clause in the 6th Article, which provides that "no religious test should ever be required as a qualification to any office or trust, etc." came under consideration, I observed I should have chose that sentence, and anything relating to a religious test, had been totally omitted rather than stand as it did; but still more wished something of the kind should have been inserted, but with a reverse sense so far as to require an explicit acknowledgment of the being of a God, His perfections, and His providence, and to have been prefixed to, and stand as, the first introductory words of the Constitution in the following or similar terms, viz.: *We the people of the United States, in a firm belief of the being and perfections of the one living and true God, the creator and supreme Governor of the world, in His universal providence and the authority of His laws: that He will require of all moral agents an account of their conduct, that all rightful powers among men are ordained of, and mediately derived from God, therefore in a dependence on His blessing and acknowledgment of His efficient protection in establishing our Independence, whereby it is become necessary to agree upon and settle a Constitution of federal government for ourselves, and in order to form a more perfect union, etc., as it is expressed in the present introduction, do ordain, etc. And instead of none, that no other religious test should ever be required, etc. And that supposing, but not granting, this would be no security at all, that it would make hypocrites etc.; yet this would not be a sufficient reason against it, as it would be a public declaration against, and disapprobation of, men who did not, even with sincerity, make such a profession, and they must be left to the Searcher of Hearts; that it would, however, be the voice of the great body of the people and an acknowledgment proper and highly becoming them to express on this great and only occasion, and, according to the course of Providence, one means of obtaining blessings from the Most High. But that since it was not, and so difficult and dubious to get it inserted, I would not wish to make it a capital objection; that I had no more idea of a religious test which should restrain offices to any particular sect, class, or denomination of men or Christians, in the long list of diversity, than to regulate their bestowments by the stature or dress of the candidate. Nor did I believe one sensible catholic man*

in the state wished for such a limitation; and that therefore the newspaper observations and reasonings (I named no author) against a test, in favor of any one denomination of Christians, and the sacrilegious injunctions of the test laws of England, etc., combated objections which did not exist and *was building up a man of straw and knocking him down again*. These are the same and only ideas and sentiments I endeavored to communicate on that subject, tho perhaps not precisely in the same terms, as I had not written, nor preconceived them, except the proposed test; and whether there is any reason in them or not, I submit to the public.

I freely confess such a test and acknowledgment would have given me great additional satisfaction; and I conceive the arguments against it, on the score of hypocrisy, would apply with equal force against requiring an oath from any officer of the united or individual states, and, with little abatement, to any oath in any case whatever. But divine and human wisdom, with universal experience, have approved and established them as useful and a security to mankind.

I thought it was my duty to make the observations in this behalf, which I did, and to bear my testimony for God. And that it was also my duty to say *the Constitution*, with this and some other faults of another kind, was yet too wise and too necessary to be rejected.

P.S. I could not have suspected the Landholder (if I know him) to be the author of the piece referred to; but if he or any other is pleased to reply, without the signature of his proper name, he will receive no further answer or notice from me.

*Elihu, American Mercury, 18 February*

*I was afraid, and durst not shew mine opinion. I said days should speak and multitude of years should teach wisdom. Great men are not always wise, neither doth age understand judgment. I will answer. I also will shew mine opinion. The Spirit within me constraineth me. I will speak that I may be refreshed. Let me not accept any man's person, neither let me give flattering titles unto man. etc. Job, chap. XXXII.*

It was an objection against the Constitution, urged in the late Convention, that the being of a God was not explicitly acknowledged in it. It has been reported that an honorable gentleman, who gave his vote in favor of the Constitution, has since expressed his discontent by an expression no less remarkable than this, "that they (speaking of the framers of the Constitution) had not allowed God a seat there"!!

Another honorable gentleman who gave his vote in like manner, has published a *specimen of an introductory acknowledgment of a God* such as should have been in his opinion prefixed to the Constitution, viz.: *We the people of the United States, in a firm belief of the being and perfections of the one living and true God, the creator and supreme Governor of the world, in His universal providence and the authority of His laws: that He will require of all moral agents an account of their conduct, that all rightful powers among men are ordained of, and mediately derived from God, therefore in a dependence on His blessing and acknowledgment of His efficient protection in establishing our Independence, whereby it is become necessary to agree upon and settle a Constitution of federal government for ourselves*—This introduction is likewise to serve as a religious test, for he says “*instead of none, no other religious test should ever be required, etc.*”

In treating of a *being* who is above comprehension there may be a certain degree of propriety in using language that is so; if any reader's brain is too weak to obtain a distinct idea of a writer's meaning, I am sensible it may be retorted that a writer is not obliged to furnish his readers with comprehension. Neither is there any law to oblige him to write comprehensible matter, which is a great comfort to me; as I shall not stop to think, but proceed to give mine opinion! Should any body of men, whose characters were unknown to me, form a plan of government, and prologue it with a long pharisaical harangue about God and religion, I should suspect a design to cheat and circumvent us, and their cant, and semblance of superior sanctity would be the ground of my suspicion. If they have a plan founded on good sense, wisdom, and experience, what occasion have they to make use of God, His providence, or religion, like old cunning monks to gain our assent to what is in itself rational and just? “There must be (tis objected) some proof, some evidence that we the people acknowledge the being of a God.” Is this a thing that wants proof? Is this a thing that wants constitutional establishment in the United States? It is almost the only thing that all universally are agreed in; everybody believes there is a God; not a man of common sense in the United States denies or disbelieves it. *The fool hath said in his heart there is no God*, but was there ever a wise man said such a thing? No, not in any age or in any country. Besides, if it was not so, if there were unbelievers, as it is a matter of faith, it might as well be admitted; for we are not to bind the consciences of men by laws or constitutions. The mind is free; it may be convinced by reasoning, but cannot be compelled by laws or constitutions, no, nor by fire, faggot, or the

halter. Such an acknowledgment is moreover useless *as a religious test*—it is calculated to exclude from office *fools* only, who believe there is no God; and the people of America are now become so enlightened that no fool hereafter (it is hoped) will ever be promoted to any office or high station.

An honorable gentleman objects that God has no seat allowed him. Is this only to find fault with the Constitution because he had no hand in making it? Or is he serious? Would he have given God a seat there? For what purpose? To get a name for sanctity that he might have it in his power to impose on the people? The time has been when nations could be kept in awe with stories of gods sitting with legislators and dictating laws; with this lure, cunning politicians have established their own power on the credulity of the people, shackling their uninformed minds with incredible tales. But the light of philosophy has arisen in these latter days, miracles have ceased, oracles are silenced, monkish darkness is dissipated, and even witches at last hide their heads. Mankind are no longer to be deluded with fable. Making the glory of God subservient to the temporal interest of men is a wornout trick, and a pretense to superior sanctity and special grace will not much longer promote weakness over the head of wisdom.

A low mind may imagine that God, like a foolish old man, will think himself slighted and dishonored if he is not complimented with a seat or a prologue of recognition in the Constitution, but those great philosophers who formed the Constitution had a higher idea of the perfection of that INFINITE MIND which governs all worlds than to suppose they could add to his honor or glory, or that He would be pleased with such low familiarity or vulgar flattery.

The most shining part, the most brilliant circumstance in honor of the framers of the Constitution is their avoiding all appearance of craft, declining to dazzle even the superstitious by a hint about grace or ghostly knowledge. They come to us in the plain language of common sense and propose to our understanding a system of government as the invention of mere human wisdom; no deity comes down to dictate it, not even a God appears in a dream to propose any part of it.

A knowledge of human nature, the aid of philosophy, and the experience of ages are seen in the very face of it; whilst it stands forth like a magnificent STATUE of gold. Yet, there are not wanting FANATICS who would crown it with the periwig of an old monk and wrap it up in a black cloak—whilst *political quackery* is contending to secure it with fetters and decorate it with a leather apron!!

*The Landholder to William Williams*  
*American Mercury, 10 March*<sup>5</sup>

THE LANDHOLDER presents his most respectful compliments to the Honorable W. WILLIAMS and begs leave to remind him that many dispensations in this world, which have the appearance of judgment, are designed in goodness. Such was the short address to you, and though at first it might excite an exquisite sensibility of injury, will in its consequences prove to your advantage by giving you an honorable opportunity to come out and declare your sentiments to the people. It had been represented in several parts of the state, to the great surprise of your friends, that you wished some religious test as an introduction to office, but as you have explained the matter, it is only a religious preamble which you wish. Against preambles, we have no animosity. Every man hath a sovereign right to use words in his own sense, and, when he hath explained himself, it ought to be believed that he uses them conscientiously. The Landholder, for the sake of his honorable friend, regrets that he denies his having used his [Williams'] name publicly as a writer; for, though the honorable gentleman doubtless asserts the truth, there are a great number of those odd people who really think they were present on that occasion, and have such a strong habit of believing their senses, that they will not be convinced even by evidence which is superior to all sense. But it must be so in this imperfect world.

P.S. The Landholder begs his honorable friend not to be surprised at his former address, as he can assure him most seriously that he does not even conjecture by whom it was written.

1. This item, addressed "To the Hon. WILLIAM WILLIAMS, Esquire," was reprinted in the *Connecticut Courant* on 4 February 1788.

2. For "A Landholder's" treatment of the question of a religious test, see "A Landholder" VII, 17 December, V above.

3. By 6 March, this item was reprinted three times in Massachusetts, twice in New York, and once in Rhode Island.

4. This item, dated "Feb. 2d, 1788," was reprinted in the *Connecticut Courant* on 3 March 1788. For the support of Williams by the Association of the Congregational clergy of Windham County in June 1788, see Mfm:Conn. 98.

5. This item was also printed in the *Connecticut Courant* on 10 March.

### C. The Impact on Connecticut Politics

#### Jeremiah Wadsworth to Henry Knox New Haven, January (excerpt)<sup>1</sup>

... there is no vigor in our law at present; and the Antifederalists in our House of Assembly are gaining ground, hold up their heads, and, since the news of Friday last that the New York Assembly are openly and decidedly Antifederal, they are more open.<sup>2</sup> Indeed, my friend, we are in jeopardy after all. I have not yet signified my acceptance or refusal (but must do it in all this month) of a seat in the new Congress. My intention has been to refuse for reasons which you know, but my real friends oppose it. The Antis here wish and urge it—a substantial reason for my not doing it. My Antifederal relation [James Wadsworth] has acquired much influence in our lower house and is opposed to everything of national concern.

If New York should, after all, not come in, the new Constitution will be in danger. I write this by candlelight to be soon enough for the post and have not time to add more. . . .

1. RC, Knox Papers, MHi. The date of the letter is uncertain. Wadsworth often dated his letters below his signature, but the signature has been clipped from this letter. "Jany 20 Jan 1788" is written at the top of the letter in a hand other than Wadsworth's. The 20th was a Sunday and Wadsworth presented his credentials to Congress in New York the next day. The letter was therefore presumably written earlier in the week.

2. Governor Clinton laid the Constitution before the New York Assembly on Friday, 11 January. For an account of the opposition expected in New York, see Richard Sill to Wadsworth, 12 January, VIII below.

#### New Haven Gazette, 24 January<sup>1</sup>

To the honor of the minority in our state Convention, it ought to be publicly known that they (unlike the obstinate and unprincipled minority of Pennsylvania)<sup>2</sup> declared generally, they determined to abide by the just republican principle of submitting to the majority—that they were treated with the utmost candor and politeness through the whole discussion—that they considered the Constitution as their Constitution—and that among their constituents, they should inculcate the same sentiments.

1. This item was reprinted in the *Fairfield Gazette* on 30 January and in twelve other newspapers from Rhode Island to Maryland by 12 March. For a comment on it, see "Connecticut," 7 February, VII:C below.

2. See CC:353.

**Plebian to James Wadsworth**  
**American Mercury, 28 January<sup>1</sup>**

The person who now addresses you is not one of the common herd of scribblers, or pretends to be gifted in that way, neither do I delight in hearing great characters called hard names, such as, Wrong-head, Compo, and the like; but I am a plain honest man with a small estate and no education, yet have the interest of this, and the United States much at heart.

Now, sir, when I have said so much for myself, I am sure you will not be offended with me for asking the following questions, viz.:

How could you, in the late Convention, oppose your opinion to all the united wisdom of the state; you certainly could not think that *all* those who were for the great question were *rogues* or *fools*?

Why did you not suspect your own judgment?

Why are you so fearful of tyranny, oppression, and expense, and at the same time hold an office that costs the state 8 or 900 dollars a year without rendering the least service?

Why are you so jealous of those worthy characters that framed the proposed Constitution?

Finally, do you think that there is no man fit to be trusted with any place of power or profit but yourself?

Now, sir, I think these important questions, and an answer to each of them, will greatly oblige one who puts implicit faith in great men.

1. This item was addressed: "To the Hon. JAMES WADSWORTH, Esquire."

**Letter from a Member of the Connecticut Convention**  
**Massachusetts Gazette, 5 February<sup>1</sup>**

When our Convention first assembled, we experienced much opposition; but in two days, most of those who came to act on principle began to abate of their ardor, as the impudent objectors appeared equally opposed to all confederation, as to the plan before them—and all their arguments went as much to the former as to the latter. This divided the opposition; and Colonel W. [William Williams] of Lebanon and Mr. H. [Joseph Hopkins] of Waterbury came over and actually voted for the adoption of the government proposed. There was now nobody of consequence left in the opposition but—[James Wadsworth], a man as remarkable for his stubbornness, as for his contracted politics and local prejudices, who has gained some consequence by an uniform opposition to every measure which was displeasing to the knavish and licentious. The yeas being 128, nays 40 at the close of the business. Of the nays, the most respectable de-



clared that they were satisfied and would promote the new Constitution. Others of little consequence declared the same sentiments; and take the whole forty together, they cannot be reckoned to represent one-tenth part of the wealth or numbers of the state. It is very evident that Federalists increase daily, and that the new Constitution has gained ground very fast in this commonwealth; for it is the decided opinion of every man of understanding in this state that New England can never expect any plan of general government will be adopted so favorable to her interests as the present.

1. This item was headed: "Extract of a letter from a respectable member of the late Connecticut State Convention." For a similar item, see *Charleston City Gazette* 25 February, Mfm:Conn. 71.

### Connecticut

New Haven Gazette, 7 February

The remarks upon the conduct of the minority in our late Convention in your paper of the 24th instant [ultimo]<sup>1</sup> are very just. Those gentlemen have shown to the world that the public good was their principal aim, by their cheerfulness in submitting to the decisions of the majority; and yet some of the tools of the "obstinate and unprincipled minority of Pennsylvania" effect to view their conduct in a different light and wish to persuade the public that both minorities agree in principles and, if circumstances permitted, would do so in practice. The following paragraph appeared in a newspaper printed in Philadelphia by Eleazar Oswald.<sup>2</sup> "A correspondent observes that the minority of the Convention of Connecticut is very great considering the circumstances attending this business in that state. In the first place, before the people could possibly have time scarcely to read the new Constitution, they were compelled to sign their approbation of it or be posted in a black list;<sup>3</sup> and, to prevent their obtaining any light upon this all important subject, all their newspapers were muffled. Nothing but sophistical, abusive, and fallacious performances in favor of it could be published. The election of the Convention was precipitated and care taken to get the tools of the *wellborn* into that body. The Convention sat but a few days to prevent discussion; and from a paragraph in one of their newspapers, that they precipitated the grand question, dreading the operation of some pamphlets said to be introduced into that state by the Honorable *Samuel Adams*.<sup>4</sup> It is to be observed that the manners of these good people are very plain. They have no constitution but are entirely governed by their *usages*. They are as perfectly ignorant of the science of government as is possible. They have been told by their leaders it is an excellent

form of government given from Heaven, and they have believed it; but when they said they have been deceived, that it is a deep conspiracy (and we are told the opposition increases daily), they will be the foremost in standing forth in defense of their liberties."

Did you ever see so scandalous a paragraph or so many falsehoods in so small a compass? Not only the members of the late respectable Convention, but every man in the state, and even the government itself, is insulted. Let Pennsylvania boast of equal energy in government—let her show more peaceable, orderly, and happy citizens under her constitution, if she can; but the *Independent Gazetteer* does not contain the sense of Pennsylvania, but only the virulent effusions of the dying Antifederal Party, those who seem determined to struggle as long as any life remains and have not yet done scribbling against the Constitution, though it is so long since the state adopted it. That paper is conducted by a man who was indebted to this state for his daily bread for some time before the Revolution, and generally contains as *hot stuff* as ever ran from his *stills* in New Haven;<sup>5</sup> and the writers in it are said to be men who have everything to hope and nothing to fear from a change of circumstances. If this is the case, it is no wonder they use every art to create confusion, and do not hesitate to violate truth itself to accomplish their purposes. Such conduct is pitiful and mean, but it is infinitely more so that they do not confine themselves to their own state, but endeavor to sow sedition also in CONNECTICUT.

1. See *New Haven Gazette*, 24 January, VII:C above.

2. The paragraph was published in Oswald's *Independent Gazetteer* on 21 January and reprinted four times in Connecticut, twice in Maryland, and once each in Massachusetts and New York by 10 March.

3. The charge concerning a "black list" was made by "Brutus, Junior," a New York Antifederalist writer (see Oliver Wolcott, Sr. to Oliver Wolcott, Jr., 8 October, n.2, I above).

4. No reference to the circulation of Antifederal pamphlets by Adams in Connecticut has been found in the state's newspapers. However, the 1 January 1788 *Massachusetts Gazette* charged him with "encouraging the republication of RICHARD H. LEE's hackneyed trumpery in a pamphlet circulated in *Connecticut* . . ." (CC:390-C).

5. Oswald settled in New Haven shortly after his emigration from England in 1770. (For a sketch of Oswald, see RCS:Pa., 731.)

## A Connecticut Man

New York Daily Advertiser, 9 February<sup>1</sup>

In the late Convention in Connecticut, the members from New London and Fairfield County were unanimously for the proposed Constitution; and the Honorable Mr. [William] Williams from

Lebanon and Mr. [Joseph] Hopkins from Waterbury, who were the leaders of the opposition, came over and voted for the Constitution, being fully convinced it was for the interest of that state and the United States to adopt it. Many others who were in the opposition, and of the minority, declared, after the vote was taken, their intention to use their influence with their friends to give it all the force in their power; and a few minutes before the question was put, Judge [Constant] Southward<sup>2</sup> declared, "he was less opposed to it than before he heard the discussions, and was restrained from voting for it only by his instructions; that the whole business of the Convention had been conducted with great fairness and candor." From these facts it may be decided that the Extract of a Letter, in Mr. [Thomas] Greenleaf's paper of yesterday [7 February],<sup>3</sup> is not true; and I am persuaded it is no part of a letter written in Connecticut, but fabricated in this state.

1. This item was dated: "New-York, 8th Feb. 1788."

2. Judge Southworth, a justice of the peace and quorum for Windham County, represented Mansfield in the House almost continuously from 1769 to 1784 and from 1787 to 1802. He also served as town clerk from 1756 to 1805, town selectman from 1775 to 1786, and town treasurer from 1794 to 1799. He represented Mansfield in the Convention and voted against ratification.

3. On 7 February, the Antifederalist *New York Journal* published an extract of a letter from Connecticut, dated 28 January, which stated that "Notwithstanding the Convention of this state have adopted the new Constitution, you may rely upon it that its adoption was not the voice of the people, by a great majority; neither would it have gone down in Convention had not some of its most artful members had recourse to every sophistical reason they were masters of to deceive the less designing, and dragoon them into it."

**New Haven Gazette, 20 March<sup>1</sup>**

#### A PARODY

#### On the DEATH of GENERAL WOLFE

In a mouldering cave of old Anarch's retreat  
 Great *Wrong-head* sat wasted with care,  
 He wept for his *Shays* then exclaim'd against fate.  
 And *Flap* by the roots went his hair.  
 The walls of the hall were bespatter'd around  
 With the juices of *pusley* and *peas*,  
 And even the dust as it lay on the ground  
 Was imprinted with *bed-bugs* and *fleas*.

The Sire of the tribe from his *tottering* throne  
 Beheld his disconsolate son,  
 And mov'd with his sobs he sent *Twedle* adown  
 And these were the tidings that came

Poh! Wronghead, don't cry—not an Oh! nor a tear  
 For thy Shays, so lamented, and lov'd,  
 Your Grief shall be twist[e] [d] to laughing from fear,  
 For Shays is not dead but removed.

The Sons of the field the proud *woodchucks* of old  
 Have broke from their darksome old stumps  
 And such is the news, as in Canada's told,  
 They are marching to war with their rumps.  
 A council was held by a pond near a grove,  
 And this was the final decree,  
 That *Shays* should be call'd to the woodchucks above  
 And the charge was intrusted to me.

To the plains of *Springfield* with the order, I flew,  
 He beg'd for a moment's delay.  
 And cried, Oh forbear, let me *anarchy* hear  
 And then I'll be *d-m-d* and obey.  
 With *lamp black* and *cyder* I glued up his eyes,  
 And convey'd him away in a *churn*,  
 Let the soundness he bore for you and three more.  
 Should tempt the *Goose-cap* to return.

1. This poem has been transcribed literally.

**Enoch Perkins to Simeon Baldwin**  
**Hartford, 31 March (excerpt)<sup>1</sup>**

The political world seems to be very still with us. I do not hear of any electioneering. If any is carried on, it is sub rosa. The comptrollership, it is thought, will die a natural death this spring.<sup>2</sup> An attempt is to be made to turn off from the bench Colonel D—r [Eliphalet Dyer] who made himself ridiculous and disgusting in the Convention and whose peevish loquacity has done much to sink the dignity of the S[uperio]r Court.

1. RC, Simeon E. Baldwin Collection, CtY. For a longer excerpt from this letter, see Mfm:Conn. 91.

2. The office of comptroller was reorganized in May 1788 (CSR, VI, 404-6).

**Zephaniah Swift to Paul Fearing**  
**Windham, 10 April (excerpt)<sup>1</sup>**

But when I speak of popularity, it leads me to inform you of my triumph and victory over all the intrigues and machinations of D— [Eliphalet Dyer] with all his junto. I have the honor once more to

represent the town of Windham in spite of all their efforts to prevent it. Dyer and [Timothy] Larrabe<sup>2</sup> came from Norwich on this business. They practiced every intrigue and invented every lie in their power to accomplish their design. On Sunday [6 April] they began to sound the trumpet. Their story was that a combination was forming in the western part of the state to dismiss Dyer from the Superior Court and that this depended on me as an instrument to execute the plan. Therefore, says Larrabe, you must choose a friend of Dyer to represent the town who would stand by him and defeat the combination. This story, so well calculated to excite a prejudice against me as the people in the town do not wish to have Dyer left out of Superior Court, was by Larrabe proclaimed thru the streets on the morning previous to the meeting. Dyer also paraded the streets and called out that the church was in danger and Deism resounded on every side. He said all he could to vilify my character and exerted himself to procure Larrabe to be elected. But, alas, with all their intrigues, Larrabe got but two votes—and I was elected. My victory is complete, and I will indulge myself a little in the enjoyment of the vexation and disappointment of those who oppose me in such an infamous manner. Dyer told the people in order to prejudice them against me that all I wanted was to get him out of the Superior Court—and his anxiety shows that he thought there was some danger, so that he begins to find me a formidable enemy. And tho I shall not trouble myself to intrigue against him, yet I believe his seat begins to tremble under him, and there will be enough to intrigue against him.

1. RC, Ohio Company Papers, Marietta College Library. Swift, a lawyer, was a Windham representative from 1787 to 1793, serving as clerk in six sessions. He served in the U.S. House of Representatives from 1793 to 1797. Fearing, a former law student of Swift, was a Windham lawyer. He moved to Ohio in May 1788.

2. Larrabee represented Windham in the House in the October 1782 and the October 1785 sessions.

### Jonathan Trumbull, Jr. to George Washington Lebanon, 20 June (excerpt)<sup>1</sup>

The Triumph of Federalism has been great in Connecticut since last winter. The opposition which then existed is now dwindled into mere unimportance. At our late elections,<sup>2</sup> which you know sir! are formed by the people at large, a General [James] Wadsworth, who was the Champion of Opposition in our Convention, lost his place as an assistant by great odds. His seat at the Council board was filled by Colonel [John] Chester, late Speaker of our House of Assembly—a gentleman of independent, liberal sentiments, and a firm friend to general government. Your old secretary<sup>3</sup> being placed in the Speaker's

chair, on the removal of Colonel Chester, was an additional blow to opposition; and, he being considered as a warm supporter of the Federal Interest, a fast friend to the army and to public justice, this event had its influence towards completing the triumph.

Indeed, much pleased have I been in the course of our late sessions of Assembly to observe a disposition towards public measures much better than has prevailed for some years past. Pray God this happy change may continue!

1. RC, Washington Papers, DLC.
2. The elections had been held on 7 April 1788.
3. Trumbull, Washington's secretary from 1781 to 1783, was elected to the House from Lebanon in April and was elected Speaker in May. He had last represented Lebanon in 1781.

VIII  
**CONNECTICUT RATIFICATION AND  
 OTHER STATES**  
 9 January–5 February 1788

Immediately after the Connecticut Convention ratified the Constitution, Connecticut Federalists sped the news to Boston where the Massachusetts Convention convened on 9 January. Boston church bells rang out in celebration on the morning of the 14th, and by the 17th news of Connecticut ratification had been printed in ten Massachusetts newspapers. By the end of February at least fifty-five newspapers throughout the United States had printed reports of Connecticut's ratification. Some reports were mere statements that Connecticut had ratified; others gave the vote and the Form of Ratification; and a few printed the debates as reported in the Connecticut newspapers (for examples, see Mfm:Conn. 71).

Federalists were concerned about the progress toward ratification in every state, but they had a particular interest in the outcome in Connecticut. They hoped that Connecticut ratification would have a beneficial effect in Massachusetts where the opposition was very strong and in New York where it was even stronger. The letters printed below illustrate Federalist concern and hopes from Connecticut's ratification between 9 January and 5 February when George Washington summed up Federalist views precisely in a letter to Jonathan Trumbull, Jr. Washington congratulated Trumbull on Connecticut's ratification and commented on the "not so favorable" accounts from Massachusetts. The next day, the Massachusetts Convention voted to ratify the Constitution.



**Christopher Gore to Jeremiah Wadsworth**  
 Boston, 9 January<sup>1</sup>

Not having the honor of a personal acquaintance with you, my commencing a correspondence at this time might be deemed impertinent were it not for the importance of the object, which I presume we both wish attained—I mean, the adoption of the proposed frame of government by the New England States. Our Convention met this

day to the number of 280. His Excellency [Governor] John Hancock was elected President, the Honorable William Cushing, Chief Justice, Vice President. The latter officer was appointed that he might officiate in the absence of the President, whose health is very precarious. Hitherto parties seemed well to coalesce, but this harmony cannot long continue. Our numbers will be 400, and the opposition will be great and persevering. Many of the Western delegates will be opposed to its adoption. These members will be greatly influenced by the doings of Connecticut. Their local circumstances, their habits, and connections are so nearly related to your state that the ratification of the Constitution by your Convention will weigh greatly in their minds. And, should this state adopt the proposed plan, there is a very great probability that New Hampshire will add one state to the affirmative. The members from the province of Maine, so called, are generally in the opposition, because they are of opinion that its ratification would preclude them from a separation from Massachusetts. But, sir, to come to the point of my letter, we have been informed here that your Convention will postpone their determination in hopes of knowing the sentiments of this government before they assent to adopt the Constitution.<sup>2</sup> If this idea should have weight with you, the probability is that we might be injured, and you not benefited.

Thus, sir, I have endeavored to communicate to you our situation and trust to your candor for an apology—and, if not too troublesome, I shall feel much obliged by knowing how far you have proceeded, and what will be the result of your Convention. All the Boston delegation will be in favor of the adoption, Mr. [Samuel] Adams excepted, who probably will be an opponent. And we who are in favor are extremely anxious to be informed of every circumstance that can have influence in attaining its adoption by Massachusetts.

1. RC, Emmet Collection, New York Public Library. Gore, a Boston lawyer, was a delegate to the Massachusetts Convention.

2. This rumor had reached Philadelphia. On 5 January, the *Independent Gazetteer* reported "that there is the greatest probability that neither New Hampshire nor Connecticut will finally decide on the very important and interesting subject of the adoption or rejection of the *new Constitution* until Massachusetts shall have closed *their* deliberations, the interests and views in trade, the religion and politics of these states being exactly similar, and the latter having hitherto been accustomed to take the lead in all questions of great political moment."

**Samuel Breck to Jeremiah Wadsworth**  
**Boston, 12 January (excerpt)<sup>1</sup>**

I am exceedingly obliged by your communication of the 9th instant.<sup>2</sup> Perhaps nothing could be more fortunate than the ratification



of the Constitution by your state, as at this moment ours is in Convention. We shall not be so unanimous as you were. . . .

1. RC, Wadsworth Papers, CtHi. Breck was a Boston merchant.
2. Probably the "Letter from a Member of the Convention," 9 January (VII:A above), which was published in the *Boston Gazette* on 14 January.

**Winthrop Sargent to Henry Knox**  
**Boston, 12 January (excerpt)<sup>1</sup>**

Since dinner and this evening (by post), we are told that Connecticut has adopted the Constitution by a very great majority, which will indisputably have good effect by its influence here.

1. RC, Knox Papers, MHi. Sargent was appointed secretary of the Northwest Territory by Congress in October 1787.

**Richard Sill to Jeremiah Wadsworth**  
**Albany, 12 January<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 run 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 and 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 unfavorable, but the other house will pass a bill for the purpose. 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 peopled 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>3</sup>

1. RC, Wadsworth Papers, CtHi. Sill, an Albany, New York, lawyer, served in the New York Assembly in 1789 and 1790.

2. "Rough Hewer" was the pen name of Abraham Yates, Jr., an Albany, New York, Antifederalist.

3. On 17 January the *Albany Gazette* printed an extract from a letter dated Hartford, 9 January. It might well have been from Jeremiah Wadsworth since it gave the same vote that he gave in other letters—127 to 40 rather than 128 to 40 (see Mfm:Conn. 71).

**Jeremy Belknap to Ebenezer Hazard**  
**Boston, 13 January (excerpt)<sup>1</sup>**

This week will probably produce something; and the result of the Connecticut Convention, which was announced by the post last evening, will, I hope, have some good effect.

1. RC, Belknap Papers, MHi. Printed: "The Belknap Papers," *Collections of the Massachusetts Historical Society*, 5th ser., III (Boston, 1877), 5. Belknap was a Congregational minister in Boston. Hazard was Postmaster General of the United States.

**Henry Knox to Jeremiah Wadsworth**  
**New York, 13 January<sup>1</sup>**

I thank you, my dear friend, for the information respecting the adoption of the new Constitution by your Convention.<sup>2</sup> It does my heart good. Now for Massachusetts: forward all the favorable news to Mr. [Rufus] King. The vile insurgents, aided by other things, will make the adoption in Massachusetts more difficult than has been imagined. I hope and believe, however, that it will be adopted, but doubt of the noble majority you had. I am still confined with the rheumatism.

1. RC, Wadsworth Papers, CtHi.
2. See Wadsworth to Knox, 9 January, VII:A above.

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

We were made joyful by last evening's post on the news of Connecticut having adopted the new Constitution, 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 everything; every Federal 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 Anti-federal junto here will increase and come forward.

1. RC, Webb Papers, CtY. Printed: Worthington Chauncey Ford, ed., *Correspondence and Journals of Samuel Blachley Webb* (3 vols., New York, 1893-1894), III, 89-91. Webb, a former resident of Wethersfield, was a New York City merchant who served as an agent for Barrell, a Boston merchant.

**Henry Knox to George Washington**  
**New York, 14 January (excerpt)<sup>1</sup>**

The new Constitution has hitherto been as well received as could have been expected, considering the various existing opinions, prejudices, and parties in the respective states.

In addition to Delaware, Pennsylvania, and New Jersey, Connecticut has adopted the Constitution by a noble majority of 127 [128] to 40. This event took place on the 9th instant. I call the majority a noble one because it included every character in the Convention of any real importance excepting General James Wadsworth, whom, you may remember, [was] commandant of a brigade of Connecticut militia in the year 1776. Colonel [Jeremiah] Wadsworth writes me<sup>2</sup> that the present governor and lieutenant governor, the late governor, the judges of the supreme court [Superior Court] and the Council were of the Convention and all for the Constitution, excepting Jas. Wadsworth.

The Massachusetts Convention were to meet on the 9th. The decision of Connecticut will influence, in a degree, their determination, and I have no doubt that the Constitution will be adopted in Massachusetts. But it is, at this moment, questionable whether it will be by a large majority.

1. RC, Washington Papers, DLC.
2. See Wadsworth to Knox, 9 January, VII:A above.

**Theophilus Parsons to Michael Hodge**  
**Boston, 14 January (excerpt)<sup>1</sup>**

The weight of abilities, property, and probity is decided in favor of the Constitution, but I fear the balance of numbers is against it. . . . The conduct of Connecticut will have some weight in our favor. You have, no doubt, heard that their Convention have adopted the Constitution 128 to 40. But I fear this event will have its effect chiefly upon a few wavering ones.

1. Printed: Eben F. Stone, "Parsons and the Constitutional Convention of 1788," *The Essex Institute Historical Collections*, XXXV (1899), 92-93. Parsons, a Newburyport, Massachusetts, lawyer, was a delegate to the Massachusetts Convention. Hodge served as town clerk of Newburyport, Massachusetts, from 1780 to 1790.

**Massachusetts Gazette, 15 January**

Yesterday morning was ushered in with the ringing of bells in this metropolis [Boston], on account of the pleasing intelligence, received by Saturday [12 January] night's mail, that the State of Con-

necticut had added a **FOURTH PILLAR** to that **GRAND REPUBLICAN SUPERSTRUCTURE**, the **FEDERAL CONSTITUTION**. The numbers in favor of the Constitution were **ONE HUNDRED and TWENTY-EIGHT**—against it, *forty*. The former number were composed of men of the first characters in the state. Thus Connecticut has the honor of being the first of the New England States which has *officially* approbated a plan of government which, if adopted by the Union, will cause the sound of republicanism, equal law, liberty, and justice to be vociferated from the furthestmost boundaries of New Hampshire to the extremities of Georgia.

### Massachusetts Centinel, 16 January

The accession of our sister state, Connecticut, to the *new* and *effectual* plan of *Confederation* is a matter of real exultation to the friends of honesty and peace—and every good man sincerely hopes this event is an *earnest* and *foretaste* of that *wisdom* and *patriotism* which will do so great honor to the Convention of this state. For if all sense of *justice*, *honor* and *public faith*, and every principle of regard to the **PEACE** and **HAPPINESS** of the *United States* have not foresaken this commonwealth, the Convention must adopt the proposed Constitution.

### Tench Coxe to James Madison Philadelphia, 23 January (excerpt)<sup>1</sup>

Connecticut, I hope, will have influence everywhere, especially in New York and Massachusetts.

1. RC, Madison Papers, DLC. Coxe was a Philadelphia merchant and Federalist essayist. See RCS:Pa., *passim*.

### Arnold Colt to Ephraim Kirby Wilkes-Barre, 2 February (excerpt)<sup>1</sup>

Am happy to hear that Connecticut has adopted the new Constitution. I begin now to hope better things of our new Empire than I was warranted to expect a few months ago. I think should the states generally adopt it, it will give quite a new face to our political situation.

1. RC, Kirby Papers, Duke University Library. Colt, formerly a resident of Lyme, moved to Wilkes-Barre, Pennsylvania, in 1786 and became town clerk in 1790. Kirby was a lawyer in Litchfield.

**George Washington to Jonathan Trumbull, Jr.  
Mount Vernon, 5 February (excerpt)<sup>1</sup>**

I thank you for your obliging favor of the 9th ultimo<sup>2</sup> which came duly to hand and congratulate you on the adoption of the new Constitution in your state by so decided a majority and so many respectable characters. I wish for the same good tidings from Massachusetts, but the accounts from thence are not so favorable. The decision, it is even said, is problematical. . . .

1. FC, Washington Papers, DLC.

2. For Trumbull's letter of 10 January, which he misdated the 9th, see VII:B above.

## Biographical Gazetteer

The following sketches outline the political careers of the principal Connecticut leaders. When known, their political positions are indicated (1) in state politics prior to 1787; (2) on the Constitution in 1787; (3) in national politics after 1787. In several cases the terms are too limiting. Thus Roger Sherman supported both "agrarian" and "mercantile" measures before and during 1787, depending upon the issues. William Williams, Joseph Hopkins, Eliphalet Dyer, and Erastus Wolcott opposed the Constitution, but voted for it in the state Convention and hence were both "Antifederalist" and "Federalist" in 1787 (marked with asterisks in this gazetteer). Richard Law was a "Federalist" after 1789. Yet, in 1801 the Democratic-Republicans nominated him for governor, and, when he declined the nomination, they did not name another candidate to replace him.

### DYER, ELIPHALET (1721-1807)

Agrarian/Antifederalist\*/ ?

Born Windham. Yale B.A. 1740, M.A. 1743. Admitted to bar, 1746. Militia officer, 1745-76. Windham County justice of peace, 1746-62, 1784-85, 1793-98. Windham delegate to House, 1747-60, 1784, 1793 (speaker, 1784). Member of Council, 1762-84. Agent for Susquehannah Company in England, 1763-64. Delegate to Stamp Act Congress, 1765. Judge of Superior Court, 1766-93 (chief judge, 1789-93). Delegate to Congress, 1774-76, 1777-80, 1782-83. Member council of safety, 1775-77, 1779-80, 1782-83. Delegate to Providence Convention, 1776-77. State counsel in Wyoming dispute before federal court at Trenton, 1782. Delegate to state Convention, voted to ratify, 1788.

### EDWARDS, PIERPONT (1750-1826)

? /Federalist/Federalist; Democratic-Republican

Born Northampton, Mass., son of Rev. Jonathan Edwards. College of New Jersey (Princeton) B.A. 1768. Began law practice in New Haven, 1771. New Haven delegate to House, 1777-78, 1784-85, 1787-88, 1789-90 (speaker, 1789-90). Elected to Congress, 1787-88 (attended, 1788). Delegate to state Convention, voted to ratify, 1788. U. S. district attorney for Connecticut, 1789-1804. Elected to U. S. House of Representatives, 1790, but declined. State's attorney for New Haven County, 1798-1805. U. S. district judge for Connecticut, 1806-26. Delegate to state constitutional convention, 1818.

### ELLSWORTH, OLIVER (1745-1807)

Mercantile/Federalist/Federalist

Born Windsor. College of New Jersey (Princeton) B.A. 1766. Admitted to bar, 1771. Windsor delegate to House, 1773-75. Hartford County justice of peace, 1774-80. State's attorney for Hartford County, 1777-85. Delegate to Congress, 1778-83. Member council of safety, 1779. Hartford delegate to House, 1779. Delegate to Hartford Convention, 1779, to Philadelphia Convention, 1780. Member of Council, 1780-85. Judge of Superior Court, 1785-88. Delegate to Constitutional Convention, 1787 (member Committee of Detail). Author of "Landholder" essays, 1787-88. Delegate to state Convention, voted to ratify, 1788. U. S. Senator, 1789-96. Chief Justice of U. S. 1796-1800. Peace commissioner to France, 1799-1800. Member of Council, 1802-7.

GALE, BENJAMIN (1715-1790)

Agrarian/Antifederalist/

Born Jamaica, N.Y. Yale M.A. 1733. Practiced medicine in Killingworth and operated steel mill and other businesses. New London County justice of peace, 1746-55, 1759-73. Killingworth delegate to House, 1747, 1749, 1753-57, 1759-61, 1763-71. Opposed "New Lights," Susquehannah Company, and Sons of Liberty. Appointed examiner of doctors for militia, 1776. Wrote pamphlet advocating a state convention to draft a state constitution, 1782. Opposed Constitution, 1787. Religious, medical, and agricultural publications: *The Present State of the Colony of Connecticut Considered* (1755); *Historical Memoirs, Relating to the Practice of Inoculation for Smallpox . . .* (1765); *Observations on the Culture of Smyrna Wheat . . .* (1783); and *A Brief Essay, or, An Attempt to Prove from the Prophetic Writings of the Old and New Testament, what Period of Prophecy the Church of God is now Under* (1788).

GRISWOLD, MATTHEW (1714-1799)

Mercantile/Federalist/ ?

Born Lyme. Admitted to bar, 1743. Militia officer, 1739-c.1769. Lyme delegate to House, 1748, 1751, 1754-59, 1789-90. King's attorney for New London County, 1755-65. Member of Council, 1759-69. Judge of Superior Court, 1765-84 (chief judge, 1769-84). Deputy governor, 1769-84. Member council of safety, 1775-83. Governor, 1784-86. President of state Convention, voted to ratify, 1788.

HILLHOUSE, WILLIAM (1728-1816)

Agrarian/Antifederalist/ ?

Born Montville. Militia officer, 1754-76. New London delegate to House, 1756-57, 1758-85 (clerk, 1784). New London County justice of peace, 1759-85 (justice of quorum, 1773-84). Member council of safety, 1776-83. Delegate to New Haven Convention, 1778. Elected to Congress, 1783, 1785, but did not attend. Judge of New London County court, 1784-1807. Probate judge New London district, 1785-1809. Member of Council, 1785-1809.

HOPKINS, JOSEPH (1730-1801)

Agrarian/Antifederalist\*/ ?

Born Waterbury; silversmith. Waterbury treasurer, 1760-64. New Haven County justice of peace, 1760-1801 (justice of quorum, 1777-1801). Waterbury delegate to House, 1764-77, 1780-96. Probate judge Waterbury district, 1779-1801. Member council of safety, 1781-83. Delegate to state Convention, voted to ratify, 1788.

HUMPHREYS, DAVID (1752-1818)

Mercantile/Federalist/Federalist

Born Derby; school teacher, merchant, manufacturer, farmer, poet, diplomat. Yale B.A. 1771, M.A. 1774. Militia officer, 1776. Continental Army officer, 1777-83, became lieutenant colonel. Member Connecticut Cincinnati. Secretary to commission for negotiating treaties of commerce with foreign powers, 1784-86. Derby delegate to House, 1786-87. Lieutenant colonel commanding Connecticut regiment raised to help suppress Shays's Rebellion, 1786-87. An author of the *Anarchiad*, 1786-87. Appointed commissioner to Southern Indians, 1789. U.S. secret agent to gather information in Europe, 1790-91. Minister resident in Portugal, 1791-97. Commissioner for Algerine affairs, 1793-96. Minister plenipotentiary to Spain, 1797-1801. Returned to America, 1802. Vice president Connecticut Cincinnati, 1803-4. Derby delegate to House, 1812-14, 1814-15. Militia brigadier general, 1813.

**HUNTINGTON, SAMUEL (1731-1796)**

Mercantile/Federalist/Federalist

Born Windham. Admitted to bar, 1754. Moved to Norwich, 1760. King's attorney for New London County, 1765-74. New London County justice of peace, 1765-75. Norwich delegate to House, 1765, 1775. Judge of Superior Court, 1773-85 (chief judge, 1784-85). Member of Council, 1775-84. Member council of safety, 1775-76, 1782-83. Delegate to Congress, 1776-81, 1783 (president, 1779-81; signed Declaration of Independence and Articles of Confederation). Delegate to Springfield Convention, 1777. Lieutenant governor, 1784-86. Governor, 1786-96. Delegate to state Convention, voted to ratify, 1788.

**JOHNSON, WILLIAM SAMUEL (1727-1819)**

Mercantile/Federalist/Federalist

Born Stratford. Yale B.A. 1744, M.A. 1747. Admitted to bar, c.1749. Militia officer, 1753-74. Stratford delegate to House, 1761, 1765-66. Fairfield County justice of peace, 1765-66, 1776. Delegate to Stamp Act Congress, 1765. Member of Council, 1766-76. Colonial agent in London, 1767-71. Judge of Superior Court, 1772-74. Member Stratford committee of inspection, 1774-76. Opposed independence and defeated for reelection to Council, 1776. Refused to take oath of allegiance to Connecticut and forced to give up law practice, 1777. Arrested on suspicion of communicating with enemy, but released upon taking oath of loyalty, 1779. State counsel in Wyoming dispute before federal court at Trenton, 1782. Delegate to Congress, 1784-87. Delegate to Constitutional Convention, 1787 (chairman Committee of Style; signed Constitution). President of Columbia College, 1787-1800. Delegate to state Convention, voted to ratify, 1788. U.S. Senator from Connecticut, 1789-91.

**LAW, RICHARD (1733-1806)**

Mercantile/Federalist/Federalist; Democratic-Republican?

Born Milford. Yale B.A. 1751. Admitted to bar, 1755. Moved to New London, 1757. New London County justice of peace, 1765-76. New London delegate to House, 1765-69, 1773-76 (clerk, 1774-76). Judge New London County court, 1773-84. Elected to Congress, 1774, 1776, 1780-84 (attended, 1777, 1781-82). Member of Council, 1776-85. Member council of safety, 1776. Delegate to Providence Convention, 1776-77. Judge of Superior Court, 1784-89 (chief judge, 1785-89). Mayor of New London, 1784-1806. Delegate to state Convention, voted to ratify, 1788. Presidential Elector, 1789. U.S. district judge for Connecticut, 1789-1806.

**MITCHELL, STEPHEN MIX (1743-1835)**

Mercantile?/Federalist/Federalist

Born Wethersfield. Yale B.A. 1763. Admitted to bar, 1770. Wethersfield delegate to House, 1778-84 (clerk, 1782). Hartford County justice of peace, 1779-84, 1785-86, 1794-96 (justice of quorum, 1779-80). Elected to Congress, 1783, 1785-88 (attended, 1785-86, 1787, 1788). Member of Council, 1784-93 (clerk, 1785-93). Delegate to state Convention, voted to ratify, 1788. Defeated for election to U.S. House of Representatives, 1789. Judge Hartford County court, 1789-95. U.S. Senator, 1793-95. Judge of Superior Court, 1795-1807. Presidential Elector, 1800. Chief Judge of Supreme Court of Errors, 1807-14. Delegate to state constitutional convention, 1818.



**PARSONS, SAMUEL HOLDEN (1737-1789)**

Mercantile/Federalist/

Born Lyme. Harvard B.A. 1756, M.A. 1759. Admitted to bar, 1759. Lyme delegate to House, 1762-64, 1765, 1767-74. New London County justice of peace, 1768-78. Militia officer, 1770-76. Moved to New London, 1774. Continental Army officer, 1776-82, became major general. Moved to Middletown, 1781. Member Connecticut Cincinnati (president, 1784-87). Middletown delegate to House, 1784-85. Hartford County justice of peace, 1784-85. Middlesex County justice of peace, 1785-88. Commissioner to extinguish Indian claims in Northwest, 1785. Elected director of Ohio Company, 1787. Appointed judge of Northwest Territory, 1787. Delegate to state Convention, voted to ratify, 1788. Moved to Ohio, 1788.

**PERKINS, ENOCH (1760-1828)**

Mercantile?/Federalist/Federalist

Born Lisbon. Yale B.A. 1781. Moved to Hartford, 1786. His notes of debates in state Convention printed in Hartford newspapers, 1788. Notary public for Hartford, c.1793-1828. Hartford County justice of peace, 1797-1818. Hartford councilman, 1798-1805, 1809-18. Hartford alderman, 1805-6, 1816-17. Hartford delegate to House, 1805-6, 1807-8, 1809. State's attorney for Hartford County, 1809-18.

**SHERMAN, ROGER (1721-1793)**

Mercantile/Federalist/Federalist

Born Newton, Mass.; cordwainer, shopkeeper, lawyer. Moved to New Milford, Conn., 1743. Surveyor for New Haven County, 1745-52. New Milford town offices (grand jurymen, list taker, leather sealer, fence viewer, selectman, town agent), 1749-53. Surveyor for Litchfield County, 1752-58. Admitted to bar, 1754. New Milford delegate to House, 1755-56, 1758-61. Litchfield County justice of peace, 1755-61 (justice of quorum, 1759-61). Moved to New Haven, 1761. New Haven delegate to House, 1764-66. New Haven County justice of quorum, 1766-67. Member of Council, 1766-85. Judge of Superior Court, 1766-89. Delegate to Congress, 1774-81, 1783-84 (member of committee on Declaration of Rights, signed Declaration, 1774; signed Articles of Association, 1774; signed Olive Branch petition, 1775; member of committee to draft Declaration of Independence, signed Declaration, 1776; Member of committee to draft Articles of Confederation, 1776, signed Articles, 1778; signed ratification of Treaty of Paris, 1784). Delegate to Springfield Convention, 1777, to New Haven Convention, 1778, to Philadelphia Convention, 1780. Member council of safety, 1777-80, 1782. Mayor of New Haven, 1784-93. Delegate to Constitutional Convention, signed Constitution, 1787. Author of "A Countryman" and "A Citizen of New Haven" essays, 1787-88. Delegate to state Convention, voted to ratify, 1788. New Haven County justice of peace, 1789-90. Member U.S. House of Representatives, 1789-91. U.S. Senator, 1791-93.

**STRONG, JEDIDIAH (1738-1802)**

Mercantile/Federalist/

Born Litchfield. Yale B.A. 1761. Admitted to bar, 1764. Litchfield selectman, 1770-83. Litchfield delegate to House, 1771-83, 1785-89 (clerk, 1778, 1779-80, 1781-83, 1785-86, 1787-88). Litchfield town clerk, 1773-89. Member council of safety, 1779-83. Elected to Congress, 1779, 1782-84, but did not attend. Litchfield County justice of peace, 1779-89 (justice of quorum, 1780-91). Delegate to and secretary of state Convention, voted to ratify, 1788. Member of Council, 1789-91. Defeated for election to U.S. House of Representatives, 1789. Arrested on wife's charge of cruelty, 1790. Council granted wife divorce, 1791, and political career ended. Died a pauper.

**TRUMBULL, JONATHAN, JR. (1740-1809)**

Mercantile/Federalist/Federalist

Born Lebanon; shopkeeper, merchant, farmer. Harvard B.A. 1759, M.A. 1762. Lebanon selectman, 1770-75. Lebanon delegate to House, 1774-75, 1779-81, 1788-89 (speaker, 1788-89). Congressional paymaster for New York department, 1775-78. Windham County justice of peace, 1776-96. Comptroller U.S. treasury, 1778-79. Secretary to General George Washington, 1781-83. Member Connecticut Cincinnati (secretary, 1783-93). Member U.S. House of Representatives, 1789-94 (speaker, 1791-93). U.S. Senator, 1794-96. Presidential Elector, 1796, 1800. Lieutenant governor, 1796-97. Governor, 1797-1809.

**WADSWORTH, JAMES (1730-1817)**

Agrarian/Antifederalist/Democratic-Republican?

Born Durham. Yale B.A. 1748. Militia officer, 1752-79. Durham town clerk, 1756-86. Durham delegate to House, 1759-85, 1788-89 (speaker, 1784-85). New Haven County justice of peace, 1761-86, 1788-91 (justice of quorum, 1773-78). Member council of safety, 1777-82. Judge of New Haven County court, 1778-89. Delegate to Hartford Convention, 1780. Elected to Congress, 1783-86 (attended, 1784). Member of Council, 1785-88. State comptroller, 1786-88. Delegate to state Convention, voted against ratification, 1788. Defeated for election to Council, 1788. Elected to House, 1788. Reappointed judge of New Haven County court, 1789, but refused appointment because he would not take oath to support U.S. Constitution. Defeated for election to Council, 1790-94.

**WADSWORTH, JEREMIAH (1743-1804)**

Mercantile/Federalist/Federalist

Born Hartford; sea captain, merchant. Commissary of forces raised in Connecticut, 1775-77. Deputy commissary general of purchases for Continental Army, 1777-78. Commissary general for Continental Army, 1778-79. Commissary to French army, 1780-82. Member council of safety, 1780. Hartford delegate to House, 1780-81, 1785-89, 1795. Vice president Connecticut Cincinnati, 1785-87, president, 1787-93. Elected to Congress, 1787-88 (attended, 1788). Delegate to state Convention, voted to ratify, 1788. Member U.S. House of Representatives, 1789-95. Member of Council, 1795-1801. Presidential Elector, 1796. Hartford County justice of peace and quorum, 1802-4. Stockholder Bank of North America (Philadelphia) and Hartford Woolen Manufactory. Director Bank of U.S. (New York). Underwriter Hartford and New Haven Insurance Company. President Hartford and New Haven Turnpike Corporation.

**WILLIAMS, WILLIAM (1731-1811)**

Agrarian/Antifederalist\*/ ?

Born Lebanon; merchant. Harvard B.A. 1751. Militia officer, 1751-76. Lebanon town clerk, 1752-96. Lebanon delegate to House, 1757-76, 1780-84 (clerk, 1766-74, 1780; speaker, 1774-75, 1781-84). Windham County justice of peace, 1759-76, 1779-84 (justice of quorum, 1769-76). Lebanon selectman, 1760-85. Judge Windham County court, 1775-1805. Probate judge Windham district, 1775-1809. Member of Council, 1776-80, 1784-1803. Delegate to Congress, 1776-77 (signed Declaration of Independence). Elected to Continental Board of War, 1777. Delegate to Hartford Convention, 1780. Elected to Congress, 1783-84, but did not attend. Delegate to state Convention, voted to ratify, 1788.

WOLCOTT, ERASTUS (1721-1793)  
Agrarian/Antifederalist\*/ ?

Born Windsor; farmer. Hartford delegate to House, 1758-62. Militia officer, 1759-81. Hartford County justice of peace, 1760-85, 1792-93 (justice of quorum, 1773-84). East Windsor delegate to House, 1768-85 (speaker, 1776). Member council of safety, 1778-79. Probate judge East Windsor district, 1782-91. Judge Hartford County court, 1784-90. Member of Council, 1785-90. Elected to Constitutional Convention, 1787, but declined. Delegate to state Convention, voted to ratify, 1788. Defeated for election to U.S. House of Representatives, 1789. Presidential Elector, 1789. Judge of Superior Court, 1789-92.

WOLCOTT, OLIVER, SR. (1726-1797)  
Mercantile/Federalist/Federalist

Born Windsor. Yale B.A. 1747. Moved to Litchfield County, 1751. Sheriff Litchfield County, 1751-71. Litchfield delegate to House, 1764, 1767-68, 1770. Member of Council, 1771-86. Militia officer, 1771-79. Probate judge Litchfield district, 1772-96. Judge Litchfield County court, 1774-86. Commissioner of Indian affairs for Northern Department, 1775. Delegate to Congress, 1776-78, 1780-83 (signed Declaration of Independence and Articles of Confederation). Member council of safety, 1780-83. Commissioner at Treaty of Fort Stanwix, 1784-85. Lieutenant governor, 1786-96. Delegate to state Convention, voted to ratify, 1788. Negotiated treaty with Wyandottes who relinquished title to Western Reserve, 1789. Presidential Elector, 1789, 1792, 1796. Governor, 1796-97.

# The Constitution

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 for the United States of America.

## Article. I.

Section. 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.

Section. 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 entitled to chuse 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.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. 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.

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.

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.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse 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.

The Senate shall have the sole Power to try all Impeachments.

When sitting 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.

Judgment in Cases of Impeachment shall not extend further 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.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time 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; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. 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; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling 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, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

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.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended,



unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the

Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Persons except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President,

and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. 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 the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he 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 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 Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he

shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. 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.

### Article III.

Section. 1. 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. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. 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;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be 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.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving

them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

## Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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.

The Senators and Representatives before mentioned, 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; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page,

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hun-

The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

Delaware { Geo: Read  
Gunning Bedford junr  
John Dickinson  
Richard Bassett  
Jaco: Broom

Maryland { James McHenry  
Dan of St Thos. Jenifer  
Danl Carroll

Virginia { John Blair—  
James Madison Jr.

North Carolina { Wm. Blount  
Richd. Dobbs Spaight.  
Hu Williamson

South Carolina { J. Rutledge  
Charles Cotesworth  
Pinckney  
Charles Pinckney  
Pierce Butler

Georgia { William Few  
Abr Baldwin

dred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go: Washington—Presidt.  
and deputy from Virginia

New Hampshire { John Langdon  
Nicholas Gilman

Massachusetts { Nathaniel Gorham  
Rufus King

Connecticut { Wm: Saml. Johnson  
Roger Sherman

New York. . . Alexander Hamilton

New Jersey { Wil: Livingston  
David Brearley  
Wm. Paterson.  
Jona: Dayton

Pensylvania { B Franklin  
Thomas Mifflin  
Robt Morris  
Geo. Clymer  
Thos. FitzSimons  
Jared Ingersoll  
James Wilson  
Gouv. Morris

# Indexes

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GEORGIA

CONNECTICUT

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The place of residence is given in parentheses immediately after the names of individuals in the indexes. Inhabitants of Delaware, New Jersey, and Georgia are identified by county of residence; those of Connecticut by town of residence. Nonresidents of a state are identified by state or country of residence.

Users of these indexes are reminded that additional material relating to many of the entries is to be found in the microform supplements to this volume and in *Commentaries on the Constitution: Public and Private*.



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Indians. At the same time Georgians objected to any interference which might block Georgia expansion. Thus, although the state ratified the Constitution unanimously, Georgians fought the new government by every means in their power when it attempted to interfere with what Georgians conceived to be their interests.

Delaware and New Jersey had in common their economic dependence on Philadelphia and, in New Jersey's case, on New York City as well. Therefore, both states backed proposals to give the Confederation Congress the power to regulate trade. Politically, they had little in common. New Jersey had long been divided between East and West Jersey, and those divisions were reflected in postwar politics when East Jersey supported and West Jersey opposed paper money. However, both sides agreed on supporting the Constitution, which offered a solution to the state's economic problems.

Delaware was split between two warring factions during the 1780's: the "Whigs" who had supported independence, and the "Tories" and former Loyalists who had opposed it. The factions did agree that the Constitution should be ratified, but apparently for quite different reasons.

The sources for the history of ratification by the four states, except for Connecticut, are sparse. There are no Convention journals except for New Jersey and Georgia, and they reveal little. There are no official convention debates. However, this volume contains significant and revealing documents. Among them are documents concerning political violence in Delaware; the records of the Connecticut town meetings which elected Convention delegates; the speech in the Killingworth town meeting by Connecticut Antifederalist Benjamin Gale; newspaper reports of Federalist speeches in the Connecticut Convention; the Federalist essays by "A Landholder" and "A Countryman"; and the Antifederalist essay by "A Georgian."

Despite the scarcity of sources, the documents in this volume, and others in the 1,200-page microfiche supplements, provide a basis for a fuller understanding of the context within which the citizens of the four states ratified the Constitution.

MERRILL JENSEN, professor of history in the University of Wisconsin since 1944, is also editor of the three-volume series *The Documentary History of the First Federal Elections, 1788-1790*.



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