

THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

Ratification of the Constitution by the States

SOUTH CAROLINA

Supplemental Documents

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- 4. Broadside Printing of the Constitution, Charleston, c. 2 October 1787
- 13. Charles Pinckney: Draft Resolution in House of Representatives
 24 January 1788
- 41-A. Payment Certificate of John Cook, Charleston, 24 May 1788

Introduction

The supplemental documents are intended to provide a fuller documentation and understanding of the debate over the ratification of the Constitution in South Carolina than was possible in the printed volume. This supplement contains official documents, letters, and newspaper items.

Except for some photographic reproductions (facsimiles), the documents consist mostly of literal transcripts. The documents are arranged chronologically except for those on particular subjects which are grouped together. These groupings are:

- Election Certificates for Convention Delegates, 11 April–6 May 1788
- Newspaper Reports of Election Results, 15 April–13 May 1788
- South Carolina Convention, 12–23 May 1788
- Payment Certificates for South Carolina Convention Delegates, Charleston, 23, 24 May 1788
- South Carolina Senate Proceedings, 3, 4 November 1788

Facsimiles

This Supplement contains 3 facsimiles totaling 5 individual pages. These facsimiles provide a visual representation of original documents, some of which were difficult or impossible to transcribe.

References to these facsimiles (including the document number, title, and footnotes) appear in the text portion of the Supplement with an indication to visit the University of Wisconsin Digital Collection's website (<https://digital.library.wisc.edu/1711.dl/Constitution>) to view the documents themselves.

A list of facsimiles can be found at the end of the Table of Contents.

Appendix

Many newspaper items and pamphlets in the ratification debate had a regional or national circulation. These items are printed in *Commentaries on the Constitution: Public and Private* (CC). The Appendix in this volume lists these *Commentaries* items that were printed or reprinted in South Carolina.

Symbols

Manuscripts

FC	File Copy
MS	Manuscript
RC	Recipient's Copy
RG	Record Group
Tr	Translation

Manuscript Depositories

DLC	Library of Congress
DNA	National Archives
MHi	Massachusetts Historical Society
NjUN	Kean University, Union, N.J.
PHi	Historical Society of Pennsylvania
Sc-Ar	South Carolina Dept. of Archives and History

Short Titles

Boyd, <i>Jefferson</i>	Julian P. Boyd et al., eds., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950–).
Evans	Charles Evans, <i>American Bibliography</i> (12 vols., Chicago, 1903–1934).

Cross-references to Volumes of

The Documentary History of the Ratification of the Constitution

CC	References to <i>Commentaries on the Constitution</i> are cited as “CC” followed by the number of the document. For example: “CC:25.”
Mfm	References to the supplements to the “RCS” volumes are cited as “Mfm” followed by the abbreviation of the state and the number of the document. For example: “Mfm:S.C. 21.” “Mfm” is also used in the running headers as an aide to the reader, and are especially helpful in multipage documents.
RCS	References to the series of volumes titled <i>Ratification of the Constitution by the States</i> are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:S.C., 110.”

Documents

1. Pennsylvania Herald, 7 March 1787¹

We hear from Charleston, that Governor Moultrie, among a variety of subjects, which he recommended to the consideration of the legislature, particularly solicited their attention to that primary object of public converse and expectation, viz. the convention of delegates from the united states, which is to honour this city with their residence in May next. “He told them that many matters of high import would demand their deliberation and require application to business with *hearts* and *minds* to serve their country.[”]

1. Reprinted in the March issue of the Philadelphia *Columbian Magazine* and in six newspapers by 26 March: Mass. (1), N.Y. (2), Pa. (3).

2. Christopher Gadsden to John Adams Charleston, 24 July 1787¹

My Worthy Friend

I am much obliged to you for your kind Remembrance of me, & the very Acceptable present you sent me by Mr Gibbes, Your Defence of our Constitutions, wch. I read with the greatest Attention & as much pleasure, & am glad to hear by a Friend of mine at the Convention that 'tis much Read there, he sent me a Copy printed at Philada. but yours came to hand a few Days before. In another State I hope we shall be happy under a simple Governmt. directed by infinite Wisdom & Goodness, but in the present, while Strugling with such various & contradictory passions, Nothing less than the most artful playing them one against another. Wholsale & Retail, (if I may use the Expression) can insure us any tollerable lasting peace & Security, either publicly or privately, “All Nature’s Differences keeps all Nature’s peace.” according to your Well-chosen Motto, is as true a proposition as any in Euclid—I must own I was once fond of a Simple Constitution of Governmt. as much so perhaps as Mr. Turgot, but have been some time convinced, however pleasing & entertaining it appeared in Idea, that it was *there* only, & cou’d not, as Mankind are, be Reduced to practice, The three distinct Checks you mention in Legislature, seem to be indispensably necessary with *one* Executive, I think We are so far happy in having all these at certain Periods eligible by the People, but annual Elections are rather too frequent in my Opinion—Some of our Governors have not a Negative, this State’s particularly, which I am sorry for, tho’ at the early Time of framing our Constitution or rather extraordinary Governmental Law Inter arma I confess I was then against it, but shou’d there be a Convention to revise it, or rather make a real Constitution, I wish our Governrs. may be allowed a Negative—Unhappily, rather from Inattention & Inexperience than Design Our Assemblies at Times have interfer’d too much on the judicial Department, Whereas the three, the Deliberative, Judicial & Executive, ought to be altogether separate, the permitting our Judges to sit in the Assembly, is I think very improper & has a natural Tendency to introduce a Confusion of Departments—

This my Dear Sir I hope will be deliver'd you by the Son of a late Worthy Friend Mr. John Edwards, who was prisoner with me at Augustine, a Gentleman who by his Industry, had with great Reputation, acquired a very handsome provision for a large Family, but by lending great part of it to the public, & other common Accidents of the late Times, his Fortune at his Death was much Reduced. My Youngest Son married one of his Daughters, Sister to this Young Gentleman, Any Countenance You may shew him I shall be obliged to you for. I believe You'll find him a very modest well inclin'd Youth.

With Regard to myself, having been as active as most Men in America for near thirty Years, I have now taken a passive Turn, & indeed it is high Time, as I am pretty well advanced in life, I am entirely the private Gentleman, endeavouring to Repair, the amazing damages done me during the late Struggle, No Man in this State having suffer'd more in proportion to his Fortune However I rejoice that Heaven has bless'd us with Success, & only wish our American Friends may make a proper Use of it—

1. RC, Adams Papers, MHi.

3. State Gazette of South Carolina, 20 September 1787

NASSAU, July 28.

“Here we are gaping for news, anxiously expecting something of importance will occur, and always disappointed.—Throughout the States one general spirit of dissatisfaction prevails.—At present the people seem to look up for what they call redress to the Federal Convention, now sitting at Philadelphia, and of which General Washington has accepted the Presidency,—What this body is doing, we know not—nor is it expected our curiosity on this head will be soon gratified.—Congress, in the interim, suspend themselves, uncertain when and where they may meet again.—In a word, all is anarchy and confusion—and the general cry is, ‘Let us have a new government; for no change can alter our situation for the worse.’—Many even talk of a Kingly government that ever yet existed would please so divided and discontented a people as compose the inhabitants of the Thirteen United States.—They want what they cannot express. Having no foreign power to quarrel with, they must kick up a dust among themselves—and although they seem, to wish for what they call a good government, they will not contribute to the support or maintenance of any.”

4. Broadside Printing of the Constitution Charleston, c. 2 October 1787¹

◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

1. *Americana, Voyages, Maps, and Aeronautica: Public Auction, May 25, at 10:15 a.m.* (Parke-Bernet Galleries, Inc., New York, 1971), 12, 64. Docketed: “The Federal Constitution what I received from the Convention of S. Carolina—May 12th, 1788.”

5. An Inspector

Charleston Columbian Herald, 8 October 1787

*To the Governor of a certain State.*¹

SIR, An Individual who once held you in veneration, & considered you to be worthy of the confidence of the people of these states, is desirous to unravel the clue of your late political conduct;—thro' every part of which he will observe a strict adherence to truth, and leave the public to decide upon the rectitude of your principles.

For a series of years, Sir, you have occupied an exalted station, and governed the helm of an important state. Your apparent virtues entitled you to the approbation of the good and wise, and your dignity was never more conspicuous than in the rigid execution of the functions of your office. To a courteous and modest demeanour, you join'd an abstemious and frugal mode of living, and even the honest yeoman of New England envied the simplicity of your garb. You never rival'd any of our gay general officers in tinsel or embroidery, but was content to preside in plain leather breeches and blue worsted stockings.

With an admirable address you have been able to conceal the most insatiable ambition, and such was the depth of your policy, that your contempt of subordination was never penetrable to the most sagacious observer.

The people regarded you as the pillar of democracy, and the moderate use you made of your power, led them deeper into the deception. In fine, Sir, you possess the most essential qualifications to disguise the darkest projects under the most plausible appearances. Experience must now convince us that a long habit of hypocrisy will not invariably suppress the tumult of prevailing passions, and that the most guarded dissemblers are occasionally subject to sudden ebullitions which betray their designs.

To what cause can it be ascribed, whether to a long continuance in power, or an ambition which encreases with old age, that you should have manifested such virulent opposition to the Fœderal Convention?—Your prescience was solid and leads us into an exposition of your policy. It is very obvious that your views extended so far as to confirm an opinion, that the great object of this illustrious body would be to diminish the public expenditures, and to prevent the good people from being any longer oppressed by hosts of affected patriots in the ample enjoyment of warm sinecures in the several states. That as the national character would inevitably be retrieved by a consolidation of every constituent part of the empire, your ambition must consequently be circumscribed, and confined within a smaller latitude: That the idea of a superior power, placed over you by the consent of the people, cannot be brooked by a personage long habituated to the stile of an *Excellency*. That the tranquility of the whole continent is not to be staked with the self-importance of Governor * * * *, and that nothing short of regal authority will satisfy the cravings of his inordinate appetite. The tenor of your proceedings sufficiently elucidates and verifies these assertions; and although the influence of *strong tory parties* may buoy for a time your sinking fame—the day is impending when prudence will suggest a line of caution to the enemies of the confederacy in what relates to continental government.

I do not however place any confidence in the report circulated, that you are under the influence of British counsels—but still it is a duty incumbent on you to disabuse the world of the prejudices they have formed against you, by abjuring all dangerous doctrines, and abandoning *particular characters* to the infamy they merit.

The celebrated Col. Hamilton, with all his abilities, found it difficult to stem the torrent of antifederal opposition, of which you were the certain origin²—His name stands *unsupported* on the memorable records of the Convention, and will be a lasting monument of his virtue.

The excellent system of government which our illustrious patriots have formed, will meet with no opposition in the southern states. You will, therefore, do well to beware of the instability of popular favor, and to express your approbation of what you dare not any longer censure.

Your meritorious conduct during the late war, may prove some apology for your sins since the peace.

1. This essay is an attack on Governor George Clinton of New York.

2. For Alexander Hamilton's attack on George Clinton and Clinton's response, see RCS:N.Y., 9–36.

6. Boston American Herald, 29 October 1787

A set of gentlemen lately travelled in the interior parts of South-Carolina, were benighted in such a storm as if the jarring elements had combined for their destruction—even hope was nearly extinguished; but when despair had almost risen to the summit, they beheld that soul-cheering sight to forlorn travellers—a light. To it they repaired, with jocund hopes of finding an asylum from the storm. When they came to the place, it was a little cottage, half uncovered; around a little fire were crouded the landlord, his wife, and four children, and whilst the pealing thunder roared portentous over their heads, and through each open place the teeming rain descended, the host unconcernedly thrummed a tune on a little kit, the strings of which were half broken. Our travellers were so astonished at this stoic, that they forgot their wretched plight in admiration,—Good God! exclaimed one, what can possibly be the reason that you do not thatch your house? Why, because it rains. Well, but, says another, why do you not cover it in fair weather? Because, Sir, then you know (still playing on) you know then there will be no occasion.

7. Massachusetts Centinel, 7 November 1787¹

A letter from Charleston, (S.C.) dated October 9, has the following laconick and agreeable paragraph—“This State WILL accede to the new Government, as WILL Georgia and N. Carolina.”

1. Reprinted seven times by 27 November: N.H. (1), Mass. (3), N.Y. (2), Md. (1). An alternative version appeared in the *Maryland Journal*, 25 December, and was reprinted by the New York *Albany Gazette*, 10 January 1788, and Providence *United States Chronicle*, 17 January.

8. David Ramsay to Jedidiah Morse
Charleston, 30 November 1787 (excerpt)¹

I have received your favor of last October for which I thank you. I flatter myself you have got your map before this day. I rejoice to hear of the popularity of the new constitution. It is equally so here. . . .

1. RC, Gratz Collection, PHI.

9. Ralph Izard to William Samuel Johnson
Charleston, 20 December 1787¹

It gives me much pleasure to hear that you have accepted of the Presidency of Columbia College: not only because I think the Public in general will be much benefited by it, but I have also a private self interested satisfaction on account of my Son's being placed under your care. The Calamities of the late War were extended with uncommon violence to this State. I have had my full share of them, & time has not yet entirely reconciled me to them. There are two objects very near my Heart, which if I live to see accomplished, will be an ample compensation for every thing that I have suffered. I wish to see a good solid fœderal Government established, & my Sons so educated as to afford me a prospect of their being Men of abilities, and honour, & of their becoming useful, valuable Citizens of their Country. To the first of these you have contributed in the Convention; & to the latter I firmly believe you will also contribute. I have a good opinion of the Capacity of my Son Henry, & it will make me very happy to learn from you that his manners, conduct, & attention to his Studies meet with your approbation. It is my wish that he should be a Lawyer. If he arrives at eminence in his Profession, it will be the certain means of his being placed in the most eligible situation in this Country. He should not only be a good Classical Scholar, but also a good Mathematician, which I think a very necessary foundation for the Profession of the Law. Many of the Causes in our Courts are occasioned by intricate Questions respecting the Lines, & Boundaries of landed Estates; for which reason he will derive great advantage from being a good Surveyor. My Son informs me that the Mornings are employed in College, & that the Students are allowed to dispose of their time as they please in the Evenings. This in my opinion is placing them in a very critical situation; as the Evening Hours of a young Man, when left entirely to his own discretion, are not those which are most likely to be spent to the greatest advantage. I lament the necessity of my Son's being absent from my Family more on that account, than any other; as he may be frequently at a loss how to dispose properly of that part of his time. It is therefore to this point that I shall take the liberty of an old Friend, in requesting your particular attention; & I hope it will not be thought too troublesome, or inconvenient for you to admit him as part of your own Family. This will give me the satisfaction of knowing that he has an Asylum against the inconveniences which I have just mentioned. You will be good enough to write me fully on everything that relates to him. He has, in common with all young Men, & indeed with all Mankind, his Merits, and Demerits; & it is proper that I should be acquainted with both.

1. RC, Johnson Correspondence, Special Collections, Columbia University.

10. *New York Journal*, 26 December 1787¹

The legislature of South-Carolina is to convene on the 8th January. The subject of the new constitution, begins to be freely discussed in the papers of Georgia and South-Carolina.

1. Reprinted ten times by 11 January 1788: N.H. (3), Mass. (6), N.J. (1).

11. *South Carolina House of Representatives Debates*, 16–18 January 1788 *Pamphlet, Charleston, 1788*¹

WEDNESDAY, *January* 16, 1788.

Read the proposed federal constitution, after which the house resolved itself into a committee of the whole, Mr. Bee in the chair.

Mr. C[harles] Pinckney rose in his place, & said, that altho' the principles and expediency of the measures proposed by the late convention, will come more properly into discussion before another body, yet as their appointment originated with them, and the legislature must be the instrument of submitting the plan to the opinion of the people, it became a duty in their delegates to state with conciseness the motives which induced it.

It must be recollected, that upon the conclusion of the definitive treaty great inconveniencies were experienced, as resulting from the inefficacy of the confederation—the one first and most sensibly felt, was the destruction of our commerce, occasioned by the restrictions of other nations, whose policy it was not in the power of the general government to counteract; the loss of credit, an inability in our citizens to pay taxes, the langor of government were, as they ever must be, the certain consequence of the decay of commerce. Frequent and unsuccessful attempts were made by congress to obtain the necessary powers—the states too individually attempted, by navigation acts & other commercial provisions, to remedy the evil; these, instead of correcting, served but to increase it—their regulations interfered not only with each other, but in almost every instance with treaties existing under the authority of the union. Hence arose the necessity of some general and permanent system which should at once embrace all interests, and by placing the states upon firm and united ground, enable them effectually to assert their commercial rights. Sensible that nothing but a concert of measures could affect this, Virginia proposed a meeting of commissioners at Annapolis, from the legislature of each state, who should be empowered to take into consideration the commerce of the union—to consider how far an uniform system in their commercial regulations might be necessary to their common interest, and to report to the states such an act, as when unanimously ratified by them, would enable congress effectually to provide for the same. In consequence of this, ten states appointed delegates; by accident or otherwise, they did not attend, only five states being represented. The gentlemen present, not being a majority of the union, did not conceive it adviseable to proceed; but in an address to their constituents, which was also transmitted to the other legislatures, acquainting them with the circumstances of their meeting—that there appeared to them to be other and more material defects in the federal system than merely

those of commercial powers—that these, upon examination, might be found greater than even the acts of their appointments implied, was at least so far probable from the embarrassments which mark the present state of national affairs, foreign and domestic, as to merit, in their opinions, a deliberate and candid discussion in some mode which would unite the sentiments and councils of all the states; they therefore suggested the appointment of another convention under more extensive powers, for the purpose of devising such further provisions as should appear to them necessary to render the federal government adequate to the exigencies of the union. Under this recommendation the late convention assembled, for most of the appointments had been made before the recommendation of congress was formed or known. He thought proper concisely to mention the manner of the convention's assembling, merely to obviate an objection which all the opposers of the federal system had used, viz. that at the time the convention met, no opinion was entertained of their departing from the confederation—that merely the grant of commercial powers, and the establishment of a federal revenue were in agitation; whereas nothing can be more true, than that its promoters had for their object a firm, national government. Those who had seriously contemplated the subject, were fully convinced that a total change of system was necessary—that however the repair of the confederation might for a time avert the inconveniencies of a dissolution, yet it was impossible a government of that sort could long unite this growing and extensive country. They also thought that the public mind was fully prepared for the change, and that no time could be more proper for introducing it than the present. That the total want of government—the destruction of commerce—of public credit—private confidence, and national character, were surely sufficiently alarming to awaken their constituents to a true sense of their situation? Under these momentous impressions the convention met, when the first question that naturally presented itself to the view of almost every member, although it was never formally brought forward, was the formation of a new, or the amendment of the existing system. Whatever might have been the opinions of a few speculative men, who either did, or pretended to confide more in the virtue of the people than prudence warranted, Mr. Pinckney said, he would venture to assert, that the states were unanimous in preferring a change. They wisely considered, that though the confederation might possess the great outlines of a general government, yet that it was in fact nothing more than a federal union; or strictly speaking, a league founded in paternal and persuasive principles, with nothing permanent and coercive in its construction—where the members might or might not comply with their federal engagements as they thought proper. That no power existed of raising supplies but by the requisitions or quotas on the states—that this defect had been almost fatally evinced by the experience of the states for the last six or eight years, in which not one of them had completely complied; but a few had even paid up their specie proportions, others very partially, and some he had reason to believe had not to this day contributed a shilling to the common treasury since the union was formed. He should not then go into a detail of the conduct of the states, or the unfortunate and embarrassing situation to which their inattention has reduced the union; these have been so often,

and so strongly represented by congress, that he was sure there could not be a member on the floor unacquainted with them. It was sufficient to remark that the convention saw and felt the necessity of establishing a government upon different principles, which instead of requiring the intervention of thirteen different legislatures between the demand and the compliance, should operate upon the people in the first instance. He repeated, that the necessity of having a government which should at once operate upon the people, and not upon the states, was conceived to be indispensable by every delegation present; that however they may have differed with respect to the quantum of power, no objection was made to the system itself. They considered it however highly necessary that, in the establishment of a constitution possessing extensive national authorities, a proper distribution of its powers should be attended to.—Sensible of the danger of a single body, and that to such a council the states ought not to intrust important rights, they considered it their duty to divide the legislature into two branches, and by a limited revisionary power, to mingle in some degree the executive in their proceedings—a provision that he was pleased to find meets with universal approbation. The degree of weight which each state was to have in the federal council became a question of much agitation. The larger states contended, that no government could long exist, whose principles were founded in injustice—that one of the most serious and unanswerable objections to the present system, was the injustice of its tendency in allowing each state an equal vote, notwithstanding their striking disparity. The smaller ones replied, and perhaps with reason, that as the states were the pillars upon which the general government must ever rest, their state governments must remain—that however they may vary in point of territory or population, as political associations, they were equal—that upon these terms they formally confederated, and that no inducement whatsoever should tempt them to unite upon others—that if they did, it would amount to nothing less than throwing the whole government of the union into the hands of the 3 or 4 largest states. After much anxious discussion, for had the convention separated without determining upon a plan, it would have been on this point, a compromise was effected, by which it was determined that the first branch should be so chosen as to represent in due proportion the people of the union—that the senate should be the representatives of the states, where each should have an equal weight. Though he was at first opposed to this compromise, yet he was far now from thinking it an injudicious one. The different branches of the legislature being intended as checks upon each other, it appeared to him they would more effectually restrain their mutual intemperances under this mode of representation, than they would have done if both houses had been formed upon proportionable principles; for let us theorize as much as we will it will be impossible so far to divest the majority of the federal representatives of their state views & policy as to induce them always to act upon truly national principles—men do not easily wean themselves of those preferences and attachments which country & connexions invariably create; and it must frequently have happened, had the larger states acquired that decided majority which a proportionable representation would have given them in both houses, that state views and policy would have influenced their deliberations. The ease with which they would upon all occasions have secured a majority in

the legislature, might in times less virtuous than the present, have operated as temptations to designing and ambitious men to sacrifice the public good to private views—this cannot be the case at present, the different mode of representation for the senate will, as has already been observed, most effectually prevent it. The purpose of establishing different houses of legislation was to introduce the influence of different interests and principles; and he thought that we should derive from this mode of separating the legislature into two branches, those benefits which a proper complication of principles is capable of producing, and which must, in his judgement, be greater than any evils that may arise from their temporary dissensions. The judicial he conceived to be at once the most important & intricate part of the system. That a supreme federal jurisdiction was indispensable, cannot be denied. It is equally true, that in order to insure the administration of justice, it was necessary to give it all the powers original as well as appellate, the constitution has enumerated; without it we could not expect a due observance of treaties—that the state judiciary would confine themselves within their proper sphere, or that general sense of justice pervade the union which this part of the constitution is intended to introduce and protect. That much however would here depend upon the wisdom of the legislatures who are to organize it. That from the extensiveness of its powers it may be easily seen, that under a wise management this department might be made the keystone of the arch—the means of connecting and binding the whole together—of preserving uniformity in all the judicial proceedings of the union. That in republics much more in time of peace would always depend upon the energy and integrity of the judicial, than on any other part of the government—that to ensure these extensive authorities were necessary; particular so were they in a tribunal constituted as this is, whose duty it would be not only to decide all national questions which should arise within the union, but to controul and keep the state judicials within their proper limits whenever they shall attempt to interfere with its power and the executive, he said, though not constructed upon those firm and permanent principles which he confessed would have been pleasing to him, is still as much so as the present temper and genius of the people will admit. Though many objections had been made to this part of the system, he was always at a loss to account for them—that there can be nothing dangerous in his powers even if he was disposed to take undue advantages, must be easily discerned from reviewing them. He is commander in chief of the land and naval forces of the union, but he can neither raise or support forces by his own authority—he has a revisionary power in making of laws—but if two thirds of both houses afterwards agree, notwithstanding his negative, the law passes—he cannot appoint to an office, without the senate concurs—nor can he enter into treaties; or, in short, take a single step in his government without their advice. He is also to remain in office but four years—He might ask then, from whence are the dangers of the executive to proceed? It may be said from a combination of the executive and the senate, they might form a baneful aristocracy.

He had been opposed connecting the executive and the senate in the discharge of those duties, because their union in his opinion destroyed that responsibility which the constitution should in this respect have been careful to

establish; but he had no apprehensions of an aristocracy. For his part he confessed, that he ever treated all fears of aristocracies or despotisms in the federal head as the most childish chimeras that could be conceived. In an union as extensive as this is, composed of so many different state governments, and inhabited by a people characterised as our citizens are, by an impatience under any act which even looks like an infringement of their rights—an invasion of them by the federal head, appeared to him the most remote of all our public dangers—so far from supposing a change of this sort at all probable, he confessed his apprehensions were of a different kind—he rather feared that it was impossible while the state systems continue, & continue they must, to construct any government upon republican principles sufficiently energetic to extend its influence thro' all its parts. Near the federal seat its influence may have complete effect, but he much doubted its efficacy in the more remote districts? the state governments will too naturally slide into an opposition against the general one, and be easily induced to consider themselves as its rivals. They will after a time resist the collection of a revenue, and if the general government is obliged to concede in the smallest degree on this point, they will of course neglect their duties, and despise its authority; a great degree of weight and energy is necessary to enforce it; nor is any thing to be apprehended from them. All power being immediately derived from the people, and the state governments being the basis of the general one, it will easily be in their power to interfere, and to prevent its injuring or invading their rights. Though at first he considered some declaration on the subject of trial by jury in civil causes, & the freedom of the press, necessary, and still thinks it would have been as well to have had it inserted, yet he fully acquiesced in the reasoning which was used to shew that the insertion of them was not essential. The distinction which has often been taken between the nature of a federal and state government appeared to be conclusive—that in the former no powers could be executed or assumed but such as were expressly delegated; that in the latter the indefinite power was given to the government, except on points that were by express compact reserved to the people.

On the subject of juries, in civil cases, the convention were anxious to make some declaration; but when they reflected that all courts of admiralty and appeals being governed in their proceedings by the civil law and the laws of nations, never had or ought to have juries, they found it impossible to make any precise declaration upon the subject; they therefore left it as it was, trusting that the good sense of their constituents would never induce them to suppose, that it could be the interest or intention of the general government to abuse one of the most invaluable privileges a free country can boast—in the loss of which themselves, their fortunes and connections must be so materially involved, and to the deprivation of which, except in the cases alluded to, the people of this country would never submit. When we reflect that the exigencies of the government require that a general government upon other principles than the present should be established, when we contemplate the difference between a federal union and a government operating upon the people, and not upon the states, we must at once see the necessity of giving to it the power of direct taxation; without this it must be impossible for them to raise such supplies as are necessary

to discharge the debts, or support the expences of the union—to provide against the common dangers, or afford that protection to its members which they have a right to expect from the federal head. But here he begged leave to observe that so far from apprehending danger from the exercise of this power, few or no inconveniences are to be expected. He had not a doubt, that except in time of war, or pressing necessity, a sufficient sum would always be raised, by impost, to defray the general expences. As to the power of raising troops, it was unnecessary to remark upon it further than merely to say, that this is a power the government at present possesses and exercises; a power so essential, that he should very much doubt the good sense or information of the man that should conceive it improper—it is guarded by a declaration, that no grants for this purpose shall be longer than two years at a time. For his own part, notwithstanding all that had been said upon this popular topic, he could not conceive that either the dignity of a government could be maintained—its safety ensured—or its laws administered, without a body of regular forces to aid the magistrate in the execution of his duty. All government is a kind of restraint—we may be told a free government imposes no restraint upon the private wills of individuals, which does not conduce in a greater degree to the public happiness. But all government is restraint, and founded in force. We are the first nation who have ever held a contrary opinion, or even attempted to maintain one without it. The experiment has been made, and he trusted there would hereafter be few men weak enough to suppose that some regular force ought not to be kept up, or that the militia can ever be depended upon as the support or protection of the union. Upon the whole, he could not but join those in opinion, who have asserted that this is the best government that has ever yet been offered to the world; and that instead of being alarmed at its consequences, we should be astonishingly pleased that one so perfect could have been formed from such discordant, and unpromising materials. In a system founded upon republican principles—where the powers of government are properly distributed, and each confined to a separate body of magistracy, a greater degree of force and energy will always be found necessary, than even in a monarchy. This arises from the national spirit of union being stronger in monarchies than in republics. It is said to be naturally strong in monarchies, because in the absence both of manners and principles, the compelling power of the sovereign collects and draws every thing to a point, and thereby on all common situations, effectually supplies their place. But in free countries it is naturally weak unless supported by public spirit; for as in most cases, a full spirit of national union will require that the separate and partial views of private interest be on every occasion sacrificed to the general welfare, so when this principle prevails not, and it will only prevail in moments of enthusiasm, the national union must ever be destroyed by selfish views and private interest. He said, that with respect to the union, this can only be remedied by a strong government, which while it collects its powers to a point, will prevent that spirit of disunion from which the most serious consequences are to be apprehended.—He begged leave for a moment to examine what effect this spirit of disunion must have upon us, as we may be affected by a foreign enemy. It weakens the consistency of all public measures, so that no extensive scheme of thought can be carried into action, if its accomplishment demands any long continuance

of time. It weakens not only the consistency, but the vigour and expedition of all public measures; so that while a divided people are contending about the means of security or defence, an united enemy may surprize and invade them. These are the apparent consequences of disunion. Mr. Pinckney confessed, however, that after all that had been said upon the subject, our constitution was in some measure but an experiment,—nor was it possible yet to form a just conclusion as to its practicability.

It had been an opinion long established, that a republican form of government suited only the affairs of a small state; which opinion is founded in the consideration that unless the people in every district of the empire be admitted to a share in the national representation, the government is not to them as a republic—that in a democratic constitution, the mechanism is too complicated, the motions too slow for the operations of a great empire; whose defence and government require execution and dispatch in proportion to the magnitude, extent and variety of its concerns. There was no doubt weight in these reasons, but much of the objection, he thought, would be done away by the continuance of a federal republic, which distributing the country into districts, or states of a commodious extent, and leaving to each state its internal legislation, reserves unto a superintending government the adjustment of their general claims, the compleat direction of the common force and treasure of the empire. To what limits such a republic might extend, or how far it is capable of uniting the liberty of a small common wealth with the safety of a peaceful empire; or, whether among coordinate powers, dissensions and jealousies would not arise, which for want of a common superior, might proceed to fatal extremities, are questions upon which he did not recollect the example of any nation authorizes us to decide; because the experiment has never been yet fairly made. We are now about to make it upon an extensive scale, and under circumstances so promising, that he considered it the fairest experiment that had been ever made in favor of human nature. He concluded with expressing a thorough conviction that the firm establishment of the present system is better calculated to answer the great ends of public happiness than any that has yet been devised.

A long debate arose from reading the constitution in paragraphs, but on a division there appeared to be a majority against it.

Mr. [Robert] Barnwell hoped gentlemen would confine themselves to the principles of this constitution; an honorable member had already given much valuable information as reasons that operated in the convention, so that they were now able to lay before their constituents the necessity of bringing forward this constitution.

Judge [Henry] Pendleton read a paragraph in the constitution, which says “the senate shall have the sole power of impeachment” In the British government, and all governments where power is given to make treaties of peace, or declare war, there had been found a necessity to annex responsibility: In England particularly ministers that advised illegal measures were liable to impeachment, for advising the king; now if justice called for punishment of treachery in the senate on account of giving bad advice, before what tribunal could they be arraigned? Not surely before their house, that was absurd to suppose. Nor could

the president be impeached for making treaties, he acting only under advice of the senate, without a power of negating.

Major [Pierce] Butler was one of a committee that drew up this clause, and would endeavor to recollect those reasons by which they were guided. It was at first proposed to vest the sole power of making peace or war in the senate, but this was objected to as inimical to the genius of a republic, by destroying the necessary balance they were anxious to preserve. Some gentlemen were inclined to give this power to the president, but it was objected to as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war, whenever he wished to promote her destruction.—The house of representatives was then named, but an insurmountable objection was made to this proposition, which was, that negotiations generally required the greatest secrecy, which could not be expected in a large body. The honorable gentleman then gave a clear, concise opinion on the propriety of the proposed constitution.

General [Charles Cotesworth] Pinckney observed that the honorable judge, from his great penetration, had hit upon one of those difficult points which for a long time occasioned much debate in the convention. Indeed this subject appeared to be of so much magnitude that a committee consisting of one member from each state was appointed to consider and report upon it. His honorable friend (Major Butler) was on the committee for this state. Some members were for vesting the power of making treaties in the legislature, but the secrecy and dispatch which are so frequently necessary in negotiations evinced the impropriety of vesting it there. The same reason shewed the impropriety of placing it solely in the house of representatives. A few members were desirous that the president alone might possess this power, and contended that it might safely be lodged with him, as he was to be responsible for his conduct, and therefore would not dare to make a treaty repugnant to the interests of his country; and from his situation he was more interested in making a good treaty than any other man in the united states. This doctrine general Pinckney said he could not acquiesce in. Kings, he admitted, were in general more interested in the welfare of their country than any other individual in it, because the prosperity of the country tended to increase the lustre of the crown, and a king could never receive a sufficient compensation for the sale of his kingdom, for he could not enjoy in any other country so advantageous a situation as he permanently possessed in his own. Hence kings are less liable to foreign bribery and corruption than any other set of men, because no bribe that could be given them could compensate the loss they must necessarily sustain for injuring their dominions: Indeed he did not at present recollect any instance of a king who had received a bribe from a foreign power, except Charles the second, who sold Dunkirk to Louis the fourteenth. But the situation of a president would be very different from that of a king—he might withdraw himself from the united states, so that the states could receive no advantage from his responsibility; his office is not to be permanent, but temporary; and he might receive a bribe which would enable him to live in greater splendor in another country than in his own, and when out of office he was no more interested in the prosperity of his country than any other patriotic citizen; and in framing a treaty he might perhaps shew an improper

partiality for the state to which he particularly belonged. The different propositions made on this subject the general observed occasioned much debate; at last it was agreed to give the president a power of proposing treaties, as he was the ostensible head of the union, and to vest the senate, (where each state had an equal voice) with the power of agreeing or disagreeing to the terms proposed. This in some measure took away their responsibility, but not totally; for, though the senate were to be judges on impeachments, and the members of it would not probably condemn a measure they had agreed to confirm, yet as they were not a permanent body, they might be tried hereafter by other senators, and condemned if they deserved it. On the whole, a large majority of the convention thought this power would be more safely lodged where they had finally vested it than any where else. It was a power that must necessarily be lodged somewhere—Political caution and republican jealousy rendered it improper for us to vest it in the president alone; the nature of negotiation, and the frequent recess of the house of representatives rendered that body an improper repository of this prerogative. The president and senate joined were, therefore, after much deliberation, deemed the most eligible corps in whom we could with safety vest the diplomatic authority of the union.

Mr. [Rawlins] Lowndes could not consider the representation of two thirds in the senate as equal to the old confederation, which required nine states. By this new constitution a quorum in the senate might consist only of 14; two thirds of which were ten; now was this any thing like a check equal to the present? Was it consistent with prudence to vest so much power in the hands of so small a body of men, who might supercede every existing law in the union? Here he read the second clause in the 6th article of the proposed constitution, viz. "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." Now in the history of the known world was there an instance of the rulers of a republic being allowed to go so far; even the most arbitrary kings possessed nothing like it. The tyrannical Henry VIII. had power given him by parliament to issue proclamations that should have the same force as laws of the land; but this unconstitutional privilege had been justly reprobated and exploded. The king of France, though a despotic prince (he meant no reflection on that prince, his opinion was very well known) yet could not enforce his edicts until they [had] been registered in parliament. In England the ministers proceed with caution in making treaties; far from being considered as legal without parliamentary sanction, the preamble always stated that his majesty would endeavour to get it ratified by his parliament. He observed that the clause entirely did away the instalment law; for when this constitution came to be established, the treaty of peace might be pleaded against the relief which that law afforded. The honorable gentleman commented on the extensive powers given to the president, who was not, he believed, likely ever to be chosen from South Carolina or Georgia.

General [Charles Cotesworth] Pinckney rose to obviate some of the objections made by the honorable gentleman who sat down, and whose arguments he

thought were calculated *ad capitandum*, and did not coincide with that ingenious, fair mode of reasoning he in general made use of. The treaty could not be construed to militate against our laws now in existence, and while we did not make by law any distinction between our citizens and foreigners, foreigners would be content. The treaty had been enrolled in the prothonotary's office by the express order of the judges. It had been adjudged in a variety of cases to be part of the law of the land, and had been admitted to be so whenever it was pleaded. If this had not been the case, and any individual state possessed a right to disregard a treaty made by Congress, no nation would have entered into a treaty with us. The comparison made between kings and our president was not a proper one. Kings are in general hereditary, in whose appointment the people have no voice, whereas in the election of our president the people have a voice, and the state of South Carolina hath a thirteenth share in his appointment. In the election of senators South Carolina has an equal vote with any other state, so has Georgia, and if we have a man as fit for the office of president in this state as in the others, he did not think the being a southern man could be an objection. More than one president of Congress had been taken from this state. If we should not be represented in the senate it would be our own fault; the mode of voting in that body *per capita*, and not by states as formerly, would be a strong inducement to us to keep up a full representation; the alteration was approved by every one of the convention who had been a member of Congress. He then mentioned several instances of difficulties which he had been informed had occurred in Congress in determining questions of vast importance to the union, on account of the members voting as states and not individually.—He did not think the southern states would be remiss in keeping a full representation. Experience proved that the eastern and the southern states were most punctual in attendance: he understood that it was the middle ones that principally neglected this duty.

Chancellor [John] Rutledge thought the gentleman mistaken both as to law and fact; for every treaty was law paramount, and must operate. (Read part of 9th article of confederation) In England treaties are not necessarily ratified, as was proved when the British parliament took up the last treaty of peace; a vote of disapprobation dispossessed Lord Shelburne, the minister, of his place; the commons only addressed the king for having concluded a peace, yet this treaty is binding in our courts, and in England. In that country American citizens can recover debts due to them under the treaty; and in this, but for the treaty, what violences would have taken place? What security had violent Tories, stealers of horses, and a number of lawless men, but a law that we passed for recognizing the treaty?—There might have been some offenders punished, but if they had obtained a writ of Habeas Corpus no doubt they would have been relieved. There was an obvious difference between treaties of peace and those of commerce, because commercial treaties frequently clashed with the laws upon that subject; so that it was necessary to be ratified in parliament. As a proof that our present articles of confederation were paramount, it was there expressed that France should enjoy certain privileges. Now supposing any law had passed for taking those privileges away, would not the treaty be a sufficient bar to any local or

municipal laws? What sort of power is that which leaves individuals in full power to reject or approve? Suppose a treaty was unexpectedly concluded between two nations at war, could individual subjects ravage and plunder under letters of marque and reprisal? Certainly not. The treaty concluded even secretly would be a sufficient bar to the establishment. Pray what solid reasons could be urged to support gentlemen's fears that our new governors would wish to promote measures injurious to their native land; Was it not more reasonable that if every state in the union had a negative voice, a single state might be tampered with, and defeat every good intention? Adverting to the objection relative to the instalment law being done away, he asked, supposing a person gave security conformable to that law, whether judging from precedent the judges would permit any further proceedings contrary to it? He scouted the idea that only ten members would ever be left to manage the business of the senate; yet even if so, our delegates might be part of that ten, and consequently our interest secured. He described difficulties experienced in congress in 1781 and 1782; in those times business of vast importance stood still because nine states could not be kept together. Having said that the laws would stand exactly as they did before, the chancellor asked whether gentlemen seriously could suppose, that a president who had his character at stake, would be such a fool and knave, as to join with ten others to tear up liberty by the roots, when a full senate were competent to impeach him.

Mr. [Ralph] Izard gave a clear account of the manner in which edicts are registered in France, which however were legal without that ceremony; even the kings of England had power to make treaties of peace or war. In the congress held at Utrecht, two treaties were agreed upon, one relative to peace, the other of commerce; the latter was not ratified, being found to clash with some laws in existence; yet the king's right to make it was never disputed.

Mr. Speaker [John Julius Pringle] said, that in general he paid great deference to the opinions of the gentleman (Mr. Lowndes) because they flowed from good natural sense, matured by much reflection and experience. On this occasion he entirely disagreed with him. The gentleman appeared extremely alarmed by a phantom of his own creation—a phantom like every other, without body or substance, and which will vanish as soon as touched. If the objections which he may have to other parts of the constitution be no better founded than to this article, the constitution will pass through the medium of this house, like gold through the crucible, the purer and with much greater lustre. His objections will only serve to confirm the sentiments of those who favor it. All the gentleman's objections may be comprized in the following compass. By the article the president with ten senators, if only ten attend, may make treaties to bind all the states—that the treaties have the force of, and indeed are, paramount to the laws of the land—therefore the president and senate have a legislative power; and then he gives scope to a great deal of declamation on the vast danger of their having such legislative power, and particularly that they might make a treaty which might thus repeal the instalment law. This is a greater power he says than the king of Great Britain, or king of France has; the king of Great Britain had his ratified by parliament—the treaties of the French king must be registered.

But he conceived the gentleman was mistaken as to treaties made by those monarchs. The king of France registers his edicts on some occasions to facilitate the execution, but not his treaties. The king of Great Britain's treaties are discussed by parliament not for ratification, but to discover whether the ministers deserve censure or approbation. The making of treaties is justly a part of their prerogative—It properly belongs to the executive part of government, because they must be conducted with dispatch and secrecy, not to be expected in larger assemblies. No such dangers as the gentleman apprehends can ensue from vesting it with the president and senate. Although the treaties they make may have the force of laws, when made, they have not therefore legislative power. It would be dangerous indeed to trust them with the power of making laws, to affect the rights of individuals. For this might tend to the oppression of individuals, who could not obtain redress. All the evils would in that case flow from blending the legislative—executive, and judicial powers. This would violate the soundest principles of policy and government. It is not with regard to the power of making treaties, as of legislation in general. The treaties will affect all the individuals equally of all the states. If the president and senate make such as violate the fundamental laws, and subvert the constitution, or tend to the destruction of the happiness and liberty of the states, the evils equally oppressing all, will be removed as soon as felt, as those who are oppressed have the power and means of redress. Such treaties not being made with good faith and on the broad basis of reciprocal interest and convenience, but by treachery and a betraying of trust, and by exceeding the powers with which the makers were entrusted, ought to be annulled. No nations would keep treaties thus made. Indeed it is too much the practice for them to make mutual interest and convenience, the rule of observation, or period of duration. As for the danger of repealing the instalment law, the gentleman has forgot that one article ordains, that there shall be no retrospective law. The president and senate will therefore hardly ever make a treaty that would be of this kind. After other arguments to obviate the objections of the honorable gentleman, Mr. Speaker concluded with saying, that it was not necessary for him to urge, what further occurred to him, as he saw several of the honorable members of the convention preparing, whose duty it more particularly was, and who were more able to confute the honorable gentleman in opposition.

Dr. [David] Ramsay asked if the gentleman meant us to ever to have any treaties at all? If not superior to local laws who will trust them? Would not the question naturally be, did you mean when you made treaties to fulfil them? Establish once such a doctrine, and where will you find ambassadors? If gentlemen had been in the situation of receiving similar information with himself they would have heard letters read from our ambassadors abroad, in which loud complaints were, that America was become faithless and dishonest. Was it not full time that such conduct as this should be amended?

General [Charles Cotesworth] Pinckney rose to mention some instances he had omitted of the treaty with Great-Britain being considered in our courts as part of the law of the land—the judge who held the court at Ninety Six discharged upwards of one hundred recognizances of persons committed for different crimes, which fell within the meaning of this treaty. A man named Love,

accused of murder, was liberated. It is true the people enraged at the enormity of his conduct hanged him soon after; but of this the judicial power knew nothing until after its perpetration. Another murderer was allowed to plead the treaty of peace in bar, that had conducted general Pickens's brother into the hands of the Indians, who soon after put him to death.

Mr. [Rawlins] Lowndes desired gentlemen to consider that his antagonists were mostly gentlemen of the law, who were capable of giving ingenious explanations to such points as they wished to have adopted. He explained his opinion relative to treaties to be, that no treaty concluded contrary to the express laws of the land could be valid. The king of England, when he concluded one, did not think himself warranted to go further than to promise that he would endeavor to induce his parliament to sanction it. The security of a republic is jealousy; for its ruin may be expected from unsuspecting security; let us not therefore receive this proffered system with implicit confidence, as carrying with it the stamp of superior perfection; rather let us compare it with what we already possess with what we are offered for it. We are now under government of a most excellent constitution—one that had stood the test of time, and carried us through difficulties generally supposed to be insurmountable—one that had raised us high in the eyes of all nations, and given to us the enviable blessings of liberty and independence—a constitution sent like a blessing from heaven, yet we were impatient to change it for another, that vested power in a few men to pull down that fabric which we had raised at the expence of our blood. Charters ought to be considered as sacred things; in England an attempt was made to alter the charter of the East India company, but they invoked heaven and earth in their cause—moved lords, nay even the king in their behalf, and thus averted the ruin with which they were threatened. It had been said, that this new government was to be considered as an experiment; he really was afraid it would prove a fatal one to our peace and happiness—an experiment! what risque the loss of political existence on experiment? No, Sir, if we are to make experiments, rather let them be such as may do good, but which cannot possibly do any injury to us or our posterity. So far from having any expectation of success from such experiments, he sincerely believed that when this new constitution should be adopted, the sun of the southern states would set never to rise again. To prove this, he observed, that six of the eastern states formed a majority in the house of representatives (in the enumeration he passed Rhode Island, and included Pennsylvania.) Now was it consonant with reason—with wisdom—with policy, to suppose that in a legislature where a majority of persons sat whose interests were greatly different from ours, that we had the smallest chance of receiving adequate advantages? certainly not. He believed the gentlemen that went from this state to represent us in the convention, possessed as much integrity, and stood as high in point of character as any gentlemen that could have been selected; and he also believed, that they had done every thing in their power to procure for us a proportionate share in this new government; but the very little which they had gained proved what we might expect in future; and that the interest of the Northern states would so predominate, as to divest us of any pretensions to the title of a republic. In the first place, what cause was there for jealousy of our

importing negroes? Why confine us to 20 years, or rather why limit us at all? For his part he thought this trade could be justified on the principles of religion, humanity and justice; for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of those principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage; why should the southern states allow of this without the consent of nine states? (Judge Pendleton observed, that only three states, Georgia, South Carolina, and North Carolina, allowed the importation of negroes, Virginia had a clause in her constitution for this purpose, and Maryland, he believed, even before the war, prohibited them.) Mr. Lowndes observed, that we had a law prohibiting the importation of negroes for three years, a law he greatly approved of, but there was no reason offered why the southern states might not find it necessary to alter their conduct, and open their ports.—Without negroes this state would degenerate into one of the most contemptible in the union, and cited an expression that fell from general Pinckney, on a former debate, that whilst there remained one acre of swamp land in South Carolina, he should raise his voice against restricting the importation of negroes. Even in granting the importation for 20 years, care had been taken to make us pay for this indulgence, each negro being liable on importation to pay a duty not exceeding ten dollars, and in addition to this were liable to a capitation tax. Negroes were our wealth, our only natural resource, yet behold how our kind friends in the North were determined soon to tie up our hands, and drain us of what we had.—The Eastern states drew their means of subsistence in a great measure from their shipping, and on that head they had been particularly careful not to allow of any burthens—they were not to pay tonnage or duties, no not even the form of clearing out—all ports were free and open to them! Why then call this a reciprocal bargain, which took all from one party to bestow it on the other? (Major Butler observed, that they were to pay five per cent. impost) This Mr. Lowndes proved must fall upon the consumer. They are to be the carriers, and we being the consumers, therefore all expences would fall upon us. A great number of gentlemen were captivated with this new constitution, because those who were in debt would be compelled to pay; others pleased themselves with the reflection that no more confiscation laws could be passed; but those were small advantages in proportion to evils that might be apprehended from the laws that might be passed by Congress, whenever there was a majority of representatives from the Eastern states, who were governed by prejudices and ideas extremely different from ours. He was afraid in the present instance that so much partiality prevailed for this new constitution, that opposition from him would be fruitless; however he felt so much the importance of the subject, that he hoped the house would indulge him in a few words to take a view comparatively of the old constitution and the new one, in point of modesty.—Congress, labouring under many difficulties, asked to regulate commerce for 21 years, when the power reverted into the hands of those who originally gave it; but this infallible new constitution eased us of any more trouble, for it was to regulate commerce *ad infinitum*; and thus called upon us to pledge ourselves and posterity forever in support of their measures; so that when our local legislature had dwindled down

to the confined powers of a corporation, we should be liable to taxes and excise; not perhaps payable in paper, but in specie. However they need not be uneasy, since every thing would be managed in future by great men, and great men every body knew were incapable of acting under influence of mistake or prejudice—they always were infallible—so that if at any future period we should smart under laws which bore hard upon us, and think proper to remonstrate, the answer would probably be—Go, you are totally incapable of managing for yourselves—go mind your private affairs—trouble not yourselves with public concerns—*mind your business*—the latter expression was already the motto of some coppers in circulation, and he thought it would soon be the style of language held out towards the southern states. The honorable member apologized for going into the merits of this new constitution, when it was ultimately to be decided on by another tribunal, but understanding that he differed in opinion with his constituents, who were opposed to electing any person as a member of the convention that did not approve of the proposed plan of government; he should not therefore have an opportunity of expressing those sentiments which occurred to him on considering the plan for a new federal government. But if it was sanctioned by the people it would have his hearty concurrence and support. He was very much originally against a declaration of independence—he also opposed the instalment law, but when they received the approbation of the people, it became his duty as a good citizen to promote their due observance.

Mr. E[dward] Rutledge was astonished to hear the honorable gentleman pass such eulogium on the old confederation, and prefer it as he had done, to the one before the house. For his part he thought that confederation so very weak, so very inadequate to the purposes of the union, that unless it was materially altered, the Sun of American Independence would indeed soon set—never to rise again! What could be effected for America under that highly extolled constitution? Could it obtain security for our commerce in any part of the world? Could it enforce obedience to any one law of the union?—Could it obtain one shilling of money for the discharge of the most honorable obligations? The honorable gentleman knew it could not. Was there a single power in Europe that would lend us a guinea on the faith of that confederation, or could we borrow one on the public faith of our own citizens? The people of America had seen these things—they had felt the consequences of this feeble government, if that deserved the name of government which had no power to enforce laws founded on solemn compact; and was it under the influence of those feelings that, with almost one voice, they had called for a different government. But the honorable gentleman had said, that this government had carried us gloriously through the last war; Mr. Rutledge denied the assertion—it was true that we had passed gloriously through the war while the confederation was in existence, but that success was not to be attributed to the confederation; it was to be attributed to the firm and unconquerable spirit of the people, who were determined, at the hazard of every consequence, to oppose a submission to British government; it was to be attributed to the armaments of an ally, and the pecuniary assistance of our friends: These were the wings on which we were carried so triumphantly through the war; and not this wretched confederation which is unable, by uni-

versal acknowledgment, to obtain a discharge of any part of our debts in the hour of the most perfect domestic tranquility.—What benefits then are to be expected from such a constitution in the day of danger?—without a ship—without a soldier—without a shilling in the federal treasury, and without a nervous [i.e., strong, vigorous, or robust] government to obtain one, we hold the property that we now enjoy at the courtesy of other powers. Was this such a tenure as was suitable to the inclinations of our constituents? It certainly was not—they had called upon us to change their situation, and we should betray their interest, and our own honor, if we neglected it. But the gentleman had said, that there were points in this new confederation which would endanger the rights of the people—that the president and ten senators may make treaties, and that the balance between the states was not sufficiently preserved—that he is for limiting the powers of Congress, so that they shall not be able to do any harm; for if they have the power to do any harm they may. To this Mr. Rutledge observed, that the greatest part of the hon. gentleman's objection was founded in an opinion, that the choice of the people would fall on the most worthless and the most negligent part of the community; but if it was to be admitted, it would go to the withholding of all power from all public bodies. The gentleman would have done well to have defined the kind of power that could do no harm; the very idea of power included a possibility of doing harm; and if the gentleman would shew the power that could do no harm, he would at once discover it to be a power that could do no good. To argue against the use of a thing from the abuse of it, had long since been exploded by all sensible people. It was true, that the president, with the concurrence of two thirds of the senate might make treaties, and it was possible that the [i.e., ten] senators *might* constitute the two thirds, but it was just within the reach of possibility, and a possibility from whence no danger could be apprehended; if the president or the senators abused their trust, they were answerable for their conduct—they were liable to impeachment and punishment, and the fewer there were concerned in the abuse of the trust, the more certain would be the punishment. In the formation of this article, the delegates had done their duty fully—they had provided that two thirds of the senate should concur in the making of the treaties; if the states should be negligent in sending their senators, it would be their own faults, and the injury would be theirs, not the framers of the constitution; but if they were not negligent, they would have more than their share. Is it not astonishing that the gentleman who is so strenuous an advocate for the powers of the people, should distrust the people the moment that power is given to them, and should found his objections to this article in the corruption of the representatives of the people, and in the negligence of the people themselves. If such objections as these have any weight, they tend to the destruction of all confidence—the withholding of all power—the annihilation of all government. Mr. Rutledge insisted that we had our full share in the house of representatives, and that the gentleman's fears of the northern interest prevailing at all times were ill founded. The constitution had provided for a census of the people, and the number of representatives was to be directed by the number of the people in the several states; this clause was highly favorable to the southern interest. Several of the northern states were already full of people; it was otherwise with us, the migrations to the south were

immense, and we should in the course of a few years, rise high in our representation, whilst other states would keep their present position. Gentlemen should carry their views into futurity, and not confine themselves to the narrow limits of a day when contemplating a subject of such vast importance. The gentleman had contemplated a subject of such vast importance. The gentleman had complained of the inequality of the taxes between the northern and southern states—that ten dollars a head was imposed on the importation of negroes, and that those negroes were afterwards taxed. To this it was answered, that the ten dollars per head, was an equivalent to the 5 per cent. on imported articles; and as to their being afterwards taxed, the advantage is on our side; or, at least not against us. In the northern states the labor is performed by white people, in the southern by black. All the free people, (and there are few others) in the northern states, are to be taxed by the new constitution; whereas only the free people and two-fifths [i.e., three-fifths] of the slaves in the southern states are to be rated in the apportioning of taxes. But the principal objection is, that no duties are laid on shipping—that in fact the carrying trade was to be vested in a great measure in the Americans, and that the ship-building business was principally carried on in the northern states. When this subject is duly considered the southern states should be among the last to object to it. Mr. Rutledge then went into a consideration of the subject, after which the house adjourned.

SECOND DAY.

[Thursday, 17 January 1788]

General [Charles Cotesworth] Pinckney observed, that the honorable gentleman (Mr. Lowndes) who opposed the new constitution, had asserted that treaties made under the old confederation were not deemed paramount to the laws of the land; and that treaties made by the king of Great-Britain required the ratification of parliament to render them valid—the hon. gentleman is surely mistaken in his assertions? his honorable friend (Chancellor Rutledge) had clearly shewn that by the 9th and 18th [i.e., 13th] articles of the old confederation, congress have a power to make treaties, and each state is pledged to observe them; and it appears from the debates of the English parliament that the House of Commons did not ratify but actually censure the peace made by the king of Great Britain with America; yet the very members who censured it, acknowledged it was binding on the nation. (Here the General read extracts from the parliamentary debates of the 17th and 21st of February, 1784.) Indeed the doctrine that the king of Great Britain may make a treaty with a foreign state, which shall irrevocably bind his subjects, is asserted by the best writers on the laws and constitution of England, particularly by judge Blackstone, who in the first book of his Commentaries, ch. 7, p. 257, declares that, “it is the King’s prerogative to make treaties, leagues and alliances with foreign states and princes, and that no other power in the kingdom can legally delay, resist or annul them.” If treaties entered into by Congress are not to be held in the same sacred light in America, what foreign nation will have any confidence in us? Shall we not be stigmatized as a faithless unworthy people, if each member of the union may, with impunity, violate the engagements entered into by the federal head? Who will confide in us? Who will treat with us if our practice should be conformable to this doctrine?

Have we not been deceiving all nations, by holding forth to the world, in the 9th article of the old confederation, that congress may make treaties, if we at the same time entertain this improper tenet, that each state may violate them? I contend that the article in the new constitution, which says, that treaties shall be paramount to the laws of the land, is only declaratory of what treaties were in fact under the old compact. They were as much the law of the land under that confederation, as they are under this constitution—and we shall be unworthy to be ranked among civilized nations, if we do not consider treaties in this view. Vattel, one of the best writers on the law of nations, says “there would be no more security—no longer any commerce between mankind, did they not believe themselves obliged to preserve their faith and to keep their word. Nations, and their conductors ought then to keep their promises and their treaties inviolable. This great truth is acknowledged by all nations. Nothing adds so great a glory to a prince and the nation he governs, as the reputation of an inviolable fidelity to his engagements. By this, and their bravery, the Swiss have rendered themselves respectable throughout Europe. This national greatness of soul is the source of an immortal glory; upon it is founded the confidence of nations, and it thus became a certain instrument of power and splendor.”—Surely this doctrine is right, it speaks to the heart, it impresses itself on the feelings of mankind, and convinces us that the tranquility, happiness and prosperity of the human race depends on inviolably preserving the faith of treaties. Burlamaqui, another writer of great reputation on political law, says, “that treaties are obligatory on the subjects of the powers who enter into treaties; they are obligatory as conventions between the contracting powers, but they have the force of law with respect to their subjects[.]”—these are his very words, “Ils ont force de loi à l’égard des sujets considérés comme tels;” and it is very manifest, continues he, that two sovereigns who enter into a treaty, impose by such treaty, an obligation on their subjects to conform to it, and in no manner to contravene it. It is remarkable, that the words made use of by Burlamaqui, establishes the doctrine recognized by the constitution, that treaties shall be considered as the law of the land—and happy will it be for America if they shall be always so considered; we shall then avoid the disputes, the tumults, the frequent wars we must inevitably be engaged in, if we violate treaties. By our treaty with France we declare she shall have all the privileges in matters of commerce with the most favored nation; suppose a particular state should think proper to grant a commercial privilege to Holland, which she refuses to France, would not this be a violation of the treaty with France? it certainly would, and we in this state would be answerable for the consequences attending such violation by another state, for we do not enter into treaties as separate states, but as United States, and all the members of the union are answerable for the breach of a treaty by any one of them. South Carolina, therefore, considering its situation and the valuable produce it has to export, is particularly interested in maintaining the sacredness of treaties, and the good faith with which they should be observed by every member of the union. But the honorable gentleman complains, that the power of making treaties is vested in the president and senate, and thinks it is not placed so safely with them as with the congress under the old confederation. Let us examine this objection—by the old confederation each state had an equal vote in congress, and no treaty

could be made without the assent of the delegates from nine states. By the present constitution each state sends two members to the senate, who vote *per capita*; and the president has power, with advice and consent of the senate, to make treaties, provided two thirds of the senate present concur.—This inconvenience attended the old method, it was frequently difficult to obtain a representation from nine states; and if only nine states were present, they must all concur in making a treaty—a single member would frequently prevent the business from being concluded, and if he absented himself, congress had no power to compel his attendance. This actually happened when a treaty of importance was about to be concluded with the Indians, and several states being satisfied at particular junctures, that the nine states present would not concur in sentiments on the subject of a treaty were indifferent whether their members attended or not; but now that the senators vote individually and not by states, each state will be anxious to keep a full representation in the senate, and the senate has now power to compel the attendance of its own members: we shall thus have no delay, and business will be conducted in a fuller representation of the states than it hitherto has been. All the members of the convention who had served in congress, were so sensible of the advantage attending this mode of voting, that the measure was adopted unanimously: for my own part I think it infinitely preferable to the old method. So much for the manner of voting. Now let us consider whether the power of making treaties is not as securely placed as it was before. It formerly was vested in congress, who were a body constituted by the legislatures of the different states in equal proportions; at present it is vested in a president who is chosen by the people of America, and in a senate whose members are chosen by the state legislatures, each legislature choosing two members. Surely there is greater security in vesting this power as the present constitution has vested it, than in any other body. Would the gentlemen vest it in the president alone? If he would, his assertion that the power we have granted was as dangerous as the power vested by parliament in the proclamations of Henry the VIII. might have been perhaps warranted. Would he vest it in the house of representatives? Can secrecy be expected in 65 members? The idea is absurd. Besides, their sessions will probably last only two or three months in the year, and therefore on that account they would be a very unfit body for negotiation—whereas the senate, from the smallness of its numbers, from the equality of power which each state has in it, from the length of time for which its members are elected, from the long sessions they may have without any great inconveniency to themselves or constituents, joined with the president, who is the federal head of the United States, form together a body in whom can be best and most safely vested the diplomatic power of the union.

Gen. Pinckney then observed that the honorable gentleman had not conducted his arguments with his usual candour—he had made use of many which were not well founded, and were only thrown out *ad captandam*; why say upon this occasion that every thing would in future be managed by great men, and that great men could do no wrong? under the new constitution the abuse of power was more effectually checked than under the old one, a proper body immediately taken from the people, and returnable to the people every second year, are to impeach those who behave amiss or betray their public trust; another

body taken from the state legislatures are to try them; no man however great is exempt from impeachment and trial; if the representatives of the people think he ought to be impeached and tried, the president cannot pardon him, and this great man himself, whom the honorable gentleman pretends to be so much afraid of, as well as the Vice President and all civil officers of the United States, are to be removed from office on impeachment and conviction of treason, bribery or other high crimes and misdemeanors. Then why make use of arguments to occasion improper jealousies and ill founded fears?—Why is the invidious distinction of great men to be reiterated in the ears of the members? Is there any thing in the constitution which prevents the president and senators from being taken from the poor as well as the rich? Is there any pecuniary qualification necessary to the holding of any office under the new constitution? There is not. Merit and virtue, and federal principles, are the qualifications which will prefer a poor man to office, before a rich man who is destitute of them. The gentleman had made a warm panegyric on the old confederation; can he possibly be serious, and does he really think it can secure us tranquility at home or respect abroad? Ask the citizens of Massachusetts if the confederation protected them during the insurrection of Shays? Ask the crews of our vessels captured by the Algerines, if respect for our government hath softened the rigors of their captivity? Enquire of our delegates to congress if all the dispatches from your public ministers are not filled with lamentations of the imbecility of congress, and whether foreign nations do not declare they can have no confidence in our government, because it has not power to enforce obedience to treaties? Go through each state in the union, and be convinced that a disregard for law hath taken place of order, and that congress is so slighted by all of them that not one hath complied with her requisitions. Every state in the union, except Rhode Island, was so thoroughly convinced that our government was inadequate to our situation, that all, except her, sent members to the convention at Philadelphia. General Pinckney said, it had been alledged, that when there they exceeded their powers; he thought not; they had a right, he apprehended, to propose any thing which they imagined would strengthen the union, and be for the advantage of our country; but they did not pretend to a right to determine finally upon any thing—the present constitution is but a proposition which the people may reject; but he conjured them to reflect seriously before they did reject it, as he did not think our state will obtain better terms by another convention, and the anarchy which would in all probability be the consequence of rejecting this constitution would encourage some daring despot to seize upon the government, and effectually deprive us of our liberties. Every member who attended the convention was, from the beginning, sensible of the necessity of giving greater powers to the federal government; this was the very purpose for which they were convened. The delegations of Jersey and Delaware were at first averse to this organization, but they afterwards acquiesced, and the conduct of their delegates has been so very agreeable to the people of these states that their respective conventions have unanimously adopted the constitution. As we found it necessary to give very extensive powers to the federal government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that both wealth and numbers should be considered in the repre-

sentation. We were at a loss for some time for a rule to ascertain the proportionate wealth of the states; at last we thought that the productive labour of the inhabitants was the best rule for ascertaining their wealth; in conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several states, by adding to the whole number of free persons three fifths of the slaves.—We thus obtained a representation for our property, and I confess I did not expect that we should have been told on our return, that we had conceded too much to the Eastern States, when they allowed us a representation for a species of property which they have not among them.

The numbers in the different states, according to the most accurate accounts we could obtain, were:

In New Hampshire,	102,000
In Massachusetts,	360,000
In Rhode Island,	58,000
In Connecticut,	202,000
In New York,	238,000
In New Jersey,	138,000
In Pennsylvania,	360,000
In Delaware,	37,000
In Maryland,	218,000
(including three fifths of 80,000 negroes)	
In Virginia,	420,000
(including 3-5th of 280,000 negroes)	
In North Carolina,	200,000
(including three fifths of 60,000 negroes)	
In South Carolina,	150,000
(including three fifths of 80,000 negroes)	
In Georgia,	90,000
(Including three fifths of 20,000 negroes)	

The first house of Representatives will consist of sixty five members. South Carolina will send five of them; each state has the same representation in the senate that she has at present, so that South Carolina will have under the new constitution a thirteenth share in the government, which is the proportion she has under the old confederation: and when it is considered that the Eastern States are full of men, and that we must necessarily increase rapidly to the southward and south westward, he did not think that the southern states will have an inadequate share in the representation. The hon. gentleman alledges, that the southern states are weak, I sincerely agree with him—we are so weak that by ourselves we could not form an union strong enough for the purpose of effectually protecting each other. Without union with the other states South Carolina must soon fall. Is there any one among us so much a Quixotte as to suppose that this state could long maintain her independence if she stood alone, or was only connected with the southern states? I scarcely believe there is. Let an invading power send a naval force into the Chesapeak to keep Virginia in alarm, and

attack South Carolina with such a naval and military force as Sir Henry Clinton brought here in 1780, and though they might not soon conquer us they would certainly do us an infinite deal of mischief; and if they considerably increased their numbers, we should probably fall. As from the nature of our climate, and the fewness of our inhabitants, we are undoubtedly weak, should we not endeavor to form a close union with the eastern states, who are strong? And ought we not to endeavor to increase that species of strength which will render them of most service to us both in peace and war? I mean their navy—we certainly ought; and by doing this we render it their particular interest to afford us every assistance in their power, as every wound that we receive will eventually affect them. Reflect for a moment on the situation of the eastern states, their country full of inhabitants, and so impracticable to an invading enemy, by their numberless stone walls, and a variety of other circumstances, that they can be under no apprehension of danger from an attack. They can enjoy their independence without our assistance. If our government is to be founded on equal compact, what inducement can they possibly have to be united with us if we do not grant them some privileges with regard to their shipping; or supposing they were to unite with us without having these privileges, can we flatter ourselves that such union would be lasting, or that they would afford us effectual assistance when invaded? Interest and policy both concurred in prevailing upon us to submit the regulation of commerce to the general government. But I will also add justice and humanity require it likewise. For who have been the greatest sufferers in the union, by our obtaining our independence? I answer the Eastern states;—they have lost every thing but their country, and their freedom. It is notorious that some ports to the eastward, which used to fit out 150 sail of vessels, do not now fit out 30; that their trade of ship building, which used to be very considerable is now annihilated; that their fisheries are trifling, and their mariners in want of bread; surely we are called upon by every tie of justice, friendship and humanity to relieve their distresses, and as by their exertions they have assisted us in establishing our freedom, we should let them in some measure partake of our prosperity. The General then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade after the year 1808. On this point your delegates had to contend with the religious and political privileges of the Eastern and middle states, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I used the expressions the gentleman has quoted, that while there remained one acre of swamp land uncleared of South Carolina I would raise my voice against restricting the importation of negroes. I am as thoroughly convinced as that gentleman is, that the nature of our climate, and the flat, swampy situation of our country obliges us to cultivate our lands with negroes, and that without them S. Carolina would soon be a desert waste. You have so frequently heard my sentiments on this subject that I need not now repeat them. It was alledged by some of the members who opposed an unlimited importation, that slaves increased the weakness of any state who admitted them; that they were a dangerous species of property which an invading enemy could

easily turn against ourselves and the neighbouring states, and that as we were allowed a representation for them in the house of representatives, our influence in government would be increased in proportion as we were less able to defend ourselves. Shew some period, said the members from the Eastern states when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor for your convenience, to restrain the religious and political prejudices of our people on this subject. The middle states and Virginia made us no such proposition; they were for an immediate and total prohibition. We endeavoured to obviate the objections that were made in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must occur to every gentleman in the house: A committee of the states was appointed in order to accommodate this matter, and after a great deal of difficulty, it was settled on the footing recited in the constitution.

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued—we have a security that the general government can never emancipate them, for no such authority is granted, and it is admitted on all hands, that the general government has no powers but what are expressly granted by the constitution; and that all rights not expressed were reserved by the several states. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could, but on the whole I do not think them bad.

Dr. [David] Ramsay thought our delegates had made a most excellent bargain for us, by transferring an immense sum of continental debt, which we were pledged to pay, upon the eastern states, some of whom (Connecticut for instance) could not expect to receive any material advantage from us. He considered the old confederation as dissolved.

Mr. [Jacob] Read looked on the boasted efficiency of Congress to be farcical; and instanced two cases in proof of his opinion; one was that when the treaty should have been ratified a sufficient number of members could not be collected in congress for that purpose; so that it was necessary to dispatch a frigate, at the expence of 4000 dollars, with particular directions for Mr. Adams to use his endeavors to gain time; his application proved successful, otherwise very disagreeable consequences must have ensued. The other case was, a party of Indians came to Princeton for the purpose of entering into an amicable treaty with Congress; before it could be concluded, a member went to Philadelphia to be married, and his secession had nearly involved the Western country in all the miseries of war. Mr. Read urged a concurrence with those states that were in favor of the new constitution.

Mr. C[harles] Pinckney observed, that the honorable gentleman was singular in his opposition to the new constitution; and equally singular in his profuse praise of the old one. He described with much good sense the impracticability of annexing responsibility to the office of president in a republican form of

government; the only remedy against despotism being to form a party against those who were obnoxious, and turn them out. He observed that the president's powers did not permit him to declare war.

Mr. [Rawlins] Lowndes declared himself almost willing to give up his post; finding he was opposed by such a phalanx of able antagonists, any one of them possessing sufficient abilities to contend with him; but as a number of respectable members, men of good sense, though not in the habit of speaking in public, had requested that he would state his sentiments, for the purpose of gaining information on such points as seemed to require it, rather in compliance therefore with their wishes than any inclination on his part, he should make a few further observations on the subject. Much had been said from different parts of the house against the old confederation, that it was such a futile, inefficient, impolitic government as to render us the objects of ridicule and contempt in the eyes of other nations; he could not agree to this, because there did not appear any evidence of the fact, and because the names of those gentlemen who had signed the old confederation were eminent for patriotism, virtue and wisdom; as much so as any set of men that could be found in America, and their prudence and wisdom particularly appeared in the care which they had taken sacredly to guarantee the sovereignty of each state. The treaty of peace expressly agreed to acknowledge us as free, sovereign and independent states, which privileges we lived at present in the exercise of; but this new constitution at once swept those privileges away, being sovereign over all, so that this state will dwindle into a mere skeleton of what it was; its legislative powers would be pared down to little more than those now vested in the corporation; and he should value the honor of a seat in the legislature in no higher estimation than a seat in the city council. Adverting to the powers given to the president, he considered them as enormous, particularly in being allowed to interfere in the election of members in the house of representatives; astonishing that we had not this reserved to us, when the senators were to be chosen from that body—things might be so managed that the different legislatures should be limited to the passing a few laws for regulating ferries and roads. The honorable gentleman went into an investigation of the weight of our representation in the proposed government, which he thought would be merely virtual, similar to what we were allowed in England, whilst under the British government; we were then told that we were represented in parliament, and this would in the event prove just such another. The mode of choosing senators was exceedingly exceptionable; it had been the practice formerly to choose the senate or council for this state from that house, which practice proved so inconvenient and oppressive, that when we framed our present constitution, great care was taken to vest the power of electing the senate originally with the people, as the best plan for securing their rights and privileges. He wished to know in what manner it was proposed to elect the five representatives—was it to be done in this city—or would some districts return one member, and others none at all? Still greater difficulties would be found in the choice of a president, because he must have a majority of 91 votes in his favor. For the first president there was one man to whom all America looked up, (General Washington,) and for whom he most heartily should vote; but after that gentle-

man's administration ceased, where could they point out another so highly respected as to concenter a majority of 91 persons in his favor, and if no gentleman should be fully returned, then the government must stand still.—He went over much of the ground which he had trod the preceding day, relative to the eastern states having been so guarded in what they had conceded to gain the regulation of our commerce, which threw into their hands the carrying trade, and put it in their power to lay us under payment of whatever freightage they thought proper to impose; it was their interest to do so, and no person could doubt but they would promote it by every means in their power. He wished our delegates had sufficiently attended to this point in the convention, had been more attentive to this object; and taken care to have it expressed in this constitution that all our ports were open to all nations; instead of putting us in the power of a set of men who may fritter away the value of our produce to little or nothing, by compelling payment of exorbitant freightage. Neither did he believe it was in the power of the Eastern states to furnish a sufficient number of ships to carry our produce; it was indeed a general way of talking that the Eastern states had a great number of seamen—a vast number of ships, but where were they? Why did not they come here now when ships are greatly wanted? he should always wish to give them a preference, and so no doubt would many other gentlemen, and yet very few ships came here from the Eastern states. Another exceptionable point was, that we were to give up the power of taxing ourselves. During our connexion with Great Britain, she left us the power of raising money in any way most convenient: a certain sum was only required to defray the public wants, but no mode of collecting it ever prescribed. In this new constitution every thing is transferred, not so much power being left us as Lord North offered to guarantee to us in his conciliatory plan. Look at the articles of union ratified between England and Scotland; how cautiously had the latter taken care of her interest in reserving all the forms of law—her representation in parliament—the right of taxation—the management of her revenue—and all her local and municipal interests. Why take from us the right of paying our delegates, and pay them from the federal treasury? He remembered formerly what a flame was raised in Massachusetts, on account of Great Britain assuming the payment of salaries to judges and other states officers; and that this conduct was considered as originating in a design to destroy the independence of their government. Our local expences had been nearly defrayed by our impost duty, but now that this was given away, and thrown into a general fund, for the use of all the states indiscriminately, we should be obliged to augment our taxes to carry on our local government, notwithstanding we were to pay a poll tax for our negroes. Paper money too was another article of restraint, and a popular point with many; but what evils had we ever experienced by issuing a little paper money to relieve ourselves from any exigency that pressed us? We had now a circulating medium which every body took, we used formerly to issue paper bills every year, and recal them every five, with great convenience and advantage—had not paper money carried us triumphantly through the war—extricated us from difficulties generally supposed to be insurmountable, and fully established us in our independence, and now every thing is so changed that an entire stop must be put to any more paper emissions, however great our distress may be. It was true no article

of the constitution declared there should not be jury trials in civil cases, yet this must be implied, because it stated that all crimes, except in cases of impeachment, shall be tried by a jury, but even if trials by jury were allowed, could any person rest satisfied with a mode of trial which prevents the parties from being obliged to bring a cause for discussion before a jury of men chosen from the vicinage, in a manner conformable to the present administration of justice, which had stood the test of time and experience, and ever been highly approved of. Mr. Lowndes expatiated some time on the nature of compacts—the sacred light in which they were held by all nations, and solemnly called on the house to consider whether it would not be better to add strength to the old confederation, instead of hastily adopting another? asking, whether a man could be looked on as wise, who, possessing a magnificent building, upon discovering a flaw, instead of repairing the injury should pull it down, and build another? Indeed he could not understand with what propriety the convention proceeded to change the confederation; for every person with whom he had conversed on this subject concurred in opinion that the sole object of appointing a convention was to enquire what alterations were necessary in the confederation, in order that it might answer those salutary purposes for which it was originally intended.—He recommended, that another convention should be called, and as the general sense of America appeared now to be known, every objection could be met on fair grounds, and adequate remedies applied where necessary; this mode of proceeding would conciliate all parties because it was candid, and had a more obvious tendency to do away all inconveniencies, than the adoption of a government which perhaps might require the bayonet to enforce it; for it could not be expected that the people, who had disregarded the requisitions of congress, tho' expressed in language the most elegant and forcible that he ever remembered to have read, would be more obedient to the government until an irresistible force compelled them to do so. Mr. Lowndes concluded a long speech with a glowing eulogy on the old confederation, and challenged his opponents, whilst one state objected, to get over that section which said, "the articles of this confederation shall be inviolably observed in every state, and the union shall be perpetual; nor shall any alteration, at any time hereafter be made in any of them, unless such alterations be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state."

Mr. [Robert] Barnwell said, although he been opposed to the investigation of the federal constitution at that period and in that house, and foretold the unnecessary expenditure of both time and treasure that would be occasioned by it; yet he acknowledged, that if individual information upon its principles could by any means be a compensation for these wastes, he should be extremely indebted to the honorable gentleman for the opposition which he had given. Mr. Barnwell was most decidedly in favor of the constitution as recommended by the convention, and viewed with pleasure the small sacrifices of interest, which, in his opinion, have been made to effect it; the arguments which had been adduced by the hon. gentleman in opposition had riveted his affections still more firmly to it, and had established in his mind as conviction what was only approbation before. If he did not view some part of the constitution through a medium different from any of the gentlemen who had spoken before him, he should not

have troubled the house; with this idea he rose, and left it to the house to determine whether he had done his duty as a member, or whether he had unnecessarily contributed to the interruption of the business before them.—When he found that a gentleman of such acknowledged abilities, and of so great experience, was opposed to the constitution, he expected a train of reasoning, and a power of argument, that would have made the federal fabric totter to its foundation; but to him they rather appeared like those storms which shake the edifice to fix it more strongly on its basis. To give his reasons for this opinion, he begged the indulgence of the house while he made the following observations upon the principles of the gentleman's opposition. In the first instance it appeared to him that the gentleman had established as the basis of his objections, that the Eastern states entertained the greatest aversion to those which lay to the south, and would endeavor in every instance to oppress them. This idea he considered as founded in prejudice, and unsupported by facts; to prove this assertion Mr. B. requested gentlemen for a moment, to turn their attentions to the transactions which the late war has engraved upon the memory of every man. When the arm of oppression lay heavy on us, were they not the first to arouse themselves? When the sword of civil discord was drawn, were they not the first in the field? When war deluged their plains with blood, what was their language, did they demand the southern troops to the defence of the north? no. Or, when war floated to the south, did they with[h]old their assistance, the answer was the same. When we stood with the spirit but weakness of youth, they supported us with the vigour and prudence of age. When our country was subdued—when our citizens submitted to superior power—it was then these states evinced their attachment. He saw not a man who did not know that the shackles of the south were broken asunder by the arms of the north. With the abovementioned supposition of oppression, the gentleman had objected to the formation of the senate; that the confederation required nine states to ratify matters of importance, but by the constitution a majority of fourteen can do almost any thing. That this was the case he did not deny, but the conclusion that he had drawn were by no means consequential. The seven Eastern states, the gentleman had said, whose interests were similar, will unite together, and by having a majority in the senate will do what they please. If this was the case, it went against uniting at all. For if he was not mistaken, the interests of nine of the united states are almost the same; New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania and Delaware are very similar in their interests—they are most of them entirely carriers for others, and those states which are exporting ones are very nearly equal to the carrying of their products themselves. Supposing then the desire of oppression to exist, he asked if they could not do it equally as well under the confederation as the constitution? he thought so, and as the gentleman's arguments equally laid against every kind of coercive government, he was of opinion, that the senate as established by this constitution was the most proper. Upon this head he begged permission to ask these questions; if the majority was in the southern states (which as ten is a majority might be the case) would not objections equally forcible as the gentleman's lay on the side of the Eastern states, and yet that in all governments a majority must be somewhere is

most evident; nothing would be more compleatly farcical than a government compleatly checked. Having commented thus far on the gentleman's opposition to the federal constitution, he proceeded according to the order of his objections to consider the presiding power [i.e., the President]—on this he would be extremely concise, for as the only objection which had fallen upon this head from the hon. gentleman was, that we had only a 13th part of him; and as this might equally, and in his opinion, with more justice, be the objection of many and almost every state, he considered it only as a weight thrown into the scale of other objections, and not a subject for discussion. With respect to the president's responsibility, it could not be established more firmly than it is by the constitution. When treaties are made, if in the time of prosperity, men seldom think they gain enough—if in the day of adversity, they would be apt to make the president the pillow upon whom they would rest all their resentment. The constitution had then wisely made him as a man, responsible by the influence of fame, his character and his feelings; as a citizen they have postponed the period at which he could be tried with propriety until the fervor of party and cool reflection can determine his fate. The gentleman had also objected to the power given to those two branches of making treaties, and that these treaties should become the law of the land. A number of gentlemen have proved this power to be in the possession of the head of every free nation, and that it is within the powers of the present congress; he should only therefore observe, that the most free and enlightened nations of the world had a federal head, in which this power was established, he meant the amphictionic council of the Greeks, which was the palladium of their united liberties, and until destroyed by the ambition of a few of the states of Greece, was revered by that jealous people as the corner stone of their federal union. Against the representation he generally objects, that they are too few and not elected immediately by the people. The whole body consists of 65 persons, in the proportion of 1 to 30,000; the British parliament have one to 15,000 in the island of Great-Britain, without considering her possessions elsewhere; the numbers of her parliament are fixed, our congressional powers may be increased almost *ad infinitum*: Supposing then that a smaller apportionment had been made, in time we should have been oppressed with the number of legislators, and our government would be as languid and unoperative as it is at present; and he differed so much from the honorable gentleman, that he was apprehensive least we should find that by the constitution their numbers will be too great. As for their not being immediately elected by the people at large, the gentleman would please to observe, that contradictory to our present method of electing delegates to congress—a method laid down by that confederation which he admires, that all the representatives are expressly elected by the people, so that in this instance the gentleman was very unfortunate in his objection. The gentleman also asked, why we were deprived of the liberty of paying our own delegates; this is another of the gentleman's unfounded suspicions, for the reason is so evident, and the regulation so favorable, that he was astonished how it escaped the hon. gentleman's notice: Congress are to have the sole power of laying on imposts; and therefore when that fund is given up, by which we were enabled to pay our delegates, we were also eased of the burthen

of doing it. This is so evident that the establishment of the objection takes not a little from the weight of the gentleman's other observations. Mr. Barnwell proceeded to say that the gentleman upon the deprivation of the right to issue a paper medium has altogether made use of an argumentum ad hominum, calculated to seduce, and his eulogium upon it was, in his opinion, misapplied; however, supposing that to be the clue that led us to our liberty, yet the gentleman must acknowledge it was not the state, but the continental money, that brought about the favourable termination of the war. If to strike off a paper medium becomes necessary, congress by the constitution still have that right and may exercise it when they think proper.

The hon. gentlemen asks, why the trial by jury was not established in every instance. Mr. Barnwell considered this right of trial as the birthright of every American, and the basis of our civil liberty, but still most certainly particular circumstances may arise which would induce even the greatest advocates for this right to yield it for a time; in his opinion, the circumstances that would lead to this point were those which are specified by the constitution. Mr. Barnwell said, suffer me to state a case, and let every gentleman determine whether, in particular instances, he would not rather resign than retain this right of trial. A suit is depending between a citizen of Carolina and Georgia, and it becomes necessary to try it in Georgia, what is the consequence? why, the citizen of this state must rest his cause upon the jury of his opponent's vicinage, where unknown and unrelated he stands a very poor chance for justice against one whose neighbours, whose friends and relations compose the greater part of his judges. It is in this case, and only in cases of a similar nature with this, that the right of trial by jury is not established; and judging from myself, it is in this instance only, that every man would wish to resign it, not to a jury with whom he is unacquainted, but to an impartial and responsible individual.

Mr. Barnwell then adverted to the parts of the constitution which more immediately affected our state, namely the right of establishing imposts and granting preferences, and the clause which respects the importation of negroes: upon the first he premised, that in the compacts which unite men into society, it always is necessary to give up a part of our natural rights to secure the remainder; and that in every instance, if the latter could be maintained, without giving up the former, every individual would be willing to keep back his share of those aggregate ties which then would bind the rest of the community; each individual would wish to retain his right to act as he pleases, whilst, all but himself were restricted in their conduct. Let us then apply this to the United States, and yet the honorable gentleman supposes that South-Carolina should be free herself—surely this is not just and cannot be admissible.

Mr. Chairman, suffer me to make this one other remark, that when the distinctions occasioned by wealth take place, that the desire of equality and the appetite for property soon renders it necessary that the wealthy weak man should make greater sacrifices than the man who has nothing to lose and consequently nothing to fear. This is the case with us; to secure our wealth and establish our security, perhaps some little sacrifice was necessary, and what is this sacrifice, why that generally American vessels should have a preference in the carrying trade.

The gentleman asserts, that by granting this preference we, as a large importing state will suffer greatly. Let us examine the truth of this position: by so doing, says the honorable gentleman, we will destroy all competition, and the carrying states will establish what freight they please. I deny the declaration, and upon this principle; bounties act as encouragements, and this preference may, in a trifling degree, injure us for one or two years, but will throw so many capitals into this trade that even if the Eastern states should desire to oppress us this would prevent them, for when this bounty takes place our harbours will most indisputably reduce the freight. The gentleman will perhaps say that this is conjectural only. I appeal to every author who has written upon the subject for the certainty of this commercial maxim, and will ask the gentleman himself whether an overstock of the market in every instance, does not reduce the price of the commodity. Thus he had proved, he thought, that should the Eastern states be desirous to take unfriendly advantages, that their own interest would defeat the intention.

Mr. Barnwell continued to say, I now come to the last point for consideration, I mean the clause relative to the negroes; and here I am particularly pleased with the constitution; it has not left this matter of so much importance to us open to immediate investigation; no, it has declared that the United States shall not at any rate consider this matter for 21 years, and yet gentlemen are displeas'd with it. Congress has guaranteed this right for that space of time, and at its expiration may continue it as long as they please. This question then arises, what their interest will lead them to do; the Eastern states, as the hon. gentleman says, will become the carriers of America, it will therefore certainly be their interest to encourage exportations to as great extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the sources from whence their profit is derived. To think so is so contradictory to the general conduct of mankind, that I am of opinion, that without we ourselves put a stop to them that the traffic for negroes will continue for ever.

Mr. Barnwell concluded by declaring that this constitution was in his opinion, like the laws of Solon, not the best possible to be formed, but the best that our situation will admit of—He considered it as the Panacea of America, whose healing power will pervade the continent, and sincerely believed that its ratification is *a consummation devoutly to be wished*.

Commodore [Alexander] Gillon wished to know what reason the house had to suppose, that if another convention met our interest would be better taken care of by men of equal abilities with those who went to the other; or if when there they could procure for us superior advantages to those already agreed on. Indeed he could not but consider our negating the proffered government as an oblique mode of reflecting on the conduct of our delegates, instead of giving them that praise they were so justly entitled to. He called the attention of the house to the late commotions that had happened in Holland, where one part of the citizens had called in the assistance of foreigners, for the sanguinary purpose of cutting the throats of the other; are we more virtuous? If not, may it not happen, that if dissention unhappily prevail among us, foreign aid will be

joined to those enemies already amongst us and introduce the horrors of a civil war. He was warmly in favour of our sister states becoming the carriers of America, not that he wished to exclude our employing foreigners; at present two thirds of our produce was carried in American bottoms. The commodore hoped the gentleman who had approved of our state constitution in 1781 would be in time equally pleased with the federal constitution proposed in 1787. He had represented our present situation to be calm and peaceable, but it was such a calm as mariners often experience at sea, after a storm, when one ship rolls against another, and they sink.

Mr. [Rawlins] Lowndes said the honorable gentleman frequently thought proper to level his shot at him, but on the present occasion they were not well pointed.—The reason why he assented unto the constitution in 1781 was because it had been approved of by the people. There had been something said about a ship—the confederation was our old ship, it had cost us a great deal of money, and he hoped we should keep her at sea without having any new commanders.

Chancellor [John] Mathews confessed himself astonished at hearing such encomiums on the articles of confederation, as if they had carried us victoriously through the war, when in fact they were not ratified until the year 1781, and if the confederation had been in force in 1776 this country would have inevitably been lost, because under it congress had not authority to give General Washington the powers of a dictator at Valley Forge.—Surely the honorable gentleman must be sensible that the success of congress depended on the implicit confidence of the people; the voice of congress had the force of law, and was cheerfully and readily obeyed. With regard to the carrying trade, when the convention was first appointed, he was afraid that if a navigation act passed, the northern states could not for some time furnish shipping sufficient for carrying the produce of America; but on going last year to the northward, he was fully convinced to the contrary: At Rhode Island, he received information, that they could immediately furnish 50,000 ton of shipping, and that in 1788 Massachusetts could furnish 150,000 tons. He then went into a calculation of the produce of the southern states; Virginia raised between 60 and 70,000 hogsheads annually; South Carolina, he supposed, would raise nearly 150,000 barrels of rice; Georgia about 40,000; which, making large allowances for other kinds of produce still left an excess of shipping. As to any fears that the northern states would so far engross the navigation of America as to lay the southern states under a kind of contribution by charging excessive freightage, we must suppose that they and the middle states would confederate for this purpose, for if they did not a competition would naturally arise between them, and also between America and the European nations, which would always secure us against the payment of great and exorbitant freights. As to the idea that a senate could overturn our liberties and establish tyranny, this evil never could take place whilst the president was an honest man, because he possessed the power of negating any improper proceedings of the two other branches of government.

Mr. E[dward] Rutledge proved from the act passed last sessions appointing delegates for this state to meet those from other states, in convention at Philadelphia, that they had not exceeded their powers. He then compared the powers

given under the old and new constitutions, and proved that they differed very little, except in that essential point which gave the power to government of enforcing its engagements; and surely no person could object to this? Mr. R. thought very lightly of those fears entertained about bayonets being necessary to enforce an obedience in the people to the laws, when it became certain that they could not be broken with impunity; but if a spirit of resistance should appear surely it ought to be in the power of government to compel a coercion in the people. He then took some notice of the union between Great Britain and Scotland, shewed the difference between the articles of union and our federal constitution. Great Britain reserved to herself the power of passing navigation laws and regulating the excise; the rate of taxation was also proportionate, for every two millions of money raised in England, Scotland engaged to raise 45,000*l.* but in this country we were to be equally taxed, no distinction had been made, and we went on all fours. So far from not preferring northern states, by a navigation act, it would be politic to encrease their strength by every means in our power, for we had no other resource in the day of danger, than in the naval force of our northern friends, nor could we ever expect to become a great nation until we were powerful on the waters. Look only at the partiality of an act passed in England last year, in which we were excluded from trading to some parts of the West-Indies, whilst liberty was given to all European powers. In fact we must hold our country by courtesy, unless we have a navy, for if we are invaded, supposing in the month of July, congress could not send troops 900 miles in time to rescue us from danger were we to run such risk because it was possible we should be charged little more freightage for our produce. But if we are a great maritime people what have we to fear? Nothing, because European powers were so far removed from us, that it would be very dangerous to send a considerable force against us; besides, as the West-India trade must pass near our coast, it naturally lay at our mercy. The honorable gentleman had said a great deal about establishing an aristocracy, and yet he wanted more power to the old constitution, now did not his own proposition, which tended to establish a precedent for slipping in by degrees additional power appear as likely to promote what he dreaded, as to agree with a constitution that came sanctioned by the voice of the people?

Mr. [Arthur] Simkins asked for information, whether congress had a right to interfere in religion.

General [Charles Cotesworth] Pinckney answered they had no power at all, and explained this point to Mr. Simkin[s]'s satisfaction.

Mr. [Rawlins] Lowndes saying that he was much in arrear, the committee rose, reported some progress and asked leave to sit again. Leave was given.

[THIRD DAY.]

[Friday, 18 January 1788]

Major [Pierce] Butler opened the debate, (as we understand, the reporter of those debates unfortunately not being in the house) with several satisfactory answers to some points of objection the preceeding day.

General [Charles Cotesworth] Pinckney, in answer to Mr. Lowndes, observed, that though ready to pay every tribute of applause to the great characters whose names were subscribed to the old confederation yet his respect for them could

not prevent him from being thoroughly sensible of the defects of the system they had established—sad experience had convinced him that it was weak, inefficient, and inadequate to the purposes of good government; and he understood that most of the framers of it were so thoroughly convinced of this truth, that they were eager to adopt the present constitution. The friends of the new system do not mean to shelter it under the respectability of mere names, they wish every part of it may be examined with critical minuteness, convinced that the more thoroughly it is investigated, the better it will appear. The honorable gentleman, in the warmth of his encomiums on the old plan, had said that it had carried us with success through the war—in this it has been shewn that he is mistaken, as it was not finally ratified till March 1781, and anterior to that ratification congress never acted under it, nor considered it as binding; our success therefore ought not to be imputed to the old confederation, but to the vast abilities of a Washington—to the valour and enthusiasm of our people—to the cruelty of our enemies, and to the assistance of our friends. The gentleman had mentioned the treaty of peace in a manner as if our independence had been granted us by the king of Great Britain; but that was not the case, we were independent before the treaty, which does not in fact grant, but acknowledges our independence. We ought to date that invaluable blessing from a much older charter than the treaty of peace—from a charter which our babes should be taught to lisp in their cradles—which our youth should learn as a *carmen necessarium* or indispensable lesson, which our young men should regard as their compact of freedom, and which our old should repeat with ejaculations of gratitude for the bounties it is about to bestow on their posterity: I mean the declaration of independence made in congress the 4th of July 1776. This admirable manifesto, which for importance of matter and elegance of composition stands unrivalled, sufficiently confutes the honorable gentleman's doctrine of the individual sovereignty and independence of the several states. In that declaration the several states are not even enumerated, but after reciting in nervous [i.e., strong, vigorous, or robust] language and with convincing arguments, our right to independence, and tyranny which compelled us to assert it; the declaration is made in the following words, "We therefore, the representatives of the United States of America, in general congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are and of right ought to be FREE AND INDEPENDENT STATES." The separate independence and individual sovereignty of the several states were never thought of by the enlightened band of patriots who framed this declaration; the several states are not even mentioned by name in any part of it, as if it was intended to impress this maxim on America, that our freedom and independence arose from our union, and that without it we could neither be free nor independent; let us then consider all attempts to weaken this union, by maintaining that each state is separately and individually independent, as a species of political heresy which can never benefit us, but may bring on us the most serious distresses. The general then in answer to Mr. Lowndes's objections, that the powers vested in the general government were too extensive, enumer-

ated all the powers granted, and remarked particularly on each, shewing that the general good of the union required that all the powers specified ought necessarily to be vested where the constitution had placed them; and that as all the powers granted sprung from the people, and were to be exercised by persons frequently chosen mediately or immediately by the people; and that as we had a great a share in the government, in proportion to our importance, as any other state had, the assertion that our representation would be merely virtual, similar to what we possessed under the British government, was altogether unfounded; that there was no danger of the powers granted being abused while the people remained uncorrupt, and that corruption was more effectually guarded against in the manner this government was constituted than in any other that had ever been formed. From the number of electors who have a right to vote for a member of the house of representatives little danger can be apprehended of corruption or undue influence, if a small district sent a number there would be frequent opportunities for cabal and intrigue; but if the sphere of election is enlarged, then opportunities must necessarily diminish. The little demagogue of a petty parish or county will find his importance annihilated, and his intrigues useless, when several counties join in an election; he probably would not be known, certainly not regarded out of his own circle; while the man whose abilities and virtues had extended a fair reputation beyond the limits of his country, would nine times out of ten be the person who would be the choice of the people. There will be no necessity, as the honorable gentleman has strangely supposed, for all the freeholders in the state to meet at Charleston to choose five members for the house of representatives, for the state may be divided into five election districts, and the freeholders in each election district may choose one representative; these freeholders need not all meet at the same place in the district, they may ballot in their particular parishes and counties on the same day, and the ballots may be thence carried into a central part of the district and opened at the same time, and whoever shall appear to have a majority of the votes of the freeholders of the whole district, will be one of the five representatives for this state. But if any state should attempt to fix a very inconvenient time for the election, and name (agreeable to the ideas of the honorable gentleman) only one place in the state, or even once place in one of the five election districts, for the freeholders to assemble to vote, and the people should dislike this arrangement, they can petition the general government to redress this inconvenience, and to fix times and places of election of representatives in the state in a more convenient manner; for as this house has a right to fix the times and places of election in each parish and county for the members of the house of representatives of this state, so the general government has a similar right to fix the times and places of election in each state for the members of the general house of representatives. Nor is there any real danger to be apprehended from the exercise of this power, as it cannot be supposed that any state will consent to fix the election at inconvenient seasons and places in any other state, lest she herself should hereafter experience the same inconvenience; but it is absolutely necessary that congress should have this superintending power, lest by the intrigues of a ruling faction in a state the members of the house of representatives

should not really represent the people of the state, and lest the same faction through partial state views should altogether refuse to send representatives of the people to the general government. The general government has not the same authority with regard to the members of the senate; it would have been improper to have entrusted them with it, for such a power would in some measure have authorised them to fix the times and places when and where the state legislatures should convene, and would tend to destroy that necessary check which the general and state governments will have on each other. The honorable gentleman, as if he was determined to object to every part of the constitution, though he does not approve of electing representatives immediately by the people, or at least cannot conceive how it is to be effected, yet objects to the constitution of the senate because the senators are to be elected by the state legislatures, and not immediately by the people. When the constitution says the people shall elect, the gentleman cries out it is chimerical, the election will be merely virtual. When the constitution determines that the state legislatures are to elect, he exclaims, the peoples rights are invaded—the election should be immediately by them, and not by their representatives. How then can we satisfy him, as he is determined to censure in this constitution, that mode of election which he so highly approves in the old confederation. The reason why our present state constitution, made in 1778, changed the mode of electing senators from the mode prescribed by our first constitution, passed in 1776, was, because by the first the senators were elected by this house, and therefore being their mere creatures, they could not be supposed to have that freedom of will as to form a proper check on its proceedings; whereas in the general constitution the house of representatives will be elected immediately by the people, and represent them and their personal rights individually; the senate will be elected by the state legislatures, and represent the states in their political capacity; and thus each branch, will form a proper and independent check on the other, and the legislative powers will be advantageously ballanced.

With regard to the objection that had been made to the mode of electing the president of the united states, Gen. P. asked what other mode would have been so proper? if he was to be elected by the house of representatives and the senate, as one of them have the power of impeaching and the other of trying him, he would be altogether their creature, and would not have independence enough to exercise with firmness, the revisionary power and other authorities with which he is invested by the constitution? This want of independence might influence his conduct in some degree if he was to be elected by one branch of the legislature alone; but as he is to be elected by the people, through the medium of electors chosen particularly for that purpose, and he is in some measure to be a check on the senate and house of representatives, the election, in my opinion, could not have been placed so well if it had been made in any other mode. In all elections of a chief magistrate, foreign influence is to be guarded against; here it is very carefully so, and it is almost impossible for any foreign power to influence thirteen different sets of electors, distributed throughout the states, from New Hampshire to Georgia; by this mode also, and for the same reason, the dangers of intrigue and corruption are avoided, and a variety of other inconveniences which must have arisen if the electors from the different states

had been directed to assemble at one place, or if either branch of the legislature (in case the majority of electors did not fix upon the same person) might have chosen a president who had not been previously put in nomination by the people. I have before spoken of the policy and justice of vesting the majority of congress with the power of making commercial regulations, and the necessity there is in all well constituted republics, that the majority should controul the minority; and I should have had a very strong objection if it had contained the restrictive clause the hon. gentleman appears so anxious for, “that congress should not have it in their power to prevent the ships of any nation from entering our ports.” I cannot think it would have been prudent or fitting to have given the ships of all foreign nations a constitutional right to enter our ports whenever they pleased, and this too notwithstanding we might be at war with them, or they may have passed laws denying us the privileges they grant to all other commercial nations; or circumstances not now foreseen, might render it necessary for us to prohibit them. Such a clause would have injured the eastern states—would have been eventually detrimental to ourselves—and would have in fact amounted to a declaration that we were resolved never to have a navy. To such a clause the general declared he never would have consented, and desired the gentleman to produce an instance of any independent power who did not give exclusive advantages to their own shipping. He then took notice that Chancellor Mathews had fully answered what had been alledged concerning the exorbitant freights we should be obliged to pay, and had clearly shewn that no danger was to be apprehended on that subject; and that the eastern states could soon furnish us and all the southern states with a sufficient number of ships to carry off our produce. With regard to the general government imposing internal taxes on us, he contended that it was absolutely necessary they should have such a power; requisitions had been in vain tried every year since the ratification of the old confederation, and not a single state had paid the quota required of her. The general government could not abuse this power, and favor one state and oppress another, as each state was to be taxed only in proportion to its representation; and as to excises, when it is considered how many more exciseable articles are manufactured to the northward than there are to the southward, and the ease and convenience of raising a revenue by indirect taxation, and the necessity there is to obtain money for the payment of our debts for our common defence, and for the general welfare; he thought every man would see the propriety, and even the necessity of this clause; for his part he knew of no sum that he would not sooner have consented to have paid if he had had it, rather than have adopted Lord North’s conciliatory plan, which seems by the argument of the gentleman to be in some respect preferable to the proposed constitution, but in asserting this the gentleman certainly cannot be serious. As to the payment of members of the legislature out of the federal treasury, general Pinckney contended it was right, and particularly beneficial to us who were so distant from the seat of the federal government, as we at present paid our members not only while they were actually in congress, but for all the time they were going there and returning home, which was an expence the middle states felt but in a slight degree; but now that all the members are to be paid out of the public treasury, our remote situation will not be particularly expensive to us. The case of the

payment of the Massachusetts judges under the royal government can by no ingenuity be made applicable to the payment of the members of the federal legislature. With regard to Mr. Lowndes's question, "What harm had paper money done?" General Pinckney answered, that he wondered that gentleman should ask such a question, as he had told the house, that he had lost fifteen thousand guineas by depreciation, but he would tell the gentleman what further injuries it had done—it had corrupted the morals of the people—it had diverted them from the paths of honest industry to the ways of ruinous speculation—it had destroyed both public and private credit—and had brought total ruin on numberless widows and orphans. As to the judiciary department, General Pinckney observed, that trial by jury was so deservedly esteemed by the people of America, that it is impossible for their representatives to omit introducing it whenever it can with propriety be done; in appeals from Courts of Chancery it surely would be improper? In a dispute between a citizen of Carolina and a citizen of Georgia, if a jury was to try the cause, from which state are they to be drawn? if from both or either, would the citizens of Carolina and Georgia chuse to be summoned to attend on juries 800 miles from home; and if the jury is to be drawn from the state in which Congress shall sit, would these citizens wish that a cause relative to negro property should be tried by the quakers of Pennsylvania, or by the freeholders of those states that have not that species of property amongst them?—Surely not? yet it is necessary that when a citizen of one state cannot obtain an impartial trial in another, that for the sake of justice he should have a right to appeal to the supreme judiciary of the united states to obtain redress; *and as this right of appeal does not extend to citizens of the same state (unless they claim under grants of different states) but only to the causes and persons particularly mentioned in the constitution,* and congress have power to make such regulations and impose such restrictions relative to appeals as they think proper, it can hardly be supposed that they will exercise it in a manner injurious to their constituents. Trials by jury are expressly secured in all criminal cases, and not excluded in any civil cases whatsoever. But experience had demonstrated, that it was impossible to adhere to them *in all civil cases* ; for instance, on the first establishment of the admiralty jurisdiction congress passed an ordinance requiring all causes of capture to be decided by juries; this was contrary to the practice of all nations, and we knew it, but still an attachment to a trial by jury induced the experiment—what was the consequence? the property of our friends was at times condemned indiscriminately with the property of our enemies, and the property of our citizens of one state by the juries of another. Some of our citizens have severely felt these inconveniencies—citizens of other states and other powers experienced similar misfortunes from this mode of trial; it was therefore by universal consent and approbation laid aside in cases of capture. As the ordinance which regulated these trials was passed by congress, they had the power of altering it, and they exercised that power; but had the ordinance been part of the confederation, it could not then have been repealed in the then situation of America, and had a clause of a similar tendency been inserted in this constitution it could only be altered by a convention of the different states. This shews at once how improper it would have been to have descended to minutiae in this particular; and he trusted it was unnecessary, because the laws

which are to regulate trials must be made by the representatives of the people chosen as this house are, and as amenable as they are for every part of their conduct. The honorable gentleman says, compacts should be binding, and that the confederation was a compact; it was so, but it was a compact that had been repeatedly broken by every state in the union, and all the writers on the laws of nations agree that when the parties to a treaty violate it, it is no longer binding. This was the case with the old confederation, it was virtually dissolved, and it became necessary to form a new constitution to render us secure at home, respectable abroad, and to give us that station among the nations of the world, to which as a free and independent people we are justly entitled.

Mr. [Rawlins] Lowndes observed, that he had been accused of obstinacy in standing out against such a formidable opposition, but he could sincerely assure the house that he was as open to conviction as any gentleman on that floor; yet he never would allow himself to be drawn into the adoption of specious arguments, for such he considered many of those now opposed against him to be. Indeed some gentlemen had departed from their usual candor in giving an interpretation to his arguments which they did not merit. In one instance it had been stated as if he was of opinion that treaties had not the force of law; this was going too far; he did not recollect that he asserted any more than that the king of Great-Britain had not a legal power to ratify any treaty which trespassed on the fundamental laws of the country. He supposed a case under the dispensing act of William and Mary, asking, if the king had made a treaty with the Roman Catholics, could that which was excepted by the law ever be considered as paramount. The honorable gentleman again took an ample review of the old confederation, on which he dwelt with fervency for some time, and ridiculed the depraved inconstancy of those who pant for the change. Great stress was laid on the admirable checks which guarded us under the new constitution from the encroachments of tyranny, but too many checks in a political machine must produce the same confusion as in a mechanical one, that of throwing all into confusion. But supposing we considered ourselves so much aggrieved as to reduce us to the necessity of insisting on redress? what probability had we of relief? Very little indeed.—In the revolving on misfortune some little gleams of comfort resulted from an hope of being able to resort to an impartial tribunal for redress; but pray what reason was there for expectancy that in congress the interests of five southern states would be considered in a preferable point of view to the nine Eastern ones? With respect to migration from the Eastern states to the Northern [i.e., Southern] ones, he did not believe people would ever flock here in such considerable numbers, because our country had generally proved so uncomfortable, from the excessive heats, that our acquaintance during the heats is rather shunned than solicited. The honorable gentleman mentioned that he had sent for a person from Europe, who did not long survive his introduction here, falling a sacrifice to the baneful effects of fogs and swamps, so that from our limitation of importing negroes after the term of twenty years, instead of rising in representation we should gradually degenerate. He treated those fears of our falling a prey to foreigners as one of those arguments tending to precipitate us into measures inimical to our natural interest; for was it to be supposed that the policy of France would ever suffer America to become an appendage

of the crown of Great Britain; or that Great Britain, equally jealous of France, would permit her to reduce us to subjection!—Our danger of ruin should rather be apprehended from dissensions amongst ourselves—from our running into debt without any intention to pay; that was the rock on which we might split, rather than foreign enemies; and therefore all those arguments for establishing the necessity of a navy and standing army were nugatory and entitled to very little attention.

It was urged, that until we had a navy powerful enough to protect us, our liberties and property were held only on courtesy; but if gentlemen adverted where this navy, so necessary, was to come from, not from the southern states, but the northern ones, they would easily perceive to whom this country would belong. It was true, the old confederation was a mere paper defence, but then it was a good proof on our behalf if we were overcome by unmerited wrongs. Some had made this a question, will you join or will you be single? for his part he did not think matters had come to such a crisis; rather let us comply with our federal connection, which not yet being broken admits of being strengthened. A gentleman had instanced Vattel, in support of his argument, and laid down from that author an opinion, that where parties engaged in the performance of an obligation, should any one of them fly off from his agreement, that then the original compact was null and void. He had ingeniously applied this to our present continental situation, and contended, that as some of the states acted in a refractory manner towards the continental union, and obstinately refused a compliance on their parts with solemn obligations, that of course the confederation was virtually dissolved; but Vattel merely recited such a case as where only a part of a confederation was broken; whereas ours was totally different, every state in the union having been uniform in refusing a compliance with the requisition of congress. Some gentlemen had advanced a set of assertions to prove that the eastern states had greatly suffered in the war, pray how had they suffered? did they not draw from the continental treasury large sums of money? was not every expence incurred by them defrayed out of the continental coffers? Another great advantage held out was, that we should be eased in future from the obligation and difficulty of defraying the expences of delegates; had we gained so much by this, when we had given up the very means of furnishing this sort of supply, formerly in our option? As to the taxes, undoubtedly they must be increased under this new government: we paid at present 2 dollars per head upon our negroes, but the expences attending our pompous government might increase this expence into six dollars per head, and this enormous sum collected by a sort of foreign power; for did any man that knew America suppose such tax will be easily paid? But if there was such an universal propensity to set up this golden image, why delay its inauguration? Let us at once go plump into adoration of it—let us at once surrender every right which we at present possess. A material objection of his to the offered plan was that the president would have a power to call both houses at what time and place he thought proper; suppose a political cause for partiality, might he not so arrange things, as to carry a favorite point, by assembling the federal government to the ruin or detriment of those states he meant to crush, and laws be enacted before those in extreme parts of the

country knew any thing of their tendency; surely some restrictions as to time of meeting, should have been specified. The president had also the power of adjourning to any day that he thought proper. In our old constitution no such power was given to the chief magistrate to adjourn or dissolve. On the whole this was the best preparatory plan for a monarchical government that he had read; the constitution of Great Britain he considered as the best monarchical one that he ever perused, and this new government came so near to it, that instead of our changing from a republic to a monarchy, it was what every body must naturally expect—How easy the transition, no difficulty occurred in finding a king; the president was the man proper for this appointment. The senate hail him king, constituted according to Mr. Adams's description, from the *well born*, will naturally say to one another, "You see how we are situated, certainly it is for our country's benefit that we shall be all lords, and lords they are."

Mr. Lowndes concluded his speech with thanking the house for their very great indulgence in permitting him to take up so much time. He hoped that the vast importance of the subject would plead his excuse; he also thanked those gentlemen on the other side of the question for the candid, fair manner in which they had answered his arguments. Popularity was what he never courted, but on this point he spoke merely to point out those dangers to which his fellow citizens were exposed; dangers that were so evident, that when he ceased to exist, he wished for no other epitaph than to have inscribed on his tomb, here lies the man that opposed the constitution, because it was ruinous to the liberty of America.

Chancellor [John] Rutledge declared he had often heard the honorable gentleman with much pleasure, but on the present occasion was astonished at his perseverance; well might he apologize for taking up the time of gentlemen when in the very outset he declared that this constitution must necessarily be submitted to a future convention of the people. Why then enter so largely in argument on its merits? when the ultimate decision depended on another body. The chancellor then took up an argument relative to treaties not being paramount to the laws of the land. Was not the last treaty contrary to the declaratory act, and a great number of other acts of parliament, yet who ever doubted its validity? The gentleman had declared that his sentiments were so much in contradiction to the voice of his constituents that he did not expect to be appointed a member of the convention. The chancellor hoped he would be appointed, and did not hesitate to pledge himself to prove demonstrably, that all those grounds on which he dwelt so much, amounted to nothing more than mere declamation; that his boasted confederation was not worth a farthing, and that if Mr. Chairman was intrenched in such instruments up to his chin, they would not shield him from one single national calamity. So far from thinking that the sun of this country was obscured by the new constitution, he did not doubt but that whenever it was adopted, the sun of this state, united with twelve other suns, would exhibit a meridian radiance astonishing to the world. The gentleman's obstinacy brought to his recollection a friend to this country, once a member of that house, who said, it is generally imputed to me that I am obstinate, this is a mistake, I am not so, but sometimes hard to be convinced.

Mr. [Patrick] Calhoun made some observations on the too great latitude allowed in religion.

Mr. [James] Lincoln declared, if ever any person arose in a public assembly with diffidence he then did—if ever any person felt himself deeply interested in what he thought a good cause, and at the same time lamented the want of abilities to support it, it was he. On a question on which gentlemen whose abilities would do honor to the senate of ancient Rome had enlarged with so much eloquence and learning, who could venture without anxiety and diffidence? He had not the vanity to oppose his opinion to such men, he had not the vanity to suppose he could place this business in any new light, but the justice he owed to his constituents—the justice he owed to his own feelings, which would perhaps upbraid him hereafter, if he indulged himself so far as to give merely a silent vote on this great question, impelled him—reluctantly impelled him to intrude himself on the house. He had for some years past turned his thoughts towards the politics of this country; he long since perceived that not only the federal but the state constitution required much the hand of correction and revision—they were both formed in times of confusion and distress, and it was a matter of wonder they were so free from defects as we found them; that they were imperfect no one would deny, and that something ought to be done to remedy those imperfections was also evident, but great care should be taken, that by endeavouring to do some good, we should not do an infinite deal of mischief. He had listened with eager attention to all the arguments in favor of the constitution, but he solemnly declared, that the more he heard the more he was persuaded of its evil tendency. What does this proposed constitution do? it changes, totally changes the form of your present government; from a well digested, well formed democratic, you are at once rushing into an aristocratic government. What have you been contending for these ten years past; Liberty! What is liberty? The power of governing yourselves. If you adopt this constitution have you this power? No, you give it into the hands of a set of men who live one thousand miles distant from you. Let the people but once trust their liberties out of their own hands, and what will be the consequence? first, an haughty imperious aristocracy, and ultimately a tyrannic monarchy. No people on earth are at this day so free as the people of America? all other nations are more or less in a state of slavery—they owe their constitutions partly to chance and partly to the sword; but that of America is the offspring of their choice—the darling of their bosom; and was there ever an instance in the world, that a people in this situation, possessing all that heaven could give on earth—all that human wisdom and valour could procure—was there ever a people so situated as calmly and deliberately to convene themselves together for the express purpose of considering whether they should give away or retain those inestimable blessings. In the name of God were we a parcel of children, who could cry and quarrel for an hobby horse, which when we were once in possession of, we quarrelled with and threw it away? It is said this constitution is an experiment, but all regular bred physicians are cautious of experiments. If the constitution be crazed a little, or somewhat feeble, is it therefore necessary to kill in order to cure it? Surely not. There are many parts of this constitution he objected to, some few of them had not been mentioned,

he would therefore request some information thereon. The president holds his employment for four years, but he may hold it for fourteen times four years—in short, he may hold it so long that it will be impossible, without another revolution, to displace him. You dont even put the same check on him that you do on your own state governor; a man from and bred among you—a man over whom you have a continual and watchful eye—a man who from the very nature of his situation, it is almost impossible can do you any injury; this man you say shall not be elected for more than four years, and yet this mighty—this omnipotent governor general may be elected for years and years. He would be glad to know why in this constitution there is a total silence with regard to the liberty of the press, was it forgot? Impossible; then it must have been purposely omitted, and with what design, good or bad, he left the world to judge. The liberty of the press was the tyrant's scourge—it was the true friend and firmest supporter of civil liberty, therefore why pass it by in silence. He perceived, that not till almost the very end of the constitution, was there any provision made for the nature or form of government we were to live under—he contended it should have been the very first article—it should have been as it were, the ground work or foundation on which it should have been built; but how is it, at the very end of the constitution there is a clause which says, "The congress of the United States shall guarantee to each state a republican form of government; but pray who are the United States, a president and four or five senators. Pray, sir, what security have we for a republican form of government, when it depends on the mere will and pleasure of a few men who with an army, navy, and rich treasury at their back, may change and alter it as they please. It may be said they will be sworn: sir, the king of Great-Britain, at his coronation swore to govern his subjects with justice and mercy; we were then his subjects and continued so for a long time after. He would be glad to know how he observed his oath? If then the king of Great-Britain forswore himself, what security have we that a future president and four or five senators, men like himself, will think more solemnly of so sacred an obligation than he did.

Why was not this constitution ushered in with a bill of rights? are the people to have no rights? Perhaps this same president and senate would by and by declare them, he much feared they would. He concluded, by returning his hearty thanks to the gentleman who had so nobly opposed this constitution—it was supporting the cause of the people, and if ever any one deserved the title of *Man of the People*, he on this occasion most certainly did.

General [Charles Cotesworth] Pinckney answered Mr. Lincoln on his objections. He said that the time for which the president should hold his office, and whether he should be reeligible had been fully discussed in the convention; it had been once agreed to by a majority that he should hold his office for the term of seven years, but should not be reelected a second time; but upon reconsidering that article it was thought that to cut off all hopes from a man of serving again in that elevated station might render him dangerous, or perhaps indifferent, to the faithful discharge of his duty. His term of service might expire during the raging of war, when he might perhaps be the most capable man in America to conduct it, and would it be wise or prudent to declare in our constitution that

such a man should not again direct our military operations, though our success might be owing to his abilities. The mode of electing the president rendered undue influence almost impossible, and it would have been imprudent in us to have put it out of our power to reelect a man whose talents, abilities and integrity were such as to render him the object of the general choice of his country. With regard to the liberty of the press, the discussion of that matter was not forgot by the members of the convention; it was fully debated, and the impropriety of saying any thing about it in the constitution clearly evinced. The general government has no powers but what are expressly granted to it; it therefore has no power to take away the liberty of the press;—that invaluable blessing which deserves all the encomiums the gentleman has justly bestowed upon it, is secured by all our state constitutions, and to have mentioned it in our general constitution would perhaps furnish an argument hereafter that the general government had a right to exercise powers not expressly delegated to it. For the same reason we had no bill of rights inserted in our constitution, for as we might perhaps have omitted the enumeration of some of our rights, it might hereafter be said we had delegated to the general government a power to take away such of our rights as we had not enumerated; but by delegating express powers we certainly reserve to ourselves every power and right not mentioned in the constitution. Another reason weighed particularly with the members from this state against the insertion of a bill of rights, such bills generally begin with declaring, that all men are by nature born free, now we should make that declaration with a very bad grace, when a large part of our property consists in men who are actually born slaves. As to the clause guaranteeing to each state a republican form of government being inserted near the end of the constitution, the General observed, that it was as binding as if it had been inserted in the first article—the constitution takes its effect from the ratification, and every part of it is to be ratified at the same time, and not one clause before the other; but he thought there was a peculiar propriety in inserting it where it was, as it was necessary, to form the government, before that government could guarantee any thing.

Col. [James] Mason thanked Mr. Lowndes for his opposition, by the desire of several gentlemen, members of that house; it had drawn forth from the other side most valuable information, and he thanked those gentlemen for the willingness with which they had given it, with so much good nature, those gentlemen who lived in the country were now enabled to satisfy their constituents.

The question being put, that a convention of the people should be called for the purpose of considering, and of ratifying or rejecting the constitution framed for the United States by a convention of delegates assembled at Philadelphia in May last, it was unanimously agreed to.

There will appear some omissions in what fell from Mr. Lowndes, which could not be supplied, owing to the loss of a note book in the fire which consumed the State-House.

JANUARY 19, 1788.

On the question being put for the convention to assemble in Charleston, on Monday the 12th day of May next, the ayes and nays were as follow, viz.

Ayes.—Mess. E. Rutledge, D. Ramsay, W. Johnson, C. C. Pinckney, E. Darrel, T. Jones, I. Motte, J. Mathews, D. Cannon, D. Stevens, J. Blake, A. Toomer, J. F. Grimke, T. Heyward, jun., R. Lushington, F. Kinloch, J. Read, E. Blake, J. Budd, R. Lowndes, M. Kaltiesen, T. Bee, Æ. Burke, H. Rutledge, E. Lightwood, C. Pinckney, P. Weston, J. Manigault, J. Hatter, P. Fayssoux, T. Gourdine, T. Simons, J. Rivers, G. Drayton, T. Farr, J. Ladson, C. Drayton, J. Glaze, W. Izard, W. Postell, J. Bell, R. Izard, G. Manigault, W. Smith, J. Parker, jun., T. Screven, R. Daniel, T. Shubrick, G. Haig, W. Washington, P. Hamilton, W. Ferguson, P. Youngblood, W. C. Snipes, J. North, W. H. Wigg, J. Joyner, J. Jenkins, R. Barnwell, B. Reynolds, B. Elliot, T. Horry, J. Bond I'on, W. Douxfaint, L. Miles, T. Waties, M. Irvine, R. Heriot, D. Morral, I. Jenkins, W. Smelie, P. Butler, J. Lightwood, J. A. Cuthbert, P. Calhoun, J. Purvis. 76.

Nays.—Mess. R. M'Kelvey, G. Kirke, W. Scott, jun., J. Withers, T. Dunbar, J. T. Green, J. Dickey, B. Porter, J. Pettigrew, J. Thompson, J. Chisholm, J. Fenwick, S. Maner, S. Bull, W. Murray, T. Palmer, J. Couterier, T. Cordes, I. Alexander, T. Sumpter, A. Baskins, J. Lee, T. M'Faddin, G. Cooper, B. Cudworth, S. Dunlap, H. White, A. Simkins, J. Lincoln, A. C. Jones, W. Butler, J. Culpepper, H. Pendleton, J. Threewits, P. Waters, G. Ruff, J. Lindsay, W. Wadlington, J. Hunter, A. Campbell, L. Casey, J. Mayson, T. Brandon, M. Winn, J. Craig, J. Gray, S. M'Junkin, J. Knox, J. Turner, A. Lyles, J. Cook, J. Pedian, A. Love, J. Powell, W. Fergus, W. Bratton, R. Patton, J. Ramsay, J. Drennan, J. Martin, J. Palmer, A. Moore, T. Sabb, J. Frierson, P. Warley, W. Robinson, L. Lestarjette, C. Spencer, R. Baxter, A. Hunter, W. Davis, I. Bush, J. Fair, D. Greene. 75.

[The report of the Constitutional Convention (Appendix III, RCS:S.C., 511–24) is printed here.]

1. Printed: *Debates Which Arose in the House of Representatives of South Carolina, on the Constitution Framed for the United States, By a Convention of Delegates, Assembled at Philadelphia* (Charleston, 1788) (Evans 21470). For the version of the House of Representatives debates that appeared in the *Charleston City Gazette*, see RCS:S.C., 88n–90n, 91–115n, 116–38n, 144–60n.

12. Newspaper Report of House of Representatives Proceedings 21 January 1788 (excerpt)¹

. . . Judge Heyward asked if the house did not possess a bill for empowering the commissioners of high roads, better to carry into execution their commission.

Mr. Speaker informed, that he understood there was a road bill in the proposed digest.

Mr. Bee said, when the digest came in it would be impracticable to take it up in detail, and as the new constitution undoubtedly must render much alteration in the digest necessary, they could not pass it this session.

Agreed to read the road bill at a future day. . . .

1. Printed: *Charleston City Gazette*, 22 January.

**13. Charles Pinckney: Draft Resolution in House of Representatives
24 January 1788¹**

◆ To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>

1. MS, Sc-Ar.

14. Massachusetts Salem Mercury, 5 February 1788¹

Sunday a vessel arrived here from South-carolina, by which we have been favoured with several Charleston papers—The following extracts therefrom shew the favourable opinion entertained of the New Constitution by the Legislature of that State:

“*Charleston, Jan.* 14. Last Friday, in the House of Representatives, Mr. E. Rutledge, as chairman of a committee appointed to consider the Governour’s message, reported, that they had deliberated upon the New Federal Constitution, and were unanimously of opinion to recommend that the House should come into a resolution for calling a Convention of the People, to consider the New Federal Constitution.”

“Commodore Gillon moved, that the thanks of this House be given to their Delegates in Federal Convention, for their attention and care to the interests of their country. Agreed to unanimously.”

“On motion, ordered, that 600 copies of the New Constitution be printed, for information.”

January 17.

“Yesterday the House of Representatives, in a committee of the whole, debated on the Federal Constitution till 4 o’clock. Mr. Lowndes stood ALONE in disapprobation of it.”

“Monday last, in the House of Senate, resolved unanimously, that the thanks of this House be given to the Delegates of this state in the Convention holden last year in the city of Philadelphia, for their faithful discharge of the duties of their appointment.”

“Tuesday last, in the Senate, the committee appointed to consider his Excellency’s message, and the papers accompanying it, reported, that writs should be issued for holding elections on the 22d and 23d days of February, for Delegates to meet in Convention, the 3d of March, in Charleston, to consider the proposed Federal Constitution.”

1. Reprinted: *Massachusetts Gazette*, 8 February; *Boston American Herald*, 11 February (omitting the last two paragraphs). The *Boston Independent Chronicle*, 7 February, summarized this piece. See CC:Vol. 4, p. 511.

**15. William Littlefield to Jeremiah Wadsworth
Mulberry Grove Plantation, Ga., 16 February, 1788 (excerpts)¹**

. . . The Tryal with Gibbons will come on in March, but I think we have nothing to fear; and was it to happen in any other Country, should feel perfectly safe. However they have adopted the New Constitution & should it go against us here shall imediately appeal to the high Court. . . .

The Genl. Assembly of So. Carolina is now setting, & this Session will determine the fate of many people—If the *Instalment* is not prolonged great will be the Change of property in that Country and we must share the fate of others. . . .

1. RC, Wadsworth Papers, Connecticut Historical Society.

16. Providence United States Chronicle, 21 February 1788¹

It is with Pleasure we inform the Friends to Humanity, that, on the 23d Ultimo, a Motion, which was made in the House of Representatives of South-Carolina, for Leave to bring in a Bill *to authorise the Importation of Negroes* into that State, was *negatived* by more than *two to one*—40 voting for the Motion, and 93 against it.—It will be but Justice further to say, that C. Pinckney and Pierce Butler, Esq's, two of the Members from that State in the late Continental Convention, voted *against* the Motion—the two other Members from that State, who signed the new Constitution, were not of the House.

1. Reprinted: Boston *American Herald*, 25 February; Massachusetts *Salem Mercury*, 26 February.

17. John Kean to Susan Livingston Kean Beaufort, S.C., 22, 25 February 1788 (excerpts)¹

. . . My friend Barnwell is elected a delegate to Congress—if we continue our residence at the seat of government we must accomodate him at our house—but if the laws which are now in agitation takes place we shall be obliged to come here in self defence—however we will not anticipate evils—it is enough to bear them with fortitude when they come—

[25 February] . . . Money matters distract this country very much & deadens all commerce—no produce will command money, I have £500 worth of Indigo & cannot dispose of it—this is the case with others—so that I can neither receive nor make payments. . . .

Your affectionate husband

[P.S.] What are Congress about?

Is New York going to adopt the Constitution?—

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was begun on 21 February and continued on 22 and 25 February.

18. Philadelphia Independent Gazetteer, 26 February 1788 (excerpt)¹

Extract of a letter from Queen Ann's county, Maryland, February 18, 1788
“. . . By a letter I have from Charleston, it seems they *attempted* in the lower house what they accomplished in the senate, viz. to present an address of thanks to their federal deputies; but in this they failed, as well as in endeavoring to get

the convention called in March. The noted Mr. *Lowndes* opposed it entirely; however, though there was a majority in that house in the opposition, yet they consented to call a convention, as their sister states had done it. . . .”

1. Reprinted: *New York Journal*, 3 March; *Virginia Independent Chronicle*, 12 March. For the full item, see CC:Vol. 4, p. 526.

19. Charleston City Gazette, 28 February 1788

The convention of Massachusetts, have adopted the new federal constitution by a majority of 13. Six states have now ratified it, viz. Massachusetts, Connecticut, New-Jersey, Pennsylvania, Delaware and Georgia.

20. Coxe & Frazier to Thomas Dickinson, Jr. Philadelphia, 12 March 1788¹

The lenth of the Winter we suppose has prevented our hearing from you since your arrival in Charleston. We hope however for that pleasure by the first vessel. The Month of march is now come round, & we hope the security has been satisfactorily adjusted & that something solid in the way of payment has taken place. It will be a great relief to us for we do assure you we are extremely incommoded by the delay of payments from all those indebted to us. We wish for your confidential opinion of the true Setuation of Messrs. Scarbrough & Cooke, your opinion of the Securities offered or obtained of them, the prospects of payment, and all such other matters as you think interesting to us to know. We have great confidence in Mr. Pringle, yet we wish to know how far *you* think he can & will serve us—whether he has made any delay which you conceive might be avoided, & what you wod. recommend to us to point out. We do not want ample Confidence in him, but the Debt is very large & the times are difficult & critical. Wherefore we think every possible precaution shod. be taken, and find ourselves disposed to be much more guarded than we would be in common Times. A general & full letter will therefore be very obliging to us, & we shod. thank you for your opinion whether federal government will be adopted by S Carolina, which we think highly important to our property, & to the credit of the Country in general—

[P.S.] What is the premium on bills in paper M[one]y

D[itt]o on D[itt]o in Specie

1. FC, Coxe Papers, Series I, Volumes and Printed Material, American Letterbook of Coxe and Frazier, PHI.

21. William Short to Thomas Jefferson Paris, France, 17 March 1788 (excerpt)¹

. . . Mr. Rutledge [Jr.] arrived here a few days ago from London—he brings no late intelligence at all from America—except as to his own state. he tells me he has letters from thence of the 20th of Jany. that the Assembly was about

meeting & it was not doubted the first thing they did wd. be to recommend the appointment of a convention. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 676–77.

**22. John Kean to Susan Livingston Kean
Savannah, Ga., 1 April 1788 (excerpt)¹**

. . . I shall return to Beaufort the 5th. as then our courts sit & on the 11th. comes on our election for members of convention. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NJUN. The letter was begun on 30 March and completed on 1 April.

**23. Advertisement for Thomas Lloyd's Debates of the Pennsylvania Convention
Charleston Columbian Herald, 3 April 1788¹**

Just Published,

On an entire new American Type and good Paper, and for sale at the *Columbian Herald Printing-Office,*

The *FIRST VOLUME* of
The Debates
OF THE
CONVENTION

OF THE
State of Pennsylvania,
ON THE

Constitution proposed for the government
OF THE
UNITED STATES.

Taken accurately in short hand,
By THOMAS LLOYD,

Containing the speeches of Thomas McKean and James Wilson, Esquires; in which they have unfolded the principles of free governments, demonstrated the superior advantages of this constitution, and answered every objection hitherto suggested.

1. Reprinted: *Columbian Herald*, 5, 8, 12, and 19 May. An abbreviated version of the advertisement appeared in the issues of 29 May and 5, 12 June.

**24. John Kean to Susan Livingston Kean
Beaufort, S.C., 5 April 1788 (excerpts)¹**

After an agreable passage of about ten hours I arrived here at eight in the evening—without suffering other inconvenience than that of having my skin burnt—during my stay in Savannah, the badness of the weather—the multiplicity of business & the shortness of time—prevented me being as much with your amiable nieces as my inclination lead me to be; they were both very well—

My affairs in Georgia are not so much deranged as I imagined they were—the extent of my debts in that country do not exceed £1500 & the amount of debts due me are double the amount—but I have suffered very much indeed by their rascally laws—to the amount of £1500 at least & have still some law matters depending—but which cannot effect me much—especially as I am satisfied to sacrifice every thing in Georgia—except the property which is now yours—and which consists of about 2000 acres of valuable rice land—I have had it conveyed to my beloved & her children & in case of more by me then to who she pleases—Mr. Stephens, your brother & my friend Barnwell are your trustees on this occasion—when Indian disturbances will permit I must try & make this estate a productive one for you—it is capable of receiving the work of one hundred Negroes—which will produce an income of about £2000 your money one year with another—the cost of a sufficient number of hands will be about twenty thousand pounds your money, which if it please God to spare my life for about ten years I have no doubt I shall procure—Whatever your Father gives you with your consent may be appropriated to this purpose—

This then is the situation of my affairs—I am possessed of in Georgia about 6000 Acres of land

Debts to the amount of abt. £3000

I owe in Georgia about £1500—you are possessed of in Georgia about 2000 acres of land—& a wharf lott in Savannah

I am possessed of in Carolina

Land in Prince Williams parish	2700 Acres
d[itt]o on St. Helena	278 d[itt]o
do. on Hilton Head	325 do.

House & lott in Beaufort

Store & do in do—

1 Vacant do. in do.—

90 Slaves—Cattle—Horses—Sheep &ca—

debts due me about £3000—

A tract of land conveyed to John Rutherford which is meant for you. 400 Acres valued at £2000 Sterling—

I owe in Carolina including my sisters debt £4500—

I can sell my land on St. Helena immediately for £700 but I dont think it enough—

If I could get in the debts due me—selling the land on St. Helena & making a good crop I should go pretty nigh paying off all my debt next year, except my English debt which I dont mean to pay until I can sell lands—I suppose I owe them £3000 Stg. & without touching my active property I have 9000 Acres of land to pay it with—worth at least 9000 Guineas—

You will no doubt observe I have allowed nothing for our maintenance—I depend on some appointment or other for that—if we are disappointed it will prolong the hour of our emancipation & call upon us to persevere in our plan of frugality until we obtain the much to be desired object of our ardent wishes. . . .

This is the time of holding our Courts and our little Village is filled with country folks—I therefore embrace Sunday the 6th. of April to sympathise with my Susan least I should not find time for these two or three days to come as I am upon the grand jury. . . .

Your affectionate friend lover, husband—

1. RC, John Kean Papers, Liberty Hall Museum, NjUN.

**25. Edward Rutledge, Jr., to John Rutledge, Jr.
Charleston, 8 April 1788 (excerpt)¹**

. . . My Sister is gone to Virginia this Spring but they intend to return to the Convention as Mr Kinlock wishes to be a member of it. . . .

1. RC, John Rutledge Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.

**26. Evan Pugh Diary
Cheraw Judicial District, S.C., 10 April 1788¹**

Thd [i.e., Thursday] 10 at home only to Stoney Hill to the Election

1. MS (Photostat), South Caroliniana Library, ScU.

27 A–K. Election Certificates for Convention Delegates, 11 April–6 May 1788

*27-A. Election Certificate: District between the Broad and Catawba Rivers
Fairfield County, 15 April¹*

State of So. Carolina

Fairfield
County } To whom it may Concern.

We do hereby Certify, That, after having taken the Oath directed, we gave Notice, we were ready to receive Votes for four Members to represent the said County in Convention, That on closing the Books at the time prescribed, these following Gentlemen appeared to have the Majority of Votes Vizt. James Craig, Jacob Brown, William Kirkland and John Gray, whom we do hereby return as duly Elected, agreeable to our Instructions.

Given under our hands this 15th. day of April 1788

D[avid] Evans }
Jno. Woodward } Managers.

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to “[J.]S. Dart Esqr./Clerk to the House of Representatives/Charleston” and was “Fav[ore]d ~~to~~ /Capt. W. Kirkland/(on public Service).”

*27-B. Election Certificate: District between the Broad and Catawba Rivers
Richland County, 12 April¹*

May it Pleas yr Excellency

Agreeable to our Instructions on the 11th & 12 Days of April, we proceeded to the Election and found the three highest in Numbers to be the Honorable Thos. Taylor Wm. Meyer and Thos. Howell Esqrs, who ware Impartially and Duly Elected Delegates for Richland County whom we have Ragulerly Informed [of their?] Nomination,

we have the Honor to be your Excellencys mo obet. Servt.

Saturday April 12th 1788

} Joel McLemore
} Jesse Baker

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to Governor Thomas Pinckney and was “Fav[ore]d by Capt. Chappell.”

*27-C. Election Certificate: District between the Broad and Saluda Rivers
Little River District, 12 April¹*

James Caldwell and George Ross managers of an Election begun and holden at Hammonds Old Store for Little River District the 11th. and 12th. Days of April 1788 agreeable to the resolves of the General Assembly of State of So. Carolina on February 17th. last on purpose to choose five Persons to serve as Delegates in a State Convention to meet at Charleston on 12th. Day of May next to consider ratify or reject the Constitution framed for the United States by a Convention of Delegates assembled at Philadelphia in May last—Do hereby certify that upon the said 12th. Day of April having at five Oclock in Evening closed the Election and legally called over the Votes do find the following Persons duely elected as Representatives in State Convention for abovesaid District—Viz—

John Hunter
Samuel Saxon
Thomas Wadsworth
Joshua Saxon
James Mayson

Given under Our hands this 12th. Day of April 1788—

James Caldwell }
George Ross } Managers.

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar.

*27-D. Election Certificates: District between the Broad and Saluda Rivers
Upper or Spartan District, 12 April¹*

State of South Carolina }
The upper or Spartan District }

To his Excellency Thomas Pinckney Esquire Governor and Commander in Chief
in and over the State of South Carolina—

We the Managers of an election for the District aforesaid, do Certify that at an
election Held the Eleventh & Twelfth days of April for the District aforesaid,
that upon Casting up the Voatz of said Election, it appears to us that William
Kenedy, James Jordan, Charles Sims, Thomas Brandon, & Zachariah Bulloch is
duly elected Members for the State Convention.

Given under our Hands this twelfth day of April AD: 1788—

Wm. Kennedy

Wm Benson

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar.

*27-E. Election Certificate: District between the Savannah River and the North Fork of
Edisto, 24 April¹*

[State?] of South Carolina

At an Election held the Eleventh & twelfth of April past for the district
between the North fork of Edisto & Savannah River—at the plantation of Mr
Charles Brown on the Lower Three Runs, the following persons was duly Elected
to serve in the Convention at Charleston on the 12th. day of May Next—

Stephen Smith

William Dunbar

Capt. Joseph Vince

Wm. Robison

John Collins

Jonathan Clark

& William Bufort

Certified by us—

John Parkinson

W Dunbar

} Retur[nin]g/Officers

24th. of April 1788

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar.
The certificate was addressed to Governor Thomas Pinckney.

*27-F. Election Certificate: Ninety Six District, 1 May*¹

Cambridge May 1st. 1788

Sir

We herewith send you a list of the Names, of the Gentlemen Elected to serve as delligates in the State Convention, to [be] hild in Charleston the twelfth of this present month, who were Elected agreeable to the Resolves of the State last assembly, to take into Consideration the Constitution framed by the Convention of the United States, hild at philadelphia in May last for their Government Viz.

James Lincoln	William Butler
Adm. C. Jones	John Bowie
Andrew Hamilton	John L. Gerv[a]is
John Harris	John E. Calhoun
Edmond Martin	Chares Devingport.
Joseph Calhoun	

We remain Sir With great Respect

Your Humble Servants
William Moore
Andrew Hamilton
John Martin

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to Governor Thomas Pinckney.

*27-G. Election Certificate: Ninety Six District, 1 May (Alternative Version)*¹

James Lincoln	William Butler
Am. C. Jones	John Bowie
Andw. Hamilton	J. L. Gerv[a]is
Dr. John Harris	J. E. Calhoun
Edmond Martin	Charles Devingport
Joseph Calhoun	

We do hereby certify that the above is a true list of the persons that was drawn to serve as Members in the State Convention to be held in Charleston on the twelfth day of May 1788

Wm. Moore
John Martin
Andw. Hamilton

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to Governor Thomas Pinckney.

*27-H. Election Certificate: Ninety Six District, South of the Saluda River
Pendleton County, 12 April¹*

We do certify that we held an Election at the ford of Twenty three mile creek on the 11t. & 12th. days of Aprill agreeable to our instructions from the Legislature, and that on casting up the ballots we find that Robert Anderson John Miller and William McCaleb were duely elected to attend the Convention in Charleston

Witness our hands this 12th. day of Aprill 1788

Robert Anderson }
William Steele } Managers.

To his Excellency the Governor

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar.

27-I. Election Certificate: Parish of Prince Frederick, 6 May¹

Prince Fredericks Parish May 6. 1788

May it please your Excellency,

Having Transmitted to your Excellency the Names of Seven Members who were elected to Serve in [the?] Convention—but Jno. Dicks, Esqr Refusing to serve [have?] Caused another Election to be held at which has been Elected a Mr. Jno. Burgess Junr. for the Purpose of Sitting in sd. Convention

We beg leave with utmost respect to Subscribe ourselves your Excellency's most Obedt. Hble Servts.

Robt. McCottery }
Jno. James } Comsers.

His Excellency Charles Pinckney

G.C.C. St So. Co.

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to Governor Thomas Pinckney.

27-J. Election Certificate: Parish of St. David, 15 April¹

St Davids Parish April 15th. 1788

Sir

We hereby transmit to Your Excellency the names of those persons Elected to represent this Parish in convention. We are Sir

With due respect Your Excellency's Obedient Servants

William Peques

Sam Benton

Trism. Thomas

Colo[ne]l Sam Benton

Majr Trism Thomas

Andw. Hamilton

Captn Wm Dewitt

Doctr R[obert] Brownfield

Captn C[alvin] Spencer

Benjn Hicks Junr.

Captn S[amuel] Taylor

His Excellency Thomas Pinckney Esqr.

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar.

27-K. Election Certificate: District of Saxe Gotha, 12 April¹

At an Election held on Friday the 11th. [and] Saturday the 12th. days of April 1788. [– – –] at the House of John Burchardt pursuant to a Resolution of the Senate & House of Representatives for the District of Saxe Gotha. on casting of the [votes?] it appears that the following Gentlemen were duly Elected to Represent said District in a state Convention to be held at Charleston on the 12th day of May next for the purpose [of] Ratifying or Rejecting the Fœderal Constitution

The Hoñble
Richard Hampton, Esqr

Joseph Culpeper

William Fitzpatrick

Lewellin Threewits

John Threewits

Wade Hampton & the Hoñble

Henry Pendleton Esqr

Esqrs

Elected Deligates.

John James Haig

Joseph Culpeper

William Fitzpatrick

Managers.

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The certificate was addressed to Governor Thomas Pinckney and was "Honor[e]d by/Col. Hampton."

28 A–L. Newspaper Reports of Election Results, 15 April–13 May 1788*28-A. Charleston City Gazette, 15 April¹*

The following gentlemen are returned to serve as members to the state Convention, from Christ Church parish.—Charles Pinckney, John Rutledge, Joseph Manigault, Arnoldus Vanderhorst, Jacob Read, William Read, Esquires, and capt. Joshua Toomer.

1. The Charleston *Columbian Herald* also printed election results on 21, 24, 28 April and 1, 5, 8 May. The *State Gazette of South Carolina* also printed election results on 21, 24, 28 April and 1, 8, 15 May. Although not always printing the results first, the *City Gazette's* printing of the results was the fullest.

28-B. Charleston City Gazette, 16 April

The following gentlemen are returned to serve as delegates to the state Convention:—

St. James, Goose creek.

Hon. Ralph Izard, Esq; Hon. Benjamin Smith, Esq; Peter Smith, Gabriel Manigault, William Smith, John Parker, jun. and John Deas, Esquires.

St. James, Santee.

Richard Withers, Lewis Miles, Thomas Horry, Isaac Dubose, Samuel Warren, John Mayrant, and John Bowman, Esquires.

St. Andrew's.

Hon. Richard Hutson, Esq; Glen Drayton, Thomas Fuller, sen. William Scott, James Ladson, Ralph Izard, jun. and Charles Drayton, Esquires.

28-C. Charleston City Gazette, 17 April

Yesterday the Delegates to represent the parishes of St. Philip and St. Michael, in the state convention, appointed to meet in this city the 12th May next, were declared by the managers to be as follows:

His excellency Thomas Pinckney, gen. C. C. Pinckney, gen. Christopher Gadsden, hon. Edward Rutledge, Dr. David Ramsay, Thomas Heyward, jun Esq; Edward Darrell, Esq; Isaac Mote, Esq; hon. Thomas Gadsden, hon John Mathews, Edward Blake, Esq; Thomas Bee Esq; col Henry Laurens, Daniel Desaussure, Esq; Thomas Jones, Esq; hon. J. F. Grimke, William Johnson, Esq; hon. John Julius Pringle, John Blake, Esq; Daniel Stevens, Esq; Daniel Cannon, Esq; Anthony Toomer, Esq; Hugh Rutledge, Esq; Dr. John Budd, Francis Kinloch, Esq; Wm. Somersall, Esq; Michael Kalteisen, Esq; Richard Lushington, Esq; Nathaniel Russell, Esq; Josiah Smith, Esq; col Lewis Morris, Edward Lightwood, Esq.

The following elections have also been made for the undermentioned parishes.—

St. Paul's

Paul Hamilton, John Wilson, George Haig, Joseph Slann, Roger Parker Saunders, and William Washington, Esquires.

Ritchland County, between Broad and Catawba rivers.

Thomas Taylor, William Meyer, and Thomas Howell, Esquires.

28-D. Charleston City Gazette, 18 April

Delegates to the state convention for St. John's, Berkley county:—Dr. Peter Fayssoux, gen. William Moultrie, gen. Francis Marion, col. Henry Laurens, Henry Laurens, jun. Esq; Keating Simons, Esq; and Thomas Walter, Esq.

28-E. Charleston City Gazette, 22 April

Delegates to the State Convention:

St. Bartholomew's parish.

Benjamin Postell, Esq; William Clay Snipes, Esq; Obrian Smith, Esq; Paul Walter, Esq; Rawlins Lowndes, Esq; hon. John Lloyd, Esq; John Croskeys, Esq.

St. John, Colleton County,

Thomas Legare, Esq; Richard Muncreef, jun. Esq; hon. Daniel Jenkins, Esq; Hugh Wilson, Esq; Isaac Jenkins, Esq; Ephraim Mikell, Esq; William Smelie, Esq.

District of Saxe Gotha.

Hon. Richard Hampton, Esq; Joseph Culpepper, Esq; William Fitzpatrick, Esq; Lewellyn Threewits, Esq; John Threewits, Esq; Wade Hampton Esq; hon. Henry Pendleton, Esq.

Lower District, between Broad and Saluda rivers.

Hon. Aedanus Burke, Esq; John Lindsey, Esq; Philemon Waters, Esq; Robert Rutherford, Esq; hon. John Hampton, Esq.

28-F. Charleston City Gazette, 25 April

Delegates to the state Convention:

St. George, Dorchester.

John Glaze, Morton Waring, Thomas Waring, John Postell, William Postell, Mathias Hutchinson, and John Dawson, Esquires.

St. Thomas and St. Dennis.

Hon. John Huger, Thomas Karwon, Thomas Screven, Robert Daniel, Lewis Forgartie, Isaac Harleston and Isaac Parker, Esquires.

St. Helena.

Hon. John Barnwell, John Joyner, John Kean, William H. Wigg, Robert Barnwell, William Elliott and Benjamin Reynolds, Esquires.

Prince George, Winyaw.

Hon. Thomas Waties, Samuel Smith, Cleland Kinloch, Peter Horry, and hon. William Allston, jun. Esquires.

Little River District.

John Hunter, Samuel Saxon, Thomas Wadsworth, Joshua Saxon, and James Mayson, Esquires.

28-G. Charleston City Gazette, 26 April

Delegates to the state Convention:

Prince Frederick.

William Wilson, Patrick Dollard, Alexander Tweed, John Dickey, William Frier-son, William Reed, and James Pettigrew, Esquires.

Orange.

Lewis Golsan, Lewis Lesterjette and Jacob Rumph, Esquires.

28-H. Charleston City Gazette, 30 April

Delegates to the State Convention:

St. Stephen

John Palmer, honorable Hezekiah Maham, Sam. Dubose, John Peyre, Thomas Cooper & Thomas Palmer, Esqrs. Benjamin Walker and John Couturier, Esqrs. equal votes.

District Eastward of the Wateree.

Thomas Sumter, Andrew Baskins, John Lowry, Benjamin Cudworth, William Massey, John Chesnut, Hugh White, Thomas Dunlap, Samuel Dunlap, Samuel Boykin, and John Montgomery, Esqrs.

28-I. Charleston City Gazette, 5 May

Delegates to the State Convention:

St. Peter's Parish, Purysburgh.

William Stafford, John Fenwick, John Chisholm, Joachim Hartstone, John Lewis Bourquin, jun. Seth Stafford, Esquires; Rev. Henry Holcom.

District between Savannah River and North Fork of Edisto.

Stephen Smith, hon. William Dunbar, Joseph Vince, William Robinson, John Collins, Jonathan Clark, William Bufort, Esqrs.

28-J. Charleston City Gazette, 7 May

Delegates to the State Convention:

Prince William's Parish.

Thomas Hutson, John McPherson, James Maine, John A. Cuthbert, John Lightwood, John Simmons, Stephen Deveaux, Esquires.

28-K. *Charleston City Gazette*, 8 May

Delegates to the State Convention.
All Saints Parish.

William Allston, Daniel Morral, Esquires.

28-L. *Charleston City Gazette*, 13 May

Delegates to the State Convention.
New Acquisition.

Hon. William Hill, Robert Patton, Samuel Watson, Rev. Francis Comins, James Martin, James G. Hunt, Samuel Lowry, Andrew Love, John McGaw, Adam Meek, and Abraham Smith, Esqrs.

North Side of Saluda.

Samuel Earle, Samuel J. Allston, and John Thomas, jun. Esqrs.

South Side of Saluda.

Robert Anderson, John Miller, and William McCaleb, Esqrs.

**29. Hary Grant to Christopher Champlin
Charleston, 16 April 1788 (excerpt)¹**

I have to acknowledge the receipt of your favor, of the 29 february by Cahoon, and inclose you prices current according to your desire. I could have wisht to [have] acompanied this with a remittance for your Tea, but cannot get it off at near the Mark: I shall indeavour to get small empty Chests, etc. started into for they never will sell in the present pacages—by far too large. Indeed every thing at present is dull, and for payments worse this year then I ever experienced. You may believe me when I tell you, that out of 60 to 70 Thousand Sterling my friends in London have out here, I have not yet received one Thousand this year. I have given over all hopes untill we have a Government will not do justice till compeld. . . .

1. Printed: "Commerce of Rhode Island, 1726–1800," *Collections of the Massachusetts Historical Society*, 7th series, Vol. X (Boston, 1915), Part II (1775–1800), 365.

**30. Henry Laurens to Lieutenant Governor Thomas Gadsden
Berkeley, S.C., 25 April 1788¹**

Your Honor's notification under the 18th instant of my being elected by two Parishes to serve in convention, came to me the day before yesterday. In answer to your Honor's requisition to be informed for which of those parishes I intend to qualify, if health permits I mean to serve for the Parish in which I reside, St. John's Berkley.

1. Printed: *Autographs-Letters-Documents-Manuscripts*, Robert F. Batchelder, Ambler, Pa., Catalog 68, no. 88.

31. Charleston City Gazette, 25 April 1788¹

Benjamin Reynolds, Esq; returned a delegate to the state convention for the parish of St. Helena, having informed his honor the lieut. governor of his intention of quitting the state shortly, a new writ is accordingly issued out for another delegate in his room, to be held at the church, in Beaufort, on Monday and Tuesday the 5th and 6th days of May next.

1. Reprinted: *State Gazette of South Carolina*, 28 April; *Pennsylvania Mercury*, 8 May.

**32. Henry Knox to Marquis de Lafayette
New York, 26 April 1788 (excerpt)¹**

. . . South Carolina will meet the 12th. May and is said to be greatly in favor of the Constitution. . . .

1. FC, Knox Papers, GLC 02437.03860, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, at the New-York Historical Society.

33. Charleston City Gazette, 30 April 1788¹

The hon Henry Laurens, Esq; having notified to his honor the Lieutenant Governor, in the absence of his excellency the Governor from the seat of government, his intention to serve for the parish of St. John, Berkley county, in the state convention—a writ is accordingly issued out for an election of a suitable person in the room of col. Laurens, to represent the parishes of St. Philip and St. Michael, Charleston; to be held at St. Michael's church, on Monday and Tuesday the 12th and 13th days of May next.

Benjamin Walker and John Couturier, Esqrs. having equal votes to represent the parish of St. Stephen in state convention, an election will be held at St. Stephen's church, on Monday and Tuesday the 5th and 6th May, for a suitable person to represent the said parish, in addition to the six delegates already elected.

1. Reprinted: *State Gazette of South Carolina*, 1 May; *New York Daily Advertiser*, 15 May; *New York Journal*, 16 May; *Pennsylvania Journal*, 21 May.

34. New Hampshire Spy, 6 May 1788

His Excellency Governour Pinckney, and the hon. Mr. C. C. Pinckney, J. Matthews, David Ramsay, J. Pringle, H. Rutledge, E. Rutledge, Gen. Gadsden, and Col. Laurens, are, among others, in nomination as members to represent the city of Charleston, in the Convention to be held in that place for South-Carolina, on the 12th inst.

35. *Pacificus*

Charleston City Gazette, 10 May 1788

It is remarked by some author I have read, that “*Fas est ab hoste doceri*” [i.e., it is right to learn even from an enemy], but I would wish to see the United States go a few steps further than this, that is learn or be taught wisdom by the inhabitants of every country upon earth, but they should particularly examine the conduct and policy of those nations in Europe from whom they are sprung, and see what part thereof is worthy of their imitation.

The good they should for pattern take,
And what is bad for e'er forsake.

But hitherto they copy their follies and their vices more than that part of their conduct that is worthy of their notice. I will point out the modes which some nations pursued and leave every one to determine whether we ought or ought not to follow their examples.

The British encourage *their own shipping* and their fisheries, that they may by raising a number of seamen, be superior at sea to the nations around them. They *raise* and *bring into their country* as many raw materials as they can, that they may be able to employ and give bread to their poor in *manufacturing* the same; they by selling their manufactures in foreign dominions bring riches into their country; nor are these the only advantages they derive from this wise conduct, they bring into their country the produce of foreign countries, on which they lay duties to help defray the expences of their government, &c.

The conduct of this nation will appear the more commendable if we consider the small value of raw materials, to what they are when worked up into manufactures. Steel for instance may be made more valuable than its weight is in gold; the wool in Great-Britain when made into cloths, how much more valuable it is than in its raw state, therefore their conduct is very wise in punishing severely their subjects that export the same, or the sheep that produces the wool; their conduct is equally wise in prohibiting the exportation of the utensils that are used in their manufactures, and in endeavouring to prevent the emigration of their manufacturers. How foolish then must the conduct of Spain, Italy, and other countries appear, who instead of employing their poor in working up, ship off their wool, their raw silk, their iron, their hemp, their flax, their cotton, wool, and their tallow, &c. &c.

The first object of every government should be to make the lives of the persons they have charge of as *happy* as they possible can; to do which they should cause to see raised a plenty of every kind of provisions, and every luxury of life which their climate will admit of, for it is folly and madness to a great extreme, to purchase with ready money or your own produce in any foreign country, any article whatsoever, when you *have or may have* with the same or less pains than are bestowed in other countries, the very same articles in your own country in as great or a greater perfection.

The inhabitants of the United States wish to have and keep specie amongst them, and yet pursue the very methods that will be sure to take it out of the

country. When any country has attained to a perfection in agriculture, and can raise everything that is necessary to make life comfortable and happy, they should fall on every method, nay, should exert every authority in their power to make and keep low the prices of provisions, that every person may have enough, and that no *industrious* person may want, this will prevent emigrations from a country and make it become populous, strong and powerful; when this is effected, they should then instantly turn their minds to manufacturing. I wish that the governments in Europe, &c. would pay a greater attention to the price of provisions than they do; they should do it in the first place on the principles of humanity, and in the next place because it is sound policy, for the more plentiful and cheap provisions are in any country, the lower the poor can afford to work; it therefore follows that the country where the poor can live comfortably & work cheap, can undersell those countries where provisions are dear and the price of labour high.

The folly of Ireland in shipping off their provisions, appears to me on this account to be great. It is politic in Great-Britain to encourage it, for if the practice was put a stop to, provisions would be still cheaper in Ireland than they now are, which Great-Britain sees would make Ireland the first manufacturing country in the world, she being also well situated for trading to every part of the globe.

Ireland would then have people that have been bred up in the manufacturing line in other countries, emigrate thither, and nothing would hinder them, for what poor persons would not wish to live comfortably, and would not move from a bad to a good country, and keep on moving until they could set themselves down in the best and happiest country and government under the sun.

The same conduct in any other country would of course draw manufacturers to settle there as well as in Ireland. When a good and proper action is done we are told in sacred writ to go and do so likewise.

If every country acted like Great Britain, in manufacturing their own raw materials, the people in manufacturing countries, who now work up the raw materials of foreign countries, would then emigrate to the countries in which said materials were raised; if they did not, they must starve, or become a burden to the landed interest of the country in which they lived, which the rich oppressors there would not like.

If the plan I have mentioned was carried into execution (which I am much surprized has not been done for centuries past,) the consequence would be, that the poor in every country would be employed, and each country would be greatly enriched, by the raw materials it produces, being made of an astonishing value to what they now are, which would consequently increase the value of their exports. But the grand consequence would be, that every country would be of that importance only which Providence originally designed it should be; they would then trade with each other on a proper and equitable footing, whereas they now act more simply than children do, as they give their *raw materials* in barter for manufactures.

These hints I have thrown out for the consideration of mankind, which if attended to, and improved upon, will, I think, make the inhabitants of most countries far more happy than they now are; but it would *humble the pride* of some

nations, who now boast themselves in their own strength, and seemingly consider themselves as almost omnipotent, instead of giving, not lip but *cordial* thanks to the Author of every blessing, for raising them to their present state of opulence and grandeur. But, to be humbled is the fate which such sort of persons are to meet with; sacred writ has foretold it long since, and gives us several examples of its having already happened, one of which, the fate of Belshazzar, is the only one I shall mention.

If every country would act on the principles of universal benevolence, it would make the inhabitants of each country happy; it is therefore proper, and sound policy, when we see any country act on a *selfish principle*, to pay them off in their own coin; this will put all nations on the same footing, and induce some of them to pay a little more regard to the assertion of our saviour, viz. that with what measure we mete, it shall be measured unto us again.

If the princes of the different countries in Europe consulted their own happiness, and that of their subjects, as it is their duty to do, how different would their conduct be to what it now is. They would then strive to make their subjects so happy in their native country, that they should have no temptation in any other place (save for the sake of climate) to leave it: They should, besides doing what I have already pointed out, *grant* their subjects every liberty and privilege which the people of any other, and of every other country in the world now do, or can enjoy. If a prince of that disposition should start up in the world, how easy it would be for him to prevail on the subjects of other princes to become his subjects; such a prince, though cloathed in rags, would appear greater in the eyes of every virtuous man (whose good opinions only are to be coveted) than any prince that was decorated with all the jewels that the whole world can produce for no jewel shines so bright as *virtue*.

Was France to pursue a conduct of this kind, what numbers would go there to live—great indeed would soon be her power; but if the United States of America, who abound with men of shining characters, should adopt these maxims, great, great beyond description would they soon become, as the different climates there to be met with would suit the constitutions of the inhabitants of most parts of the globe. That our new federal government may never lose sight of the duty of every legislature, I mean that of studying the safety, welfare and happiness of the people over whom they are chosen to preside, is the sincere wish of PACIFICUS.

36. Charleston Columbian Herald, 12 May 1788

A correspondent observes, that it generally happens after a revolution, or when a body of people agree, from being in a state of nature, to enter into a compact society, and to form and institute a government, that there will be evil disposed persons among the community, who being ignorant of, or opposed to the eternal laws of justice and equity, will, for the sake of private advantage or an aversion to all government, disturb the happiness of society by committing enormities, from the punishment of which they judge themselves secured, as not being repugnant to any human written laws, then in being in that society: hence proceeds the necessity of continually multiplying penal laws in new established governments, and the duty of the rulers as soon as possible to pass all laws necessary for the security of life, liberty and property, founded upon the universal, eternal and immutable obligation of love to God, and love to man. Cicero says, "That according to the opinions of the wisest and the greatest men, the law is not an invention of human understanding, or arbitrary constitution of men; but flows from the eternal reason that governs the universe. The rape which Tarquin committed upon Lucretia, was not less criminal in its nature, because there was not at that time any written law at Rome against such sort of violences; the tyrant was guilty of a breach of the eternal law; the obligation whereof did not commence from the time it was written, but from the moment it was made."

37–41. THE SOUTH CAROLINA CONVENTION
12–24 May 1788

37. South Carolina Convention, Monday, 12 May 1788

William Mason to William Bentley
*Charleston, 13 May (excerpt)*¹

. . . The Convention to consider the proposed Constitution assembled yesterday in this City—there were a sufficient number for a House, however they adjourned till this day—I will endeavour that you shall have the particulars of their proceedings by the first conveyance—

Hitherto I have sent the Gazettes to my father, with my desires that you might be tendered the perusal of them—You, are in a station which makes matters of that kind acceptable and for the future I will direct them to you; begging however that you will make it appear that there is not a want of duty in the Action—They shall always be sent in such a manner that the expence will be trifling. . . .

1. RC, Bentley Papers, American Antiquarian Society, Worcester, Mass.

38 A–B. South Carolina Convention, Tuesday, 13 May 1788

*38-A. Massachusetts Salem Mercury, 3 June*¹

We have received several Charleston papers, the latest of which is of the 14th of May. We find, by this, that the Convention of that State met on the 12th, and adjourned to the next day; when, the names being called over, there appeared to be 173 members present. A motion was then made to proceed to ballot for a President; but Gen. MOULTRIE, thinking this mode of election would consume too much time, moved, that his Excellency the Governour should take the chair. His Excellency said, “he had been informed of the honour intended to be conferred on him, but begged leave to decline it—not that he wished to avoid trouble, or withhold his assent to the ratification of the Constitution; on the contrary, he sincerely hoped that it would be adopted: But, when he observed upon the floor, several gentlemen who had eminently served their country for a series of years, and were respected in this country and in others—and the ratification of this Constitution being of immense importance to the Union—the names of some of those gentlemen might weigh with those States who were balancing, especially as this State would be looked up to by them; he hoped, therefore, a ballot might take place.” A ballot was moved for, when Governour PINCKNEY was chosen. Col. DART was elected Secretary. A letter from the Governour of Massachusetts was read informing, that the Convention of that State had ratified the Constitution, and recommended amendments. The remainder of the day was chiefly taken up in appointing committees for drawing up rules of procedure, and for other preliminary purposes.

1. This report is based on an item in the Charleston *City Gazette*, 14 May (RCS:S.C., 318–20n).

38-B. *Massachusetts Centinel*, 4 June¹

One hundred and seventy-three members present—It was moved, that his Excellency Gov. *Pinckney* take the chair—on which the Gov. arose and said, that he had been informed of the honour intended to be conferred upon him, but begged leave to decline it; not that he wished to avoid trouble, or withhold his assent to the ratification of this Constitution, on the contrary, he sincerely wished and hoped that it would be adopted; but when he saw upon the floor several gentlemen who had eminently served their country for a series of years, and were respected in this country and in others; and the ratification of this Constitution being of immense importance to the union, the names of some of those gentlemen, might weigh with those States who were balancing, especially as this state would be looked up to by them. He hoped therefore, a ballot might take place. A ballot took place, and the Governour having 110 votes took the chair.

Dr. *Ramsay* wished the house would tomorrow go seriously into the business, and this day settle the mode of proceeding—he was for following the practice of other States, to debate it article by article, and take the question on the whole.

Col. *Hugar* asked how the State of Massachusetts proceeded; and was told.

Mr. *Bee* shewed that the Convention had better take up the question on the whole as they had no power to make alterations. If the house thought proper to follow the example of Massachusetts by recommending alterations, it might be done either by the Convention, or a committee.

Dr. *Ramsay* moved, that the Convention should take up the Constitution by paragraphs or sections, and after going through the same, then to put the question whether it should be adopted or rejected. After some debate, in which Dr. *Fayssoux* declared himself opposed to the Constitution; the motion was agreed to. Previous to reading the first article, the Hon. *Charles Pinckney*, Esq. made an elegant introductory speech. The Convention went through the four first sections and then adjourned.

1. This report is based on an item in the *Charleston City Gazette*, 14 May (RCS:S.C., 318–20n). Reprinted: *New Hampshire Gazette*, 5 June; *New Hampshire Spy*, 7 June.

39 A–B. South Carolina Convention, Wednesday, 21 May 1788

39-A. *State Gazette of South Carolina*, 29 May

In Convention, May 21, 1788.

A motion was made by General Sumter and seconded by Mr. Jehu Wilson, that the further consideration of the Fæderal Constitution be postponed until the 20th day of October next.—On the question being put to agree to the same, the Ayes and Nays were required by the unanimous voice of the Convention—are as follows, viz.

For the Parishes of St. Philip and St. Michael, Charleston.

His excellency governor Pinckney, President.—Charles Cotesworth Pinckney, no—Christopher Gadsden, no—Hon. Edward Rutledge, no—David Ramsay, no—Hon. Thomas Heyward, jun. no—Edward Darrell, no—Isaac Motte, no—

His hon. lieut. gov. Thomas Gadsden, no—Hon. John Mathews, no—Edward Blake, no—Thomas Bee, no—Hon. Daniel DeSaussure, no—Thomas Jones, no—Hon. John F. Grimke, no—William Johnson, no—Hon. John J. Pringle, no—John Blake, no—Daniel Stevens, no—Daniel Cannon, no—Anthony Toomer, no—Hugh Rutledge, no—John Budd, no—Francis Kinloch, no—William Sommersall, no—Michael Kalteisen, no—Richard Lushington, no—Nathaniel Russell, no—Josiah Smith, no—Lewis Morris, no—Edward Lightwood, no—John Edwards, no.

Christ-Church.

Hon. Charles Pinckney, no—Hon. John Rutledge, no—Hon. Arnoldus Vanderhorst, no—William Read, no—Joseph Manigault, no—Jacob Read, no—Joshua Toomer, no.

St. John, Berkley County.

Hon. Henry Laurens, no—Francis Marion, *absent*—Hon. William Moultrie no—Peter Fayssoux, ay—Keating Simons ay—Henry Laurens, jun. no—Thomas Walter, ay.

St. Andrew.

Glen Drayton, no—Hon. Richard Hutson, no—Thomas Fuller, no—James Ladson, no—Ralph Izard, jun. no—Charles Drayton, no—Hon. William Scott, no.

St. George, Dorchester.

John Glaze, no—Morton Waring, no—Thomas Waring, no—Major John Postell, no—William Postell, no—Matthias Hutchinson, no—John Dawson, no.

St. James, Goose-Creek.

Hon. Ralph Izard, no—Peter Smith, no—Hon. Benjamin Smith, no—Gabriel Manigault, no—William Smith, no—John Parker, jun. no—John Deas, jun. no.

St. Thomas and St. Dennis.

Hon. John Huger, no—Thomas Karwon, no—Thomas Screven, no—Robert Daniel, no—Lewis Fogartie, no—Isaac Harleston, no—Isaac Parker, no.

St. Paul's Parish.

Paul Hamilton, no—Jehu Wilson, ay—Hon. Melcher Garner, ay—George Haig, no—Joseph Slann, no—Roger Parker Saunders, no—Hon. William Washington, no.

St. Bartholomew.

Benjamin Postell, ay—William Clay Snipes, ay—O'Brien Smith, ay—Paul Walter, ay—Hon. John Lloyd, no—John Croskeys, no—Edmund Bellinger ay.

St. Helena.

Hon. John Barnwell, Esq; no—Hon. John Joyner, no—Hon. John Kean, no—Hon. William H. Wigg, no—Hon. Robert Barnwell, no—Hon. Will. Elliott, no—Hon. James Stuart, no.

St. James, Santee.

Isaac Dubose, ay—Lewis Miles, no—Samuel Warren, no—Richard Withers, no—John Mayrant, no—John Bowman, ay—Thomas Horry, no.

Prince George, Winyah.

Hon. Thomas Waties, no—Samuel Smith, no—Cleland Kinloch, no—Peter Horry, *absent*—Hon. William Allston, jun. no.

All-Saints.

Daniel Morrall, no—Thomas Allston, no.

Prince Frederick.

William Wilson, no—Patrick Dollard, ay—Alexander Tweed, no—William Frierson, no—William Read, ay—James Pettigrew, ay—John Burges, jun. ay—*St. John, Colleton County.*

Thomas Legare, no—Richard Muncreef, jun. no—Hon. Daniel Jenkins, no—Hugh Wilson, no—Isaac Jenkins, no—Ephraim Mikell, no—William Smelie no. *St. Peter.*

William Stafford, *absent*—John Fenwick, no—John Chisholm, no—Joachim Hartstone, no—John Lewis Bourquin, jun. ay—Seth Stafford, no—Rev. Henry Holcom, no.

Prince William.

Thomas Hutson, no—John McPherson, no—James Maine, no—John A. Cuthbert, no—John Lightwood, no—John Simmons, no—Stephen Deveaux, no.

St. Stephen.

John Palmer, no—Hon. Hezekiah Maham, no—Samuel Dubose, no—John Peyre, no—Thomas Cooper, *absent*—Thomas Palmer, *absent*—*One vacant.*

District Eastward of the Wateree.

Thomas Sumter, ay—Andrew Baskins, ay—John Lowry, ay—Benjamin Cudworth, ay—William Massey, ay—John Chesnut, ay—Hugh White, ay—Thomas Dunlap, ay—Samuel Dunlap, ay—Samuel Boykin, ay—John Montgomery, ay.

District of Ninety-Six.

James Lincoln, ay—Adam Crain Jones ay—Andrew Hamilton, ay—Dr. John Harris, no—Edmond Martin, ay—Joseph Calhoun, ay—William Butler, ay—John Bowie, ay—Hon. John Lewis Gervais, ay—John Ewing Calhoun, *absent*—Charles Davenport, ay.

North side of Saluda.

Samuel Earle, ay—Lamuel James Allstone, ay—John Thomas, jun. no.

South side of Saluda.

Robert Anderson, *absent.*—John Miller, no—William McCaleb, no.

District of Saxe-Gotha.

Hon. Richard Hampton, ay—Joseph Culpepper, ay—William Fitzpatrick, ay—Lewellin Threewits, ay—John Threewitts, ay—Wade Hampton, ay—Hon. Henry Pendleton, ay.

Lower District between Broad and Saluda Rivers.

Hon. Ædanus Burke, ay—John Lindsey, ay—Philemon Waters, ay—Robert Rutherford, ay—Hon. John Hampton, ay.

Little River District.

John Hunter, no—Samuel Saxon, ay—Thomas Wadsworth, no—Joshua Saxon, ay—James Mayson, *absent.*

Upper or Spartan District.

William Kennedy, ay—James Jordan, ay—Charles Sims, ay—Thomas Brandon, ay—Hon. Zacariah Bulloch, ay.

*District between Broad and Catawba Rivers.**Richland County.*

Hon. Thomas Taylor, ay—William Meyer, ay—Thomas Howell, ay.

Fairfield County.

James Craig, ay—Jacob Brown, ay—John Grey, ay—John Cook, ay.

Chester County.

Edward Lacey, ay—Joseph Brown, ay—William Miles, ay—James Knox, ay.

District called the New Acquisition.

Hon. William Hill, ay—Robert Patton, ay—Samuel Watson, ay—Rev. Francis Cummins, ay—James Martin, ay—James G. Hunt, ay—Samuel Lowrey, ay—Andrew Love, ay—John McCaw, ay—Adam Meek, ay—Abraham Smith, ay.

St. Matthew.

Hon. William Thomson, ay—Hon. John Linton, ay—hon. Paul Warley, ay.

Orange.

Lewis Golsan, *absent*—Lewis Lesterjette, ay—Jacob Rumph, ay—Donald Bruce, ay.

St. David.

Lamuel Benton, ay—Tristram Thomas, *absent*—William Dewitt, ay—Calvin Spencer, no—Samuel Taylor, no—R. Brownfield, no—Benjamin Hicks, jun. ay.

District between Savannah River and the north fork of Edisto.

Stephen Smith, no—Hon. William Dunbar, no—Joseph Vince, no—Will. Robison, no—John Collins, no—Jonathan Clark, no—William Bufort, *absent*.

Yeas 89.

Neas 135

So the question was lost

JOHN SANDFORD DART, *Sec'y.*

39-B. Providence United States Chronicle, 5 June¹

By a Charleston (South-Carolina) Paper received since our last, we learn, That on the 21st Ultimo, the Convention of that State having gone through the Federal Constitution by Paragraphs—General Sumpter, who had opposed the Constitution through its several Stages, agreeable to Notice, moved for an Adjournment to the 20th of October next, in Order, as he said, to give Time for further Consideration—when, after a considerable Debate, the Motion was rejected by a Majority of 46—89 voting for the Motion, and 135 against it.—It is further said, that the 23d Ult. was then appointed for taking the final Question, which it was not doubted would be carried in Favour of the Constitution by a very large Majority.—A Vessel is expected here every Moment, from Charleston, which will probably bring us an Account of its Adoption.

1. This item is based on an account that appeared in the Charleston *Columbian Herald*, 22 May (RCS:S.C., 366).

40. South Carolina Convention, Friday, 23 May 1788*State Gazette of South Carolina, 2 June*

In Convention, May 23d, 1788.

On Motion. Resolved, That this convention do assent to and ratify the constitution agreed to on the 17th day of September last, by the convention of the United States of America, held at Philadelphia. On the question being put to agree to the same, the yeas and nays were called for by the unanimous voice of the convention, are as follows, viz.

For the Parishes of St. Philip and St. Michael, Charleston.

His excellency governor Pinckney, President.—Charles Cotesworth Pinckney ay—Christopher Gadsden, ay—Hon. Edward Rutledge, ay—David Ramsay, ay—Hon. Thomas Heyward, jun. ay—Edward Darrell, ay—Isaac Motte, ay—His hon. lieut. gov. Thomas Gadsden, ay—Hon. John Mathews, ay—Edward Blake, ay—Thomas Bee, ay—Hon. Daniel DeSaussure, ay—Thomas Jones, ay—Hon. John F. Grimke, ay—William Johnson, ay—Hon. John J. Pringle, ay—John Blake, ay—Daniel Stevens, ay—Daniel Cannon, ay—Anthony Toomer, ay—Hugh Rutledge, ay—John Budd, ay—Francis Kinloch, ay—William Sommersall, ay—Michael Kalteisen, ay—Richard Lushington, ay—Nathaniel Russell, ay—Josiah Smith, ay—Lewis Morris, ay—Edward Lightwood, ay—John Edwards, ay.

Christ-Church.

Hon. Charles Pinckney, ay—Hon. John Rutledge, ay—Hon. Arnoldus Vanderhorst, ay—William Read, ay—Joseph Manigault, ay—Jacob Read, ay—Joshua Toomer, ay.

St. John, Berkley County.

Hon. Henry Laurens, ay—Francis Marion, *absent*—Hon. William Moultrie ay—Peter Fayssoux, no—Keating Simons no—Henry Laurens, jun. ay—Thomas Walter, no.

St. Andrew.

Glen Drayton, ay—Hon. Richard Hutson, ay—Thomas Fuller, ay—James Ladson, ay—Ralph Izard, jun. ay—Charles Drayton, ay—Hon. William Scott, ay.

St. George, Dorchester.

John Glaze, ay—Morton Waring, ay—Thomas Waring, ay—Major John Postell, ay—William Postell, ay—Matthias Hutchinson, ay—John Dawson, ay.

St. James, Goose-Creek.

Hon. Ralph Izard, ay—Peter Smith, ay—Hon. Benjamin Smith, ay—Gabriel Manigault, ay—William Smith, ay—John Parker, jun. ay—John Deas, jun. ay.

St. Thomas and St. Dennis.

Hon. John Huger, ay—Thomas Karwon, ay—Thomas Screven, ay—Robert Daniel, ay—Lewis Fogartie, ay—Isaac Harleston, ay—Isaac Parker, ay.

St. Paul's Parish.

Paul Hamilton, ay—Jehu Wilson, no—Hon. Melcher Garner, no—George Haig, ay—Joseph Slann, ay—Roger Parker Saunders, ay—Hon. William Washington, ay.

St. Bartholomew.

Benjamin Postell, no—William Clay Snipes, no—O'Brien Smith, no—Paul Walter, no—Hon. John Lloyd, ay—John Croskeys, ay—Edmund Bellinger no.

St. Helena.

Hon. John Barnwell, Esq; ay—Hon. John Joyner, ay—Hon. John Kean, ay.—
Hon. William H. Wigg, ay—Hon. Robert Barnwell, ay—Hon. Will. Elliott, ay—
Hon. James Stuart, ay.

St. James, Santee.

Isaac Dubose, ay—Lewis Miles, ay—Samuel Warren, ay—Richard Withers,
ay—John Mayrant, ay—John Bowman, no—Thomas Horry, ay.

Prince George, Winyah.

Hon. Thomas Waties, ay—Samuel Smith, ay—Cleland Kinloch, ay—Peter
Horry, *absent*—Hon. William Allston, jun. ay.

All-Saints.

Daniel Morrall, ay—Thomas Allston, ay.

Prince Frederick.

William Wilson, ay—Patrick Dollard, no—Alexander Tweed, ay—William
Frierson, ay—William Read, no—James Pettigrew, ay—John Burges, jun. no—
St. John, Colleton County.

Thomas Legare, ay—Richard Muncreef, jun. ay—Hon. Daniel Jenkins, ay—
Hugh Wilson, ay—Isaac Jenkins, ay—Ephraim Mikell, ay—William Smelie ay.

St. Peter.

William Stafford, *absent*—John Fenwick, ay—John Chisholm, no—Joachim
Hartstone, ay—John Lewis Bourquin, jun. no Seth Stafford, ay—Rev. Henry
Holcom, ay.

Prince William.

Thomas Hutson, ay—John McPherson, ay—James Maine, ay—John A. Cuth-
bert, ay—John Lightwood, ay—John Simmons, ay—Stephen Deveaux, ay.

St. Stephen.

John Palmer, ay—Hon. Hezekiah Maham, ay—Samuel Dubose, ay—John
Peyre, ay—Thomas Cooper, *absent*—Thomas Palmer, *absent*—*One vacant.*

District Eastward of the Wateree.

Thomas Sumter, no—Andrew Baskins, no—John Lowry, no—Benjamin Cud-
worth, no—William Massey, no—John Chesnut, ay—Hugh White, no—Thomas
Dunlap, no—Samuel Dunlap, no—Samuel Boykin, *absent*—John Montgomery,
no.

District of Ninety-Six.

James Lincoln, no—Adam Crain Jones no—Andrew Hamilton, no—Dr. John
Harris, ay—Edmond Martin, no—Joseph Calhoun, no—William Butler, no—
John Bowie, no—Hon. John Lewis Gervais, no—John Ewing Calhoun, *absent*—
Charles Davenport, *absent*

North side of Saluda.

Samuel Earle, ay—Lamuel James Allstone, ay—John Thomas, jun. ay.

South side of Saluda.

Robert Anderson, *absent.*—John Miller, ay—William McCaleb, ay.

District of Saxe-Gotha.

Hon. Richard Hampton, no—Joseph Culpepper, no—William Fitzpatrick,
no—Lewellin Threewits, no—John Threewitts, no—Wade Hampton, no—
Hon. Henry Pendleton, ay.

Lower District between Broad and Saluda Rivers.

Hon. Aedanus Burke, no—John Lindsey, no. Philemon Waters, no—Robert Rutherford, no—Hon. John Hampton, no.

Little River District

John Hunter, ay—Samuel Saxon, no—Thomas Wadsworth, ay—Jashua Saxon, no—James Mayson, *absent*.

Upper or Spartan District.

William Kennedy, no—James Jordan, no—Charles Sims, no—Thomas Brandon, no—Hon. Zacariah Bulloch, no.

*District between Broad and Catawba Rivers.**Richland County.*

Hon. Thomas Taylor, no—William Meyer, no—Thomas Howell, no.

Fairfield County.

James Craig, no—Jacob Brown, no—John Grey, no—John Cook, no.

Chester County.

Edward Lacey, no—Joseph Brown, no—William Miles, no—James Knox, no.

District called the New Acquisition.

Hon. William Hill, no—Robert Patton, no—Samuel Watson, no—Rev. Francis Cummins, ay—James Martin, no—James G. Hunt, no—Samuel Lowrey, no—Andrew Love, no—John McCaw, no—Adam Meek, no—Abraham Smith, no.

St. Matthew.

Hon. William Thomson, ay—Hon. John Linton, no—hon. Paul Warley, ay.

Orange.

Lewis Golsan, *absent*—Lewis Lesterjette, ay—Jacob Rumph, ay—Donald Bruce, ay.

St. David.

Lamuel Benton, ay—Tristram Thomas, *absent*—William Dewitt, ay—Calvin Spencer, ay—Samuel Taylor, ay—R. Brownfield, ay.—Benjamin Hicks, jun. ay.

District between Savannah River and the north fork of Edisto.

Stephen Smith, ay—Hon. William Dunbar, ay—Joseph Vince, ay—Will. Robison, ay—John Collins, ay—Jonathan Clark, ay—William Bufort, *absent*.

>Yeas 149.

Neas 73

So it was resolved in the affirmative.

JOHN SANDFORD DART, *Sec'y*.

**41 A-NN. Payment Certificates for South Carolina Convention Delegates
Charleston, 23, 24 May 1788**

Forty payment certificates are extant. Thirty-seven are in Miscellaneous, Legislative Papers at the South Carolina Department of Archives and History. The certificate for Jacob Brown is in the South Caroliniana Library at the University of South Carolina; for John A. Cuthbert, the Houghton Library, Harvard University as Ms. Am 1649.15 (13) (Frederick M. Dearborn); and for Robert Rutherford, the Sol Feinstone Collection at the American Philosophical Society.

The certificate for John Cook is printed in RCS:S.C., 407-8. A facsimile of Cook's certificate is included here as 41-A. The remaining thirty-nine certificates are transcribed (in alphabetical order) as 49 B-NN.

The certificates are a printed form with the clerk entering the day of the month, name of delegate, the number of days in attendance and days of travelling, and the dollar amount owed. Governor Thomas Pinckney, the president of the Convention, then signed the certificates. Payment information was written on the back side of the certificates and is given in footnotes.

*41-A. Payment Certificate of John Cook
Charleston, 24 May*

- ◆ *To view this document, visit the University of Wisconsin Digital Collection at <https://digital.library.wisc.edu/1711.dl/Constitution>*

*41-B. Payment Certificate of William Allston, Jr.
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to William Allston Junr. Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0.

*41-C. Payment Certificate of John Barnwell
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to John Barnwell Esquire, Thirty four Dollars for Thirteen Days Attendance, as a Member of the Convention; and Four Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.18.8 and was paid on 8 October 1791.

*41-D. Payment Certificate of Jacob Brown
Charleston, 24 May*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Jacob Brown Esquire, Forty two Dollars for Thirteen Days Attendance, as a Member of the Convention; and Eight Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

*41-E. Payment Certificate of John Croskeys
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to John Croskeys Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0 and was paid on 22 April 1791.

*41-F. Payment Certificate of John A. Cuthbert
Charleston, 23 May¹*

In CONVENTION.

May 23d. 1788.

GENTLEMEN, Pay to J. A Cuthbert Esquire, Thirty four Dollars for thirteen Days Attendance, as a Member of the Convention; and four Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.18.8 and was paid on 11 November 1788.

*41-G. Payment Certificate of Robert Daniel
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Robert Daniel Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7 and was paid on 7 July 1791.

*41-H. Payment Certificate of Charles Drayton
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Charles Drayton Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0 and was paid on 15 June 1791.

*41-I. Payment Certificate of Glen Drayton
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Glen Drayton Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0 and was paid on 3 December 1788.

*41-J. Payment Certificate of Samuel Earle
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Samuel Earle Esquire, Fifty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Twelve Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £11.13.4.

*41-K. Payment Certificate of Lewis Fogartie
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Lewis Fogartie Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7 and was paid on 7 July 1791.

41-L. *Payment Certificate of George Haig*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to George Haig Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 7 July 1791.

41-M. *Payment Certificate of Wade Hampton*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Wade Hampton Esquire, Thirty Eight Dollars for Thirteen Days Attendance, as a Member of the Convention; and Six Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £8.17.4.

41-N. *Payment Certificate of Isaac Harleston*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Isaac Harleston Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0 and was paid on 30 May 1791. Harleston requested the treasury to "Pay the Contents to Hopson Pinckney Esquire to be applied to rebuilding the School on Beresfords Bounty."

41-O. *Payment Certificate of John Huger*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to John Huger Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 30 May 1791.

41-P. *Payment Certificate of Thomas Jones*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Thomas Jones Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; ~~and — Days Travelling from and to his Home.~~

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 5 July 1791.

41-Q. *Payment Certificate of Thomas Karwon*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Thomas Karwon Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7 and was paid on 7 July 1791. The certificate contains the notation: "Transfer'd to the Parish of St Thomas & St Dennis to the Offic[e]r of which pay the Contents/Thos Karwon."

41-R. *Payment Certificate of James Knox*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to James Knox Esquire, Forty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and Ten Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. Knox directed that the money, equivalent to £10.14.8, be paid to H. Philip Wesner, which was done on 9 April 1791.

*41-S. Payment Certificate of James Ladson
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to James Ladson Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7. A notation on the back of the certificate indicated: "Reced. 28th. Octor. 1791 the within in full/Thos. Horsey."

*41-T. Payment Certificate of Henry Laurens
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Henry Laurens Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and ~~and — Days Travelling from and to his Home.~~

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4. The following notation is on the back of the certificate: "Charleston June 8. 1791. Recd. payment from Mr. Hart. Treasurer. — For John McCall/C.T./Archid. Scott Ball/." McCall was the city treasurer in 1790.

*41-U. Payment Certificate of Thomas Legare
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Thomas Legare Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4.

*41-V. Payment Certificate of James Main
Charleston, 23 May¹*

In CONVENTION.

May 23d 1788.

GENTLEMEN, Pay to James Main Esquire, Thirty four Dollars for thirteen Days Attendance, as a Member of the Convention; and four Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.18.8 and was paid on 30 July 1791. The certificate came "From Capn. Forrester."

*41-W. Payment Certificate of Joseph Manigault
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Joseph Manigault Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 5 July 1791.

*41-X. Payment Certificate of William Massey
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to William Massey Esquire, Forty four Dollars for Thirteen Days Attendance, as a Member of the Convention; and Nine Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. Massey instructed the treasurer to pay the amount, equivalent to £10.5.4, to H. Philip Wesner. The amount was paid on 9 April 1791.

*41-Y. Payment Certificate of Isaac Parker
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Isaac Parker Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 30 May 1791. Parker instructed the treasurer to “Pay the Contents to Hopson Pinckney Esquire to be applied to rebuilding the School on Beresfords bounty.”

*41-Z. Payment Certificate of John Peyre
Charleston, 24 May¹*

In CONVENTION.

May 23d 1788.

GENTLEMEN, Pay to Jno. Peyre Esquire, Thirty Dollars for thirteen Days Attendance, as a Member of the Convention; and two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.0.0.

*41-AA. Payment Certificate of David Ramsay
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to David Ramsay Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4.

*41-BB. Payment Certificate of Nathaniel Russell
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Nathaniel Russel Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 7 July 1791.

41-CC. *Payment Certificate of Robert Rutherford*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Robert Rutherford Esquire, Forty four Dollars for Thirteen Days Attendance, as a Member of the Convention; and Nine Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The certificate was received by the treasury on 13 November 1788. The amount was equivalent to £10.5.4.

41-DD. *Payment Certificate of Roger Parker Saunders*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Roger Parker Saunders Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7 and was paid on 4 August 1791.

41-EE. *Payment Certificate of Thomas Screven*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Thomas Screven Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7 and was paid on 7 July 1791.

41-FF. *Payment Certificate of John Simmons*
*Charleston, 23 May*¹

In CONVENTION.

May 23d 1788.

GENTLEMEN, Pay to Jno. Simmons Esquire, Thirty four Dollars for thirteen Days Attendance, as a Member of the Convention; and four Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. Simmons asked the treasurer to "Pay [Trikel?] 34 Dollars." The amount was equivalent to £7.18.8 and was paid on 4 August 1791.

*41-GG. Payment Certificate of Benjamin Smith
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Benjamin Smith Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4.

*41-HH. Payment Certificate of Josiah Smith
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Josiah Smith Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 12 July 1791.

*41-II. Payment Certificate of Anthony Toomer
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Anthony Toomer Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 7 July 1791.

*41-JJ. Payment Certificate of Joshua Toomer
Charleston, 24 May¹*

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Joshua Toomer Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £6.1.4 and was paid on 5 July 1791.

41-KK. *Payment Certificate of Arnoldus Vanderhorst*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Arnoldus Vanderhorst Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. Vanderhorst instructed the treasurer to "Pay the within to the Church Wardens of the Episcopal Church of Christ Church parish." The treasurer noted: "Convention Order on Treasury, given to the two Churches in Christ Church parish." The amount was equivalent to £6.1.4 and was paid on 5 July 1791.

41-LL. *Payment Certificate of Thomas Waring*
Charleston, 24 May

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Thomas Waring Esquire, Twenty Six Dollars for Thirteen Days Attendance, as a Member of the Convention; and — Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

41-MM. *Payment Certificate of Jehu Wilson*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Jehu Wilson Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. On the back of the certificate is the following notation: "24th May 1788—/Does not appear

[- - -]/Examined the Accounts of Members of the Convention/£7—."

41-NN. *Payment Certificate of Richard Withers*
*Charleston, 24 May*¹

In CONVENTION.

May 24: 1788.

GENTLEMEN, Pay to Richard Withers Esquire, Thirty Dollars for Thirteen Days Attendance, as a Member of the Convention; and Two Days Travelling from and to his Home.

To the Commissioners of the Treasury.

Thomas Pinckney Prest.

1. The amount was equivalent to £7.

**42. Jean-Baptiste Petry to Comte de la Luzerne
Charleston, 14 May 1788 (excerpt)¹**

. . . The Convention of the people of this state has been assembled, My Lord, in this city since the 12th of this month to consider, approve or reject the federal Constitution proposed by the delegates of the several states assembled in convention at Philadelphia in September last. This grand event occupies all spirits so completely, particularly all the government officers who are members of this Convention, that I hope that you will consent to authorize that I postpone until its adjournment, complying with the orders contained in your dispatch of 15 November relative to the debt of South Carolina towards His Majesty. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 284–85, Archives Nationales, Paris. This is dispatch No. 51.

43. Charleston City Gazette, 14 May 1788¹

Yesterday the poll closed for the election of a delegate to convention, in the room of col. Laurens, when John Edwards, Esq; was declared to be elected.

1. Reprinted: *State Gazette of South Carolina*, 15 May.

44. Massachusetts Centinel, 14 May 1788

On Monday last the Convention of South-Carolina convened—and from various accounts, it is expected will finish their business of ratifying the Constitution in the course of the next week.

**45. Henry Knox to Henry Jackson
New York, 18 May 1788 (excerpt)¹**

My dear Harry

. . . You will see from the papers the state of politics—South Carolina and Virginia will probably adopt New Constitution. The former is now in session. . . .

I am your affectionate

1. FC, Knox Papers, GLC 02437.03875, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, at the New-York Historical Society.

**46. Henry Knox to Jeremiah Wadsworth
New York, 18 May 1788 (excerpt)¹**

My dear friend

. . . The party against the Constitution in South Carolina is stronger than has been supposed. But I believe sincerely the federalists will prevail there and in Virginia. . . .

I am your affectionate

1. RC, Wadsworth Papers, Connecticut Historical Society.

**47. John Lamb to Aedanus Burke, Rawlins Lowndes, and Thomas Sumter
New York, 19 May 1788**

Beginning in mid-May, John Lamb on behalf of the New York Federal Republican Committee wrote letters to Antifederalists around the country, at least three letters to these South Carolinians. Manuscript copies of the three letters have not been located, but one of the letters, dated 19 May, was published in a Charleston newspaper and is printed below. For more on these letters see the Editors' Note, RCS:S.C., 287–88.

*State Gazette of South Carolina, 26 June*¹

(By particular Desire.)

The following Letter was received by a gentleman in this city from the Chairman of a Committee in New-York.

New-York, May 19, 1788.

Sir, The importance of the subject upon which we address you we trust will be a sufficient apology for the liberty we take.

The system of government proposed by the late convention to the respective states for their adoption, involves in it questions and consequences in the highest degree interesting to the people of these states.

While we see in common with our brethren of the other states the necessity of making alterations in the present existing federal government, we cannot but apprehend that the one proposed in its room, contains in it principles dangerous to public liberty and safety.

It would far exceed the bounds of a letter to detail to you our objections to the proffered constitution; and it is the less necessary we should do it, as they are well stated in a publication which we take the liberty of transmitting you in a series of letters from the Federal Farmer to the Republican.

We renounce all ideas of local objections, and confine ourselves only to such as affect the cause of general liberty, and are drawn from those genuine republican principles and maxims, which we consider as the glory of our country, and which gave rise to the late glorious revolution and supported the Patriots of America in effecting it.

Impressed with these sentiments, we hold it a duty we owe our country, our posterity, and the rights of mankind, to use our utmost endeavours to procure amendments to the system previous to its adoption.

To accomplish this desirable event, it is of importance that those states who have not acceded to the plan, should open a correspondence and maintain a communication—that they should understand one another on the subject, and unite in the amendments they propose.

With this view, we address you on the subject, and request a free correspondence may be opened between such gentlemen in your state, as are of opinion with us on the subject of amendments. We request your opinion on the matter, and that you would state such amendments, as you judge necessary to be made.

As the conventions of New-Hampshire and Virginia will be in session at the same time that our's will be, we have written to some of the members of those conventions, who are opposed to the new constitution in its present form, on the subject of opening a correspondence between the conventions, which we hope will be effected, being convinced, that if put in execution, many good consequences will result.

It is not yet declared who are the members elected for our convention—The ballots are to be counted the last Tuesday in this month—But, by the best information received from the different counties, we have not a doubt of there being a decided and considerable majority returned, who will be opposed to the constitution in its present form. A number of the leading and influential characters who will compose the opposition in our convention, are associated with us. We are anxious to form a union with our friends in the other states, and to manifest to the continent, and to the world, that our opposition does not arise from an impatience under the restraint of good government—from local or state attachments—from interested motives or party spirit—But from the purer sentiments of the love of liberty, an attachment to republican principles, and an adherence to those ideas which prevailed at the commencement of the late revolution, and which animated the most illustrious Patriots to undertake and persevere in the glorious, but arduous contest.

1. Reprinted: Philadelphia *Independent Gazetteer*, 18 July; New York *Daily Advertiser*, 23 July.

48. Massachusetts Centinel, 24 May 1788

Nothing further from South-Carolina yet. Virginia Convention meets in a few days.

49. Samuel A. Otis to George Thatcher New York, 25 May 1788 (excerpt)¹

. . . Nothing has transpired in relation to the farther accession to federal measures. So Carolina having been some time in session, I think we may speedily expect their determination; Virginia comes next. . . .

1. RC, Chamberlain Collection, Boston Public Library. Printed: Paul H. Smith, ed., *Letters of Delegates to Congress, 1774–1789* (26 vols., Washington, D.C., 1976–2000), XXV, 111.

50. Charleston Columbian Herald, 26 May 1788

** The Knights of the most puissant order of the Beggars Benison and Merry-land, are requested to meet at their Chambers, at *Williams's* Coffee-House, this evening at Seven o'Clock, to regulate their *Affairs* previous to their meeting the Federal Procession To-morrow.

Signed by order,

T. T. C. Chief.

51. Ebenezer Hazard to Jeremy Belknap
New York, 27 May 1788 (excerpt)¹

. . . We hear nothing from Carolina yet, but have no doubt that matters will terminate favourably there, if they have not already done so. . . .
 your affectionate friend

1. Printed: "The Belknap Papers," *Collections* of the Massachusetts Historical Society, 5th series, Vols. II–III (Boston, 1877), Part II, 45–46.

52. John Julius Pringle to Coxe & Frazier
Charleston, 27 May 1788 (excerpt)¹

. . . A few days after my arrival from Camden the Convention met respecting the federal Constitution, & continued to set from 9 in the morning till late in the afternoon, & did not dissolve till the 24th. instant. Being obliged to attend constantly, I postponed further proceedings with Mr Cooke till it was ended. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi.

53. Joseph Clay to John Donnalson
Savannah, Ga., 28 May 1788 (excerpt)¹

. . . you will doubtless be glad to learn So. Carolina has acceded to the New Constitution—I hope we shall soon see a secure & efficient Government established, adequate to all its purposes and we undoubtedly stand in great need of. . . .

1. FC, Clay Letterbook, Georgia Historical Society.

54. Anthony Wayne to George Handley
Richmond Plantation, Ga., 28 May 1788¹

Permit me to congratulate you upon the adoption of the Federal Constitution by the States of Maryland & So. Carolina, the former by a majority of 63 to 11 the latter by 149 to 73—thus we want but one State more to agree, when its organization will take place an event that promises stability, & greatness to the Empire of America, & wealth, Numbers, & Consequence to this State in particular! Provided, that a well digested, reasonable & proper Instalment Act is hoped previous to the Operation of the Federal Government. this will not only be an act of Humanity but also of Justice & Policy!

Of humanity as it will afford a reasonable protection to the worthy Whig Citizen who has been plundered & whose family have experienced almost every difficulty & distress by the late foreign & present Indian War against a more Savage foe—a rapacious British Creditor!

Justice, as it will give time to the honest Industrious debtor, to pay *all* his creditors their full demand, both *principal* & *Interest*, by Annual Instalments from *One* to *five*, or Perhaps *seven* years: in specie, in place of a depreciated paper:

(debts under £150 not to be included—but left open to be recovered as usual) it wou'd also have this good effect—it wou'd Prevent a single rapacious Creditor, from selling & appropriating to his own use—a property worth *Five thousand Pounds* for a debt not exceeding *Five hundred*—to the exclusion of every American, & other lenient Creditors! besides reducing to indigence & want, a helpless & numerous family, who had seen better Days & possessed a redundancy to extricate themselves from every pecuniary demand—with a little forbearance!

Numerous instances might be adduced to prove this fact, I shall only mention two recent ones: a Mr. Van Bram purchased a house & Lot in Charleston about four years since for Four thousand pounds sterling—he paid two thousand pounds in hand & seven hundred some time after, he also added new buildings & improvements to the amount of two thousand Pounds more, so that the house &c. stood him in £6000 It was sold the other day at the suit of One *Calladonian* Creditor, for this trifling sum of Eleven hundred pounds

One other House, which at the time rented for £150 ~~an~~ an[um] was sold by the Sheriff for two hundred pounds only.

What wou'd then be the consequence was the whole of the debt or even the Judgments now obtained to be put in execution immediately—in that case, I will venture to predict, that there is no property in this Country wou'd command one tenth part of its real value. Nay I am confident that a Gentleman worth *ten thousand pounds* sterling in Lands & Negros, wou'd be inevitably ruin'd by a debt of only *One thousand* & even that *thousand* not fully paid by a Sheriffs sale is it not therefore, an Act of Justice to prevent such ruin, a Monopoly

It's also an Act of *Policy*—as it will be a stimulous to industry—a security to every reasonable Creditor—& insure, wealth, numbers, peace & happiness to this Country! on the Contrary distress, anarchy, confusion, & perhaps ruin, may be the fatal consequences if the Citizens are left at the intire mercy—of a people who tho' not equal to subdue us by force of Arms—have been insiduously [i.e., insidiously] pursuing a more *safe* & effectual mode that of *Confiscations* of Property, to satisfy a trifling demand?

It may be objected “that the Federal Constn. prohibits any State from passing, any Law impairing the obligation of Contracts.” An act of this nature, so far from impairing the Obligation of Contracts, will afford a certain & full completion of them in due time, I will confess that if any Law was to pass, for diminishing the principle, or interest, that wou'd be [“]impairing the Contract” but certainly until the Federal Government is in Operation this State has an indubitable right to afford a reasonable time for the Debtors to discharge the whole of their *Contracts* both Principal & Interests; Nor can the Federal Government, do it away by an *ex post facto law* (vide sect 9 of 1st Art.)

Those motives in addition to more weighty reasons the distressed situation we are in, from the Indian war, which has nearly desolated the Southern Country & what renders it yet more alarming, this Countenance and protectives afforded to those Hostile Indians, & to our runaway Negros, by the *Spaniards*, in my Opinion, renders an immediate call of the House, indispensibly necessary—

Colo *Lively* who has just arrived from St. Mary's & waits whilst I am writing, will be able to explain matters more fully Viva Voce, than I am capable to do, in the Circumscribed limits of a letter

Interim I am with every sentiment of Esteem,

1. FC, Wayne Papers, William L. Clements Library, University of Michigan.

55. Weeden Butler to Pierce Butler

Chelsea, England, 29 May 1788 (excerpt)¹

. . . By this Time I hope the Visto of established polity opens cheeringly upon you, and shall be happy to join Thousands in congratulating you on its extensive and good Effects. Your Labour requires Repose; and such united Counsels merit the Enjoyment of Success. . . .

1. RC, Pierce Butler Papers, South Caroliniana Library, ScU.

56. Nicholas Gilman to John Langdon

New York, 29 May 1788¹

I have the pleasure to inform you that letters were received last evening from a gentleman in the Convention of South Carolina—by which it appears there is a very respectable Majority in favor of the new System—an account of the ratification is hourly expected—and there is good reason to believe that the majority will be greater than appeared against the adjournment (vide the enclosed paper) as many of the minority came fettered with instructions, repugnant to their present sentiments—late accounts from Virginia on this Subject are favourable.—

1. RC, Langdon Papers, Portsmouth Athenæum, Portsmouth, N.H.

57. Gazette of the State of Georgia, 29 May 1788¹

After the ratification the following was published:

Federal Procession and Order of March, in Charleston, on Tuesday next, the 27th instant, (weather permitting) to parade at Roper's Wharf, at 10 o'clock A. M.

1st. Band of Musick.

2d. Gentlemen Planters.

3d. Inspectors of Rice, Indigo, and Tobacco, with a hogshead of tobacco drawn by horses.

4th. Butchers, with tools, decorated with ribbons.

5th. Bakers, ditto, ditto ditto.

6th. Brewers, ditto, ditto ditto.

7th. Distillers, ditto, ditto ditto.

8th. Blacksmiths, ditto, ditto ditto.

9th. Whitesmiths, do. ditto ditto.

10th Cutlers, ditto, ditto ditto.

11th. Fire Engine Makers, ditto ditto.

- 12th. Architects, ditto, ditto ditto.
 13th. House Carpenters, ditto ditto.
 14th. Bricklayers, do. ditto ditto.
 15th. Painters and Glaziers, ditto ditto.
 16th. Coach Painters, ditto ditto.
 17th. Cabinet Makers, ditto ditto.
 18th. Coach Makers, ditto ditto.
 19th. Sugar Bakers, ditto ditto.
 20th. Wheelwrights and Turners, do. ditto.
 21st. Coopers, ditto, ditto ditto.
 22d. Tanners, Curriers, and Skinners, ditto.
 23d. Stocking Weavers, ditto ditto.
 24th. Shoe and Boot Makers, do. ditto.
 25th. Saddlers and Harness Makers, do. ditto.
 26th. Hatters, ditto, ditto ditto.
 27th. Tailors and Habit Makers, with tools decorated.
 28th. Peruke Makers and Hair Dressers, ditto ditto.
 29th. Goldsmiths, ditto ditto.
 30th. Engravers, ditto ditto.
 31st. Watch and Clock Makers, ditto ditto.
 32d. Copper Smiths and Brass Founders, ditto ditto.
 33d. Gun Smiths, ditto ditto.
 34th. Tallow Chandlers and Soap Boilers, ditto ditto.
 35th. Printers, with a stand and compositors at work.
 36th. Pilots.
 37th. Commissioners of the Pilotage and Harbour Master.
 38th. SHIP FEDERALIST.



Captain
 Captain Marines
 1st Lieutenant
 2d Lieutenant

Master, Boatswain, and 13 Seamen.
 Masters of Vessels and Seamen.

- 39th. Commissioners of the Marine Hospital.
 40th. Merchants preceded by the different Consuls.
 41st. Ship Carpenters with tools decorated.
 42d. Ship Joiners and Mast Makers.
 43d. Rope Makers, with their waists encircled with hemp.
 44th. Block Makers with tools.
 45th. Sail Makers ditto.

- 46th. Boat Builders, ditto.
 47th. Ship Chandlers, ditto.
 48th. Commissioners of the Markets.
 49th. Carvers and Gilders with tools.
 50th. Tinmen ditto.
 51st. Tobacconists ditto.
 52d. Umbrella Makers ditto.
 53d. Glass Grinders, Rubbers, Diamond Cutters, Polishers and Silverers.
 54th. Mathematical Instrument Makers, with tools decorated.
 55th. Limmers, ditto ditto.
 56th. Stationers and Bookbinders, ditto ditto.
 57th. Schoolmasters, with their scholars, books, &c.
 58th. Vintners.
 59th. Physicians and Surgeons.
 60th. Clergy of all denominations.
 61st. Sheriffs, Clerks of Courts of Sessions and Common Pleas, Registers of Chancery and Admiralty, Coroner.
 62d. Judges of Chancery, Sessions and Pleas, and Admiralty, robed; Attorney General, Gentlemen of the Bar, Master in Chancery and Ordinary.
 63d. Collector of the Customs, Secretary of the State, Commissioners of the Treasury, Auditor General, Surveyor General, Register of Mesne Conveyances, Postmaster, Escheators, Waiters of the Customs.
 64th. City Council with their staves, preceded by the City Sheriff, Recorder, and City Treasurer.
 Sword of State borne by the Sheriff of Charleston district.
 65th. His Excellency the Governor, his Honour the Lieutenant Governor, Privy Counsellors, Secretary to the Governor and Privy Council, with their officers.
 66th. The President and Clerk of the Senate robed, and their other officers.
 67th. The Speaker of the House of Representatives and Clerk robed, with their other officers.
 68th. The Fusileer Company.
 The line to be formed and order of march to be regulated by Captain Hamilton, Marshal of the procession.

By Order of the Committee,

P. BOUNETHEAU, Secretary.

In arranging the order of procession the different crafts have been placed or arranged as appeared most eligible, without any respect to precedence: It is therefore hoped no offence will be taken.

P. B.

1. Reprinted: *Georgia State Gazette*, 31 May; *Massachusetts Gazette*, 10 June; *New Hampshire Gazette* and *Massachusetts Spy*, 12 June.

58. New York Daily Advertiser, 29 May 1788¹

A gentleman, who came passenger with Capt. Bird, informs, that the final question was to be taken on the Constitution the day he left Charleston (May 22.) The next arrival from that place will, no doubt, bring us a confirmation of the federalism of South-Carolina.

1. Reprinted: New York *Independent Journal*, 31 May; New York *American Magazine*, May issue; *New York Journal*, 2 June; *Connecticut Gazette*, 6 June; and Lansingburgh, N.Y., *Federal Herald*, 9 June.

59. New York Journal, 29 May 1788¹

There is *little* interesting intelligence of a domestic nature; in a few days, it is probable the public will be informed, through this channel, of the *fate* of the new proposed constitution in the several states which have now, and soon will have, that important subject under consideration. South-Carolina commenced their session, in convention, on the 13th inst. of whose *final* decisions accounts are momentarily expected.

1. Reprinted: *Connecticut Courant*, 2 June; *Massachusetts Gazette*, 6 June; Boston *American Herald*, 9 June.

**60. Edward Carrington to Governor Edmund Randolph
New York, 31 May 1788 (excerpt)¹**

. . . I also have the Honor to inclose papers Containing some of the debates of the Convention of South Carolina which indicate the good disposition of that Body towards the Constitution.

1. RC, Continental Congress Papers, Virginia State Library. Printed: Paul H. Smith, ed., *Letters of Delegates to Congress, 1774–1789* (26 vols., Washington, D.C. 1976–2000), XXV, 133–34.

61. New York Independent Journal, 31 May 1788¹

A gentleman, who came passenger in the Packet from Charleston, assures us that from the very great majority of federalists in the Convention, at that place, and other concurring circumstances, there remains not a doubt but that the Constitution was ratified the day after he sailed.

1. The New York *Impartial Gazetteer* also printed this item on 31 May. Reprinted: *Massachusetts Gazette*, 6 June.

62. Pennsylvania Journal, 31 May 1788 (excerpt)

From the New York Papers of the 29th inst. arrived last evening, we have extracted the following,

Yesterday arrived, in 5 days from Charleston, the New-York and Philadelphia packet, —, Bird Master.

By the above vessel we have received papers to the 22d instant, which contain a considerable proportion of the debates in convention; but the lateness of their arrival prevented our giving long extracts this day. The following is authentic.— On the 20th (last Tuesday week) the convention had got through the discussion of the constitution by paragraphs—and, in convention, on the same day, General Sumpter gave notice, that at twelve o'clock, on the next day, if the business then before the house should permit, he intends moving for an adjournment, in order that time may be given for further consideration on a subject of such vast magnitude.

**63. Thomas and Samuel Hollingsworth to Levi Hollingsworth
Baltimore, Md., 2 June 1788 (excerpt)¹**

. . . P. S. since writing the above we have Obtained the Papers from Z[ebulon] H[ollingsworth] which are Inclosed with a Confirmation of So. Carolina's Ratification the New Constitution—

1. RC, Hollingsworth Papers, PHi.

64. Baltimore Maryland Gazette, 3 June 1788

It must give real pleasure to every federalist that the important State of South-Carolina has ratified the Constitution for the United States, especially too, to find it carried by a majority of more than two to one. On the grand question the votes stood: For the ratification 149. Against it 73. This news which arrived on Saturday, by the sloop George, Capt. Chace, was celebrated by a discharge of cannon from *Federal-Hill*, at 5 o'clock in the evening, when a number of gentlemen convened at Mr. Grant's, to a slight repast, and added another proof to the general joy occasioned by this happy event.—The following toasts were drank on the occasion:

1. The State of South-Carolina.
2. The South-Carolina Convention.
3. Our sister Virginia.—May she soon complete the Arch of the grand Federal Building.
4. May the noble spirit of the Minorities of the Conventions of Massachusetts and South-Carolina, be imitated by the Opposers of the Federal Constitution.
5. The illustrious George Washington.
6. The Federal Writers.
7. The Learning, Agriculture, Trade, and Manufactures of America.
8. May the Flag of the United States soon become a Favorite of the Ocean, and ever guard from invasion the Liberties of America.

1. Reprinted: Philadelphia *Independent Gazetteer*, 6 June; Charleston *Columbian Herald*, 3 July.

65. Massachusetts Centinel, 4 June 1788

When our last accounts left Charleston, preparations were making there, for celebrating the ratification of the Constitution by South-Carolina.

66. Abraham Baldwin to Seaborn Jones
New York, 5 June 1788 (excerpt)¹

. . . We have just got the good news from South-Carolina. . . .

1. RC, Stokes Autograph Collection, Yale University.

67. Charles Thomson to John Sandford Dart
New York, 7 June 1788¹

Yesterday I had the honor to receive by Mr. Kean your letter of 28 May with 13 copies of the acts and ordinances passed by the Legislature of South Carolina during their session of Feby 1788. Those which I recd. before these were passed in March 1787. I apprehend a session must have intervened between these two because I do not find among those recd. an Act for calling a State Convention to consider the New Constitution. If this should be the case I must request the favour of you to transmit to me by the first safe conveyance 13 Copies of the acts that may have been passed between March 1787 & Feby 1788

1. FC, Item 18, Letterbooks of the Secretary of Congress, 1779–89, RG 360, Papers of the Continental Congress, DNA.

68. William Pynchon Diary
Salem, Mass., 7 June 1788 (excerpt)¹

. . . Joyful news from NYork of S. Carolina hath accepted the fed Const[itutio]n.

1. MS, Pynchon Papers, MHi.

69. Noah Webster Diary
New York, 7 June 1788¹

Official intelligence of the ratification of the Constitution in South Carolina—I write an address to the opposers of the Government.

1. MS, Webster Diary, New York Public Library.

70. John Hubley to Benjamin Rush
Lancaster, Pa., 8 June 1788 (excerpt)¹

. . . I congratulate You my Dear Friend on the adoption of the New Constitution by the State of S. Carolina and make no doubt we shall have the pleasure soon to hear of the most, if not of all, the remaining States coming into the measure—The Address to the People of the State of New York in last Thursday paper is excellent.—

I am Dear Sir with great Esteem

1. RC, Rush Papers, Library Company of Philadelphia.

71. Samuel Phillips Savage Diary
Weston, Mass., 9 June 1788 (excerpt)¹

. . . heard S Caro. had adopted New Constitution . . .

1. MS, Savage Diary, MHi.

72. Boston Gazette, 9 June 1788¹

This Morning was ushered in by the ringing of Bells, &c. in consequence of the joyful news of the adoption of the Federal Constitution by South-Carolina.

1. Reprinted: *Providence Gazette*, 14 June.

73. William Heath Diary
Roxbury, Mass., 11 June 1788 (excerpt)¹

. . . The State of South Carolina have passed the federal Constitution by a large Majority.—and proposed Several amendments—

1. MS, Heath Diaries, MHi.

74. Springfield, Mass., Hampshire Chronicle, 11 June 1788

☞ *EIGHT FEDERAL PILLAR.*

We are informed, and we believe from authority, that the Convention of the State of South-Carolina, did, on the 23d ultimo, at five o'clock in the afternoon, Adopt, Ratify and Confirm the proposed Constitution of Federal Government. When the grand question was put, the yeas and nays appeared as follow, viz.

In favour of adoption,	149
Against it,	<u>73</u>
Majority,	76

Thus stand erected and united, eight pillars of the Grand Federal Fabrick.

75. Massachusetts Centinel, 14 June 1788¹

The ratification of the Federal Constitution by the State of South-Carolina was read in Congress the 6th inst. by the Hon. Mr. Kean.

1. Reprinted seven times by 27 June: Mass. (3), R.I. (1), Pa. (2), Md. (1).

76. Timothy Pickering to Tench Coxe
Wilkesborough, Pa., 15 June 1788 (excerpt)¹

. . . The lad whom Jenkins procured to carry from me this recognizance which it was expected would have obtained [John] Franklins liberty, returned two days ago. He told me another state had adopted the New-Constitution—this

is So. Carolina, for which I heartily rejoice. The motives you suggest to Virginia for her adoption of it well merit her attention. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi.

**77. Georgia Governor George Handley to Governor Thomas Pinckney
17 June 1788 (excerpt)¹**

Your polite address of the 24 Ulto. I had the honor of receiving notifying the ratification of the ~~federal~~ proposed Constitution for the Government of the United States, by the Convention of the people of the State of South Carolina—give me leave to congratulate you on the event. . . .

1. FC, Governors' Letterbooks, 1786–89, Georgia Department of Archives and History.

**78. Jacob Read to Robert Wills
Charleston, 19 June 1788 (excerpt)¹**

. . . We Carried our new Constitution Very handsomely in this State & now wait anxiously to hear from Virginia . . .

1. RC, South Caroliniana Library, ScU.

**79. Hugh McCall to Edward Carrington
Charleston, 20 June 1788 (excerpt)¹**

My dear Sir,

Your Letter of the 22d Ultimo arrived a few Days ago, & has made me uneasy, lest you should think I have been guilty of Neglect in Writing to you. I have been much indisposed lately, which prevented my attending to the forwarding of my Letters: but whether I wrote you last by the Post or by Sea I do not recollect—

Matters have however been so situated that I could not have given you fresh Information, as the best of Us cannot at present pay our Debts. There is no Specie whatever in Circulation, & the paper-money is so good that Nobody will part with it—I received the other Day from James Postell about One hundred & fifty Dollars in paper, which is all that I have been able to extort from your Debtors since my last Letter: for this small sum you may draw when you please. The Majority of the remaining part of your Debtors are privileged at present: but I will sue them all for September return, by which I shall recover a part in the Spring—You have desired me to send you the Vouchers I have taken up: but I have paid a great many of your Orders where the parties had no Vouchers & I am sorry to add, that your Instructions to take Duplicate-Receipts were given at so late an Hour that I have in many Instances omitted to take Duplicate-Receipts: so that were I to forward you these Vouchers, I should be destitute of any to prove the payments I have made. I am very ready however to obey you in all Respects, but know not how I can part with them under these Circumstances. Be so good therefore, my worthy friend; to devise some Mode to answer the

purpose of these Vouchers for me. Can't you send me a Receipt for as much money as you know I have paid (mentioning the particular sums & to whom paid with the Dates as in the Acct. Current) and have the Receipt witnessed by one of our Delegates? Be so good as to adopt this or any other Mode that you think more eligible, & I will send you the Vouchers. I am happy however that this Omission of Duplicate-receipts has been of no Injury as no persons have been paid twice; for no one has been paid whereof you have not received & acknowledged Advice—

The Backwardness of Debtors is such, that I cannot flatter you or myself with any Monies until next March, & then probably, through the hands of the sheriff. The Adoption of the new Constitution has afforded us a Hope that the Laws will be enforced: but there is such a Load of Debt, that there still remains a silent Doubt, what Degree of Respect will be shewn to the sheriff & his Deputies. . . .

Mrs Mc unites in Esteem & Affection

1. RC, Chamberlain Collection, Boston Public Library.

**80. George Washington to Charles Cotesworth Pinckney
Mount Vernon, Fairfax Co., Va., 28 June 1788 (excerpt)¹**

I had the pleasure to receive, a day or two ago, your obliging letter of the 24th of last month, in which you advise me of the ratification of the foederal Constitution by South Carolina. By a more rapid water conveyance, that good news had some few days before arrived at Baltimore, so as to have been very opportunely communicated to the Convention of this State, in session at Richmond. . . .

1. FC, Washington Papers, DLC. Printed: CC:792.

81. Charleston City Gazette, 30 June 1788

The funds of the United States are at present in such a miserable situation, that on the treasurer being called upon, for a state of the finances with which he is entrusted, his return was, that he had not sufficient resources to maintain the president's table for three months.

**82. Marquis de Lafayette to Thomas Jefferson
12 July 1788 (excerpt)¹**

I Thank You, My dear Sir, on the Good News You Give me from S. Carolina—I Hope Virginia Will not fail—Every thing Goes on Well But the Point Relative to the Presidency Which You and I Have at Heart—I Confess this Makes me Uneasy, Will the General Agree with Us—The Moment He Adopts our Opinion, My fear is Gone. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XIII, 348.

83. Charleston City Gazette, 21 July 1788¹

By recent letters from Shelburne and Halifax, in Nova-Scotia, we find that the *good Israelites* in that *loyal* province, evince a warm desire to become an additional state—under our federal government—declaring, that they discover in it all the advantages exempt from the disadvantages of a monarchical constitution. The late excessive outrages and riots they have experienced there, has opened their optics, and convinced most of the *rational people*, that the blessings they have so long vociferated to the world, arising from the *honor* of living under English laws, are only ideal, as well as that the land they *enjoy*, is not that CANAAN they were taught and wont to think it, it being indubitable that there are but two seasons in their province, viz. eight months rigorous winter, and four summer, which prevents their raising even sustenance sufficient for their own *temperate* consumption, much less supplying the West-India islands, which they have so repeatedly boasted of, for it is an undeniable fact that Nova-Scotia, New Brunswick, St. John's and Newfoundland (being the *whole* of the British America) are, and have ever been supplied with their fruit, flour, *cattle* and other *luxuries* from the American states, and necessarily ever must be, in proportion to their population, and fifty per cent. cheaper than they can raise or obtain them from any other empire under the sun.

1. Reprinted seven times by 15 September: Conn. (2), N.Y. (2), N.J. (1), Pa. (2).

**84. Thomas Pinckney to Richard Winn
Charleston, 23 July 1788 (excerpt)¹**

. . . I congratulate on the accession of the States of Virginia & New Hampshire to the federal Union. We have not yet heard of the decisions of N. Carolina or New York—

1. FC, Pinckney Family Papers, DLC.

**85. David Ramsay to John Kean
Charleston, 28 July 1788¹**

In answer to your three favors lately received I inform you that we seldom now hear any mention made of the convention or constitution. Charles Pinckney mentions openly that if he is elected as Senator he will serve. I have not heard of any other candidate for certain. Genl. Moultrie has been mentioned as such & so has Mr Izard Senr. I doubt much whether the former would accept it.

With regard to the mode of electing feederal representatives I rather believe that Country influence will make it be done by districts. In either case Beaufort will probably send one & that one will either be yourself or Barnwell. I have not heard of any one Gentleman in the State mentioned as from himself that if elected he would serve excepting Mr Pinckney. Men in debt must stay at home to nurse their estates. This single consideration will make a seat inconvenient to several of our Great men who are very fit for the place. I know none of them

that would wish to be in public service to defraud their creditors & but few of them who can expect to pay their debts unless they stay in South Carolina. I say further that on the score of interest a seat in Congress would be injurious to most. Mr Pinckney & yourself are as suitable for the place as any that I know for neither of you have thoroughly engaged in business in Carolina. If John Rutledge will serve as senator he would be my choice but if he must resign his chancellors place he would make a poor exchange. Some say Pendleton has his eye on a Senators place, but 300 a year in the state is better than the same sum perhaps or less out of it. Butler may either be a Senator or Governor as he pleases I suppose that he will prefer the latter. But all this is conjecture. Very little is said on the subject. I believe the candidates are on the reserve & mean to come forward or not according as they think their chance will be. I could not name seven men fit for the place on whose acceptance I could depend & whose estates & families are in such a situation as would make the place desirable & convenient. Mr Lownd's name has been mentioned I rather believe he would not accept it. To be a member of Congress hereafter will be like a profession For my part I dislike rotation that where the first choice behaves well & are willing to serve I would be for continuing them. Did I think it my place to give advice in the case it would be that you early return to South Carolina & make mention among your friends that if elected you would serve. I think a representatives place is within your grasp. If we vote by districts or even generally your chance of being elected will be greater by being a citizen of the country than of Charleston. Who will be the other Senator I cannot tell. Perhaps J. Rutledge Dr. Tucker, Ralph Izard ~~Henry Laurens~~ Genl. Moultrie. The place of a representative appears to me on several accounts preferable to that of a Senator. Mrs. Ramsay joins me in compliments to Mrs. Kean. I am with sincere regard & esteem your friend & humble sert.

1. RC, John Kean Papers, Liberty Hall Museum, NjUN.

86. Mean Well

State Gazette of South Carolina, 28 July 1788

As our foreign Trade has taken from us almost all our circulating specie, I hope we shall when our federal government takes place, have a continental paper medium issued on a good security, so that the inhabitants of the most southern states may with ease purchase in those to the northward any thing they may want therewith, and that the northward states may likewise be able to purchase produce, &c. in the southern states with it; whereas, at present, as specie is so scarce amongst us, it is with difficulty we can get specie or a good bill that we can rely on, to make remittances from one state to another.

Though each person may see the necessity of this measure, yet people will differ as to the sum that will be necessary to be issued. I shall not pretend to point that out, but leave it to be settled by those that are better judges than I am, but shall beg leave to mention that a larger sum will be necessary than people are at first aware of. Suppose that the United States contain three millions of inhabitants, and that each person was to have forty shillings in value in continental medium by them, there is not an individual that would think this sum too much to keep constantly in the house, nor could any person object to his neigh-

bour having such a sum by him,—this would make the sum to be issued amount to six millions;—but if we consider the great number of persons of property in the United States, who will be carrying on manufactories and other business, who will be keeping hundreds, and some of them thousands, of pounds by them, we shall then see that the six millions will not enable each person to keep forty shillings by them;—and what sum will be proper to be issued is at present difficult to say, on which account I would recommend that as much only should be issued at first as would allow each person to have forty shillings each, and then to issue afterwards as much more, as may be thought to be further necessary. As we increase in inhabitants, we shall need a greater quantity of circulating medium; and unless our trade brings us in a specie medium, we must supply its place with a paper medium, unless the persons that come to settle amongst us bring specie with them.

The paper medium will be necessary amongst us until we have paid off our foreign debts, for, till then, if we pay our debts like honest men, the specie we get for the produce we sell will be sent out of our country, at least the greatest part of it; some will certainly remain in the hands of those persons who are people of property, who do not owe any money to foreign countries.

After our foreign debts are discharged, we shall still find a continental paper medium of great service to us, as we can, as before-mentioned, make remittances from one state to another therewith. As this medium is proposed to be issued, not only on the faith of our federal government, but on ample private security, we may all take it with safety, as was clearly shewn by a writer, who signs himself [— —] in the Evening Chronicle, that was published in this city the 19th of December last, as well as by the writer of the Letter signed CATO, which was published in the same paper on the 22d of December last; besides which, if the six millions of medium was to be loaned out on good land, security, &c. at 6 per cent. only, it would bring in an income of three hundred and sixty thousand pounds each year, a sum that would greatly serve this country at the commencement of our new government.—Submitting these Hints to the consideration of the public, I hope that every one will charitably think that I MEAN WELL.

P. S. I certainly wish if a continental medium should be issued, that each state would call in its own paper currency, and let this supply its place. There might be private banks established in each capital city throughout the United States, who might issue their own notes on the same plans as the Banks in Europe do, and pay them either with specie or the continental medium I propose should be issued.

1. On 24 July the *State Gazette* announced “*MEAN WELL will appear in our next. —It came too late for this day’s publication.*”

87. Charles Pinckney to Mathew Cary Charleston, 10 August 1788¹

I have received your favour of The 22d. ultimo with the inclosure & will thank you to send me Your Museum bound up to this time, notwithstanding the month of March 1787 is not included.—I want it for the country & if it is not sent before October probably I may be in the country when it arrives.—I would with

pleasure send you a copy of my system on which those Observations are founded—(or rather it was a *speech at opening the system* & wrongly erroneously termed Observations) but I have not one.—the original being laid before the convention; & the copy I gave to a gentleman at the northward.—if you think the copy of the System is indispensable to the publication, I am sorry it is not in my power to procure it for you.—the System was very like the one afterwards adopted with this important addition—that it proposed to give to the federal government an absolute negative on all the laws of the States.—

I shall communicate your inclosure & do every thing I can to procure you some respectable Signatures in this country—

1. RC, GLC 04842.12, The Gilder Lehrman Collection, courtesy of The Gilder Lehrman Institute of American History, at the New-York Historical Society.

88. Charleston City Gazette, 12 August 1788

The northern papers present nothing to our view but accounts of processions in almost every town, in consequence of the adoption of the new constitution by ten states. The prospect of a most plentiful crop the ensuing season throughout the United States, together with the hopes of our being shortly united in the indissoluble ties of friendship, under an efficient federal government, cannot fail to inspire every patriotic breast with a due sense of the adorable goodness of the creator of all things.

89. Amicus

Charleston Columbian Herald, 28 August 1788

HINTS.

HINT the First.

Some time before a Convention of the United States was held, I mentioned in a paragraph which was published in one of the Charleston papers, that it would be acting wisely in the formation of a constitution for a free government, to enact, that the electors should recall their representatives when they thought proper, although they should be chosen for a certain term of years; as a right to appoint (where the right of appointing originates with the appointers) implies a right to recall. As the persons appointed are meant to act for the benefit of the appointers, as well as themselves, they, if they mean to act for their mutual benefit, can have no objection to a proposal of this kind; but if they have any sinister designs, they will certainly oppose it, foreseeing that their electors will displace them as soon as they begin to act contrary to their interest. I am therefore glad to find that the state of New-York has proposed an amendment of this kind to the federal constitution, viz. That the *legislatures* of the respective states may recall their senators, or either of them, and elect others in their stead, to serve the remainder of the time for which the senators so recalled were appointed; I wish this had been extended to the representatives in both houses, as it is as prudent to have a check over the members of one house, as of the other.

Such persons as object to this amendment, in fact say, that it is safer to give a man an irrevokable power of attorney, than a revokable one; and that it is right to let a representative ruin us, rather than recall him and put a real friend of his country, and a truly honest man in his place, who would rather suffer ten thousand deaths, than injure his country, or fully his honor and reputation; such persons seem to say, that power ought not to originate with the people, (which is the wish, I fear, of some amongst us) and also that we are not safe in trusting our own legislature with the power of recalling such senators, as will not abide by such instructions as shall be either given them, *when chosen*, or sent to them afterwards, by the legislature of this or any other state, or by the electors that chose them, although they should have met together in a body for the purpose of instructing, or sending them instructions on a matter on which the salvation of the state depends. That we should *insist* on the amendment respecting this matter taking place, which the state of New-York has proposed, appears to me to be absolutely necessary, the security of each state may be almost said to rest on it; for my own part, I would rather that this amendment should take place and give the new government *unlimited powers* to act for the public good, than give them limited powers, and at the same time put it out of our power, for a certain term of years, to recall our representatives, although we saw they were exceeding their powers, and were bent on making us miserable and themselves, *by means of a standing army*, a perpetual and absolute government, for power is a very intoxicating thing, and has made many a man do unwarrantable actions, which before he was invested with it, he had no thoughts of doing. I hope by what I have said, I shall not be thought to cast even the shadow of a reflection on the principles of either of the members of the federal convention, it is far from being my intention, I wish for nothing more than a good government and a constitution under which our liberties will be *perfectly safe*, to preserve which, I think the wisest conduct will be to keep the staff of power in our own hands as much as possible, and not wantonly and inconsiderately give up a greater share of our liberties with a view of contributing to the public good, than what the necessity of the case requires.

For our own sakes we shall keep in power those persons whose conduct pleases us as long as we can, and shall perhaps sometimes wish (when we meet with a person of an extra worthy character and abilities) that we could keep him in power for life;—on the other hand, we shall dismiss from our employ as soon as possible, such persons as do not consult our interest, and will not follow our instructions; for there are, I fear, a few persons amongst us, so wise in their own eyes, that they would if they could, pursue their own will and inclinations, in opposition to the instructions of their constituents; in so doing, they may perhaps, *once in a hundred times*, act for the interest of those they represent, more than if they followed the instructions given them; but I wish that we would never suffer any person to continue our representative that obeyed not our instructions, unless something unforeseen and unknown by us, turned up, which he knew would alter our sentiments, if we were made acquainted with it; and which would make his complying with our will highly imprudent.—In every government matter, on which our representatives were not instructed, we should leave

them to act agreeable to their own judgment, on which account we should always choose men of integrity, honor and abilities to represent us, but when we did instruct them, as they are our representatives and agents, we should insist on their acting and *voting* conformable to our directions, but as they would each of them be a member of the community, they should have a right to deliver to the houses of representatives of which they were members, their own private sentiments, so that if their private sentiments contained cogent reasons for acting contrary to the instructions given them, the other members of said houses who would not be bound down by said instructions, would be guided by them, in which case, that would take place which would be most for the public good, which ought to be the wish of all of us.

90. Weeden Butler to Pierce Butler

Chelsea, England, 2 September 1788 (excerpt)¹

. . . To judge by the Philadelphia Accounts, the Object of your *Labours* seems attained so far as respects the *Plan* of political Arrangement: and I shall look forward with Expectation and Desire to the happy Execution of a Scheme so widely important, and which embraces the Welfare of Multitudes. . . .

1. RC, Pierce Butler Papers, South Caroliniana Library, ScU.

91. Charleston City Gazette, 17 September 1788 (excerpt)

Extract of a letter from a member of congress, to a respectable gentleman of this city, dated New York, Sept. 8, 1788. . . .

"I send you the *Federalist*; this valuable work ought to be disseminated over the United States—it ought to be studied by every man who has or expects to have any thing to do with the government; it will enlarge their ideas, and places in a just point of view the true principles of government."

92. William Drayton to George Washington

Charleston, 20 September 1788¹

I have the Honour to transmit to you a late Publication by our agricultural Society in this State. It is a Beginning only; but I hope the Subject will increase in it's Progress. The Prospect, which the new Confederation opens to America, of an energetic Government, must doubtless stimulate the Genius of every Citizen to exert those means, by which not only his own Interests will be increas'd, but at the same time will be secur'd with the general welfare & Strength of his Country.

Permit me to offer my best Compliments to the Ladies of your Family, & to assure your Excellency of my being, with the greatest Respect & Regard,

1. RC, Washington Papers, DLC.

**93. Thomas Tudor Tucker to St. George Tucker
New York, 9 October 1788 (excerpt)¹**

... [P.S.] How go on your Elections for the new Constitution? Have you any Expectation of Amendments? And after all, will it be an eligible Mode of Government. I confess that I dislike the Form, even with every Limitation of Power that can be contrived. I see more & more that the Election of Representatives will be attended with a great deal of Intrigue, that it will be a Representation of an Aristocratical Party, will lay a Foundation for consolidating the Governments, & will hold out the Name & Shadow of Freedom in Place of the Reality. I perceive that the Fœderalists (as they stile themselves) will jockey their Opponents in the Mode of Elections in some of the States, if not in all. In Pennsylvania they have determined that the Election shall be general & not by Districts, & they use fallacious Arguments in Support of it. But the true Reason is, they think that the Fœderalists are the more numerous & therefore will by this Mode be able to make the whole Representation of their own Party; whereas an antifœderal District wou'd send an antifœderal Member. In this State I presumed the contrary Doctrine will be held, otherwise the Antis wou'd send the whole Representation. I wish the Opposers of the Constitution in all the States may be aware of this. The first Mode I dislike exclusive of the Consideration I have mention'd. Indeed I don't like the Business in any way. I wish that a Convention cou'd be obtain'd with Power to do away the [– – –] at least to propose [– – –] doing it away.

1. RC, Tucker-Coleman Collection, College of William and Mary.

94 A–B. South Carolina Senate Proceedings, 3, 4 November 1788 (excerpts)¹

94-A. 3 November

... Pursuant to Order

A Message was prepared which being read was Agreed to as followeth vizt.

Mr. Speaker & Gentlemen

This House are of opinion that the following amendments are necessary to be made to the Bill which your House have entitled an Act to authorize the Commissioners of the Treasury to pay the Members, Secretary, Messengers & Door keepers of the late State Convention & the Members of the Legislature for their Attendance during the present or any former Session.—vizt.

Strike out of the Title of the Bill, the word—“*any*”—and insert “*the*” and add the following words to the said Title—“*and also Mr. Philip Prioleau.*”

1st. Clau: 9th Line. Strike out the word “*any*” between the words—“*or*”—&—“*former*” and to insert in lieu thereof—“*the*”—

1st. Clau: 10th. Line, Between the words—“*Representatives*”—and—“*any*”—insert, “*also Fifty Pounds Sterling to Mr. Philip Prioleau for the use of his House, for the service of the Honorable the Senate during the former & present Session.*[”]—

This House therefore request that your House will be pleased to permit this House to Amend the Bill entitled an Act Accordingly—

Ordered that Mr. President do sign the Message and the Clerk do carry the Same to the House of Representatives.—

A Message from the House of Representatives by Colo. Motte & Mr. G. Manigault vizt.

In the House of Representatives Novr. 3d. 1788

Honorable Gentlemen

This House inform your House that this House have agreed to the Message of your House of this day respecting the amendments to be made to the Bill entitled an Act to authorize the Commissioners of the Treasury to pay the Members, Secretary, Messengers & Door keepers of the late State Convention &ca. and request that your House will amend the Bill accordingly.

By Order of the House

John J. Pringle Speaker

The House having amended the said Bill agreeably to the request of the House of Representatives.—

Resolved that the Bill do pass and that the Title thereof be an Act.

Ordered that the Clerk do carry the Act to the House of Representatives. . . .

94-B. 4 November

. . . Mr. Bourdeaux from the Committee appointed to meet a Committee of the House of Representatives for the purpose of examining the engrossed Acts and Ordinances, informed the House that the Committee had prepared a Report which they had directed him to report to the House, he read the said Report in his place & afterwards delivered it in at the Clerk's table where the same was again read & is as followeth vizt.

That your Committee met the Committee of the House of Representatives and carefully Examined the following Acts and Ordinances, and to which they have had the Great Seal of the State respectively affixed. vizt. . . .

An Act to authorize the Commissioners of the Treasury to pay the Members, Secretary, Messenger and Door keepers of the late State Convention & the Members of the Legislature for their attendance during the present and former Sessions, and also Mr. Philip Prioleau. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

Appendix

Items Printed or Reprinted in South Carolina Contained in
Commentaries on the Constitution: Public and Private, 1787–1788

South Carolina Newspapers, 1787–1788

Charleston Morning Post/City Gazette
Columbian Herald, Charleston
South Carolina Weekly Chronicle, Charleston
State Gazette of South Carolina, Charleston

CC:No.	Item/South Carolina Reprints
CC:1	Resolution of Congress, 21 February 1787 Charleston <i>Columbian Herald</i> , 15 March
CC:3-A	Boston <i>Independent Chronicle</i> , 15 February 1787 Charleston <i>Columbian Herald</i> , 19 March
CC:5-B	Extract of a letter from Halifax, via St. Johns dated Feb. 3, 1787 <i>New York Journal</i> , 15 March 1787 Charleston <i>Columbian Herald</i> , 12 April
CC:6	Charlestown, Mass., <i>American Recorder</i> , 16 March 1787 Charleston <i>Columbian Herald</i> , 26 April
CC:10	George Washington's Election to the Constitutional Convention Philadelphia <i>Independent Gazetteer</i> , 9 April 1787 <i>State Gazette of South Carolina</i> , 21 May
CC:11	<i>Virginia Independent Chronicle</i> , 11 April 1787 Charleston <i>Columbian Herald</i> , 14 May
CC:12	<i>Massachusetts Centinel</i> , 11 April 1787 Charleston <i>Columbian Herald</i> , 10 May
CC:16-B	John Adams: <i>A Defence of the Constitutions</i> Letter LIII <i>New York Daily Advertiser</i> , 9 May 1787 Charleston <i>Columbian Herald</i> , 31 May
CC:18-C	Agrarian Unrest and the Constitution <i>Massachusetts Centinel</i> , 19 May 1787 Charleston <i>Columbian Herald</i> , 18 June
CC:18-D	Litchfield, Conn., <i>Weekly Monitor</i> , 21 May 1787 Charleston <i>Columbian Herald</i> , 18 June
CC:18-E	<i>Worcester Magazine</i> , 24 May 1787 Charleston <i>Columbian Herald</i> , 18 June

- CC:No. Item/South Carolina Reprints**
- CC:19 *Pennsylvania Herald*, 9 May 1787
 Charleston *Columbian Herald*, 22 May (supplement)
- CC:20-C *Pennsylvania Herald*, 25 July 1787
 Charleston *Columbian Herald*, 21 August (supplement)
- CC:25 Connecticut Legislature Debates the Appointment of
 Delegates to the Constitutional Convention, 12 May 1787
 Connecticut Courant, 21 May 1787
 Charleston *Columbian Herald*, 21 June
- CC:29 Harrington: To the Freemen of the United States
 Pennsylvania Gazette, 30 May 1787
 Charleston *Columbian Herald*, 5 July
- CC:30-A Reports of Constitutional Convention Proceedings
 Pennsylvania Herald, 30 May 1787
 Charleston *Columbian Herald*, 14 June
- CC:30-B *Pennsylvania Herald*, 2 June 1787
 Charleston *Columbian Herald*, 9 July
- CC:30-C *Pennsylvania Herald*, 13 June 1787
 Charleston *Columbian Herald*, 9 July
- CC:30-D Extract of a Letter from Philadelphia, 15 June 1787
 Baltimore *Maryland Gazette*, 19 June 1787
 State Gazette of South Carolina, 26 July
- CC:30-F *Pennsylvania Gazette*, 18 July 1787
 Charleston *Columbian Herald*, 2 August
- CC:30-G Extract of a Letter from Philadelphia, 21 July 1787
 Charleston *Columbian Herald*, 9 August
 No South Carolina reprints
- CC:30-I *Pennsylvania Herald*, 28 July 1787
 Charleston *Columbian Herald*, 21 August (supplement)
- CC:30-J *Pennsylvania Herald*, 8 August 1787
 Charleston *Columbian Herald*, 30 August
- CC:31 Philadelphia *Independent Gazetteer*, 5 June 1787
 Charleston *Columbian Herald*, 9 July (paragraph 2)
 State Gazette of South Carolina, 23 July
- CC:32 *Massachusetts Gazette*, 5 June 1787
 Charleston *Columbian Herald*, 12 July
- CC:35-A *Pennsylvania Herald*, 9 June 1787
 Charleston *Columbian Herald*, 9 July
- CC:36 Nestor
 Massachusetts Centinel, 13 June 1787
 Charleston *Columbian Herald*, 6 August

CC:No.	Item/South Carolina Reprints
CC:40-B	Alexander Hamilton Attacks Governor George Clinton <i>New York Daily Advertiser</i> , 21 July 1787 <i>Charleston Columbian Herald</i> , 23 August
CC:40-E	A Republican <i>New York Journal</i> , 6 September 1787 <i>Charleston Columbian Herald</i> , 4 October (excerpt)
CC:45	<i>Massachusetts Centinel</i> , 30 June 1787 <i>Charleston Columbian Herald</i> , 2 August
CC:46-B	<i>Maryland Journal</i> , 3 July 1787 <i>Charleston Columbian Herald</i> , 23 July
CC:48	Connecticut <i>Norwich Packet</i> , 5 July 1787 <i>Charleston Columbian Herald</i> , 3 September
CC:49	<i>Charleston Columbian Herald</i> , 5 July 1787 No South Carolina reprints
CC:52	Petersburg <i>Virginia Gazette</i> , 26 July 1787 <i>Charleston Columbian Herald</i> , 21 August (supplement)
CC:53	<i>Charleston Columbian Herald</i> , 26 July 1787 No South Carolina reprints
CC:57	<i>Pennsylvania Gazette</i> , 1 August 1787 <i>Charleston Columbian Herald</i> , 3 September
CC:60	Boston <i>American Herald</i> , 6 August 1787 <i>Charleston Columbian Herald</i> , 6 September (excerpt)
CC:68	<i>Pennsylvania Gazette</i> , 22 August 1787 <i>Charleston Columbian Herald</i> , 13 September (paragraphs 1, 3)
CC:69	Philadelphia <i>Freeman's Journal</i> , 29 August 1787 <i>Charleston Columbian Herald</i> , 25 September
CC:70	<i>Pennsylvania Gazette</i> , 29 August 1787 <i>Charleston Columbian Herald</i> , 24 September
CC:77-A	Benjamin Franklin's Speech <i>Virginia Independent Chronicle</i> , 5 December 1787 <i>Charleston City Gazette</i> , 27 December
CC:77-B	Benjamin Franklin's Final Remarks <i>Newport Herald</i> , 20 December 1787 <i>Charleston City Gazette</i> , 25 February 1788
CC:94	Daniel Shays to the Antifederal Junto in Philadelphia <i>Philadelphia Independent Gazetteer</i> , 25 September 1787 <i>State Gazette of South Carolina</i> , 20 December
CC:96-A	Destiny and George Washington <i>Delaware Gazette</i> , 26 September 1787 <i>Charleston Columbian Herald</i> , 15 October

- CC:No. Item/South Carolina Reprints**
- CC:96-B *Pennsylvania Gazette*, 10 October 1787
 Charleston *Columbian Herald*, 2 November (supplement)
- CC:98 Philadelphia *Independent Gazetteer*, 26 September 1787
 State Gazette of South Carolina, 11 October
- CC:100-A An American Citizen I: On the Federal Government
 Philadelphia *Independent Gazetteer*, 26 September 1787
 Charleston *City Gazette*, 6 December
- CC:101 *Pennsylvania Gazette*, 26 September 1787
 State Gazette of South Carolina, 22 October
 (1st paragraph excerpt, 2nd paragraph entire)
 State Gazette of South Carolina, 25 October
 (paragraphs 3, 6, 8)
- CC:108 *Maryland Journal*, 28 September 1787
 State Gazette of South Carolina, 18 October
- CC:109 An American Citizen II: On the Federal Government
 Philadelphia *Independent Gazetteer*, 28 September 1787
 Charleston *City Gazette*, 7 December
- CC:111 Curtius I
 New York *Daily Advertiser*, 29 September 1787
 State Gazette of South Carolina, 22, 25 October
 Charleston *Columbian Herald*, 3 July 1788
 (last three paragraphs)
- CC:112 An American Citizen III: On the Federal Government
 Philadelphia *Independent Gazetteer*, 29 September 1787
 Charleston *City Gazette*, 10 December
- CC:120 Boston *American Herald*, 1 October 1787
 State Gazette of South Carolina, 22 November (excerpt)
- CC:131-G Philadelphia *Freeman's Journal*, 24 October 1787
 Charleston *City Gazette*, 27 November
- CC:134 James Wilson: Speech at a Public Meeting in Philadelphia
 Pennsylvania Herald, 6 October 1787
 Charleston *Columbian Herald*, 1 November
- CC:135 The Grand Constitution
 Massachusetts Centinel, 6 October 1787
 Charleston *Columbian Herald*, 8 November
- CC:136 Blessings of the New Government
 Philadelphia *Independent Gazetteer*, 6 October 1787
 Charleston *City Gazette*, 4 December
- CC:143 A Federal Centinel
 South Carolina Weekly Chronicle, 9 October 1787
 No South Carolina reprints

CC:No.	Item/South Carolina Reprints
CC:149	Philadelphia <i>Freeman's Journal</i> , 10 October 1787 <i>State Gazette of South Carolina</i> , 29 October
CC:150	Foederal Constitution <i>Pennsylvania Gazette</i> , 10 October 1787 Charleston <i>City Gazette</i> , 23 November (excerpt) <i>State Gazette of South Carolina</i> , 6 December (excerpt)
CC:151-B	<i>Pennsylvania Gazette</i> , 31 October 1787 Charleston <i>City Gazette</i> , 23 November
CC:154	<i>Virginia Herald</i> , 11 October 1787 <i>State Gazette of South Carolina</i> , 17 January
CC:156-A	Meeting of Philadelphia Association of Baptist Churches <i>New York Packet</i> , 12 October 1787 Charleston <i>Columbian Herald</i> , 5 November
CC:158	Philadelphia <i>Independent Gazetteer</i> , 13 October 1787 Charleston <i>Columbian Herald</i> , 2 November (supplement) (paragraph 1)
CC:161	<i>Boston Gazette</i> , 15 October 1787 Charleston <i>Columbian Herald</i> , 26 November
CC:183-A	An American Citizen IV: On the Federal Government Broadside, Philadelphia, 21 October 1787 Charleston <i>City Gazette</i> , 10 December
CC:194	Ezekiel Boston <i>Independent Chronicle</i> , 25 October 1787 <i>State Gazette of South Carolina</i> , 14 April 1788
CC:197-A	A Slave <i>New York Journal</i> , 25 October 1787 Charleston <i>City Gazette</i> , 4 December (excerpt)
CC:198	<i>Newport Herald</i> , 25 October 1787 Charleston <i>City Gazette</i> , 13 December (paragraph 2)
CC:201	The Federalist 1 New York <i>Independent Journal</i> , 27 October 1787 Charleston <i>Columbian Herald</i> , 6 December (excerpt)
CC:204	Philadelphia <i>Independent Gazetteer</i> , 27 October 1787 <i>State Gazette of South Carolina</i> , 24 December
CC:211	<i>Boston Gazette</i> , 29 October 1787 Charleston <i>Columbian Herald</i> , 29 November (paragraph 2)
CC:216	Northampton, Mass., <i>Hampshire Gazette</i> , 31 October 1787 <i>State Gazette of South Carolina</i> , 6 December
CC:218	<i>Pennsylvania Gazette</i> , 31 October 1787 Charleston <i>City Gazette</i> , 28 November (paragraphs 1, 3)

- CC:No.** **Item/South Carolina Reprints**
- CC:233-B George Washington in the Constitutional Convention
Anecdote
Pennsylvania Herald, 7 November 1787
 Charleston City Gazette, 28 November
 State Gazette of South Carolina, 26 June 1788
- CC:233-C *Massachusetts Gazette*, 20 November 1787
 State Gazette of South Carolina, 20 December
- CC:236 Philadelphia *Freeman's Journal*, 7 November 1787
 State Gazette of South Carolina, 10 January 1788
- CC:Volume 1
 Appendix I *Pennsylvania Herald*, 25 September 1787
 State Gazette of South Carolina, 8 October
- CC:Volume 1
 Appendix I *Pennsylvania Packet*, 25 September 1787
 Charleston Columbian Herald, 15 October
- CC:Volume 1
 Appendix I Philadelphia *Freeman's Journal*, 10 October 1787
 State Gazette of South Carolina, 29 October
- CC:Volume 1
 Appendix I *Pennsylvania Gazette*, 10 October 1787
 State Gazette of South Carolina, 1, 29 November
 (paragraph 2, twice)
- CC:Volume 1
 Appendix I *Pennsylvania Gazette*, 7 November 1787
 Charleston Columbian Herald, 26 November
 State Gazette of South Carolina, 26 November
- CC:258 *Pennsylvania Gazette*, 14 November 1787
 Charleston Columbian Herald, 6 December
 State Gazette of South Carolina, 6 December
- CC:259 A Receipt for an Antifederalist Essay
Pennsylvania Gazette, 14 November 1787
 State Gazette of South Carolina, 6 December
- CC:270-A *Pittsburgh Gazette*, 17 November 1787
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4. Broadside Printing of the Constitution, Charleston, c. 2 October 1787.¹

CONSTITUTION OF THE United States of America, AS PROPOSED BY THE FEDERAL CONVENTION.

Published by Authority.

WE the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do hereby ordain and establish this Constitution for the United States of America.

Article 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 qualification 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, when he shall be chosen, shall 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 including 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 every subsequent enumeration in years 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 the electors in each State shall have the same qualifications. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and the electors in each State shall have the same qualifications.

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 choose their speaker and other officers; and shall have the sole power of impeachment.

Sec. 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, 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 choose their other officers,

and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

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 acquitted, unless by the consent 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 to indictment, arrest, trial, judgment and punishment, according to law.

Sec. 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 to the manner of choosing Senators.

Sec. 5. Each member 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 quorum of absent members, in each House, shall not constitute a quorum for any purpose.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, 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 yeas and nays of the members of either House, on any question, shall, at the desire of one-third of that House, be entered on the journal.

Because made, during the session of Congress, no member shall be convicted of treason, unless by the vote of two-thirds of that House, nor in any other place than that in which the law is made or sitting.

Sec. 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 receive no other emolument, honor or profit, during their continuance in the office of their respective Houses, and no senator or representative shall receive a salary or any other emolument, honor or profit, during their continuance in the office of their respective Houses, and no senator or representative shall receive a salary or any other emolument, honor or profit, during their continuance in the office of their respective Houses.

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 emolument whereof shall have been increased, during the term for which he was elected, or during the term for which he shall have been elected.

Sec. 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 becomes 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, who shall send the objections in writing on their journals, 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 a law, 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 journals

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, 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 preferred 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.

Sec. 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 a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To regulate the coinage of money, fixing the standard and weight thereof; to regulate the mint 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;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by act 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.

Sec. 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 thirty, 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 heretofore 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 be taxed, or pay duties in one State.

No tax or duty shall be laid on articles imported from any State, nor shall vessels be taxed, or pay duties in one State.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust shall accept any title of nobility, foreign or domestic.

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1. Americana, Voyages, Maps, and Aeronautica: Public Auction, May 25, at 10:15 a.m. (Parke-Bernet Galleries, Inc., New York, 1971), 12, 64. Docketed: "The Federal Constitution what I received from the Convention of S. Carolina—May 12th, 1788."

a majority of all the States shall be necessary as a condition to every act, 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 State Electors shall choose, by ballot, the Vice-President.

The Congress may determine the time of holding the elections, and the day on which they shall give their votes, which day shall be the same throughout the United States.

No person shall be 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, or of his death, resignation, or inability to discharge the powers and duties of the said office, the electors shall choose a 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 enters 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."

The president 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 Senate present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint and dismiss judges, when public ministers and consuls judges of the inferior courts, who shall hold their offices during the term of years, 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.

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 not be valid until ratified by three fourths of the States, as by Congress, or by the legislatures of three fourths thereof, or by the other mode of ratification may be provided 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 sixth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

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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 in 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 in such place or places as the Congress may by law direct.

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.

The Congress shall have power to establish an uniform rule of naturalization, and the Congress may by law provide for the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

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 is due.

New States may be admitted by the Congress in this manner; 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 construed to prejudice any claims of the United States, or of any particular State.

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.

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 not be valid until ratified by three fourths of the States, as by Congress, or by the legislatures of three fourths thereof, or by the other mode of ratification may be provided 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 sixth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

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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 in the United States.

The ratification of the convention of this State, shall be sufficient for the establishment of this constitution between the States in ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord 1787, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

George Washington, President, And Deputy from Virginia.

New-Hampshire—John Langdon, Nicholas Gilman.

Massachusetts—Nathaniel Gorham, Rufus King.

Connecticut—William S. Johnson, Roger Sherman.

New-York—Alexander Hamilton, William Livingston, William Livingston, David Brearley, William Patterson, Jonathan Dayton.

Pennsylvania—Benjamin Franklin, Thomas Mifflin, Robert Morris, G. Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

Delaware—George Read, Gunnar Bedford, jun. John Dickinson, Richard Basset, Jacob Broom.

Maryland—James M'Henry, Daniel Carroll, St. Thomas Jenifer, Daniel Carroll.

Virginia—John Blair, James Madison, junior.

North-Carolina—William Blount, Richard Dobbs Spaight, Hugh Williamson.

South-Carolina—John Rutledge, Charles C. Pinckney, Charles Pinckney, Pierce Butler.

Georgia—William Few, Abraham Baldwin.

Attest, William Jackson, Sec'y. In Convention.

MONDAY September 17, 1787. PRESENT.

The States of New-Hampshire, Mass. Achuffets, Connecticut, Mr. Hamilton from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards 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 ascertaining to give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this constitution, the United States in Congress assembled should fix a day on which Elections should be appointed by the States which shall have ratified the same, and a day on which the Electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That after such publication the Electors should be appointed, and the Senators and Representatives elected.

I have the Electors should meet on the day fixed for the elections of the President, and should transmit their votes certified, signed, sealed and directed, as the constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place assigned: That the Senators should appoint a President of the Senate, for the first session of receiving, opening and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should

without delay proceed to elect the constitution.

Attest, George Washington, President.

William Jackson, Secretary.

IN CONVENTION, September 17, 1787.

S. H.

We have now the honor to inform you of the ratification of the United States in Congress assembled, that Constitution which has appeared to us the most equitable.

The friends of our country have long been said to desire, that the power of making war, peace and treaties; that of levying money and regulating commerce, and the other important executive and judicial authorities should be fully and effectually vested in the general government of the nation; but the propriety of delegating such immense trust to one body of men is evident. Hence arises the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independence, sovereignty to each, and yet provide for the interest and safety of the individuals entering into society, such give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be preserved; and in the present situation this difficulty was increased by a difference among the several States in their situations, resources, habits, and various interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest benefit of every one American; the consolidation of our Union, in which a loyal and faithful citizen, fidelity, liberty, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude, than might have been otherwise expected; and thus the constitution, which we now present, is the result of a happy union, and of that mutual deference and concession, which the propriety of our political situation required.

That it will meet the full and true approbation of every State is not perhaps to be expected; but each will doubtless consider, that had his interests been alone consulted, the consequences might have been mutually disagreeable or injurious to others; that it is better to sit in the opinion, as usual, reasonably, than to have been expelled, to have and believe that it may promote the better welfare of that country; than to sit in and secure her freedom and happiness, in our most sacred wish.

With great respect,
We have the honor
to be, Sir,
Your Excellency's
most Obedient &
humble Servant,
George Washington,
President.

By appointment Sec'y of the Convention,
Wm. Jackson
The President of Congress

13. Charles Pinckney: Draft Resolution in House of Representatives, 24 January 1788.¹

MS. A. 1. 1. 1. 1.

Resolved that it be recommended to
 the Convention appointed to meet in
 Charleston on the twelfth day of
 May next, to take into consideration, the
 Constitution of the United States, proposed
 by the Convention of deputies assembled
 in Philadelphia on the 1st day last, and as soon
 as they shall have determined upon the same, they
 proceed to consider ~~the same~~ ^{deliberately} ~~and~~ ^{to establish}
 a Constitution for the future government of
 this State upon such principles as shall
 appear to them best calculated to secure
 the liberties of the people, the just
 administration of the Law

Motion of Charles Pinckney Esq

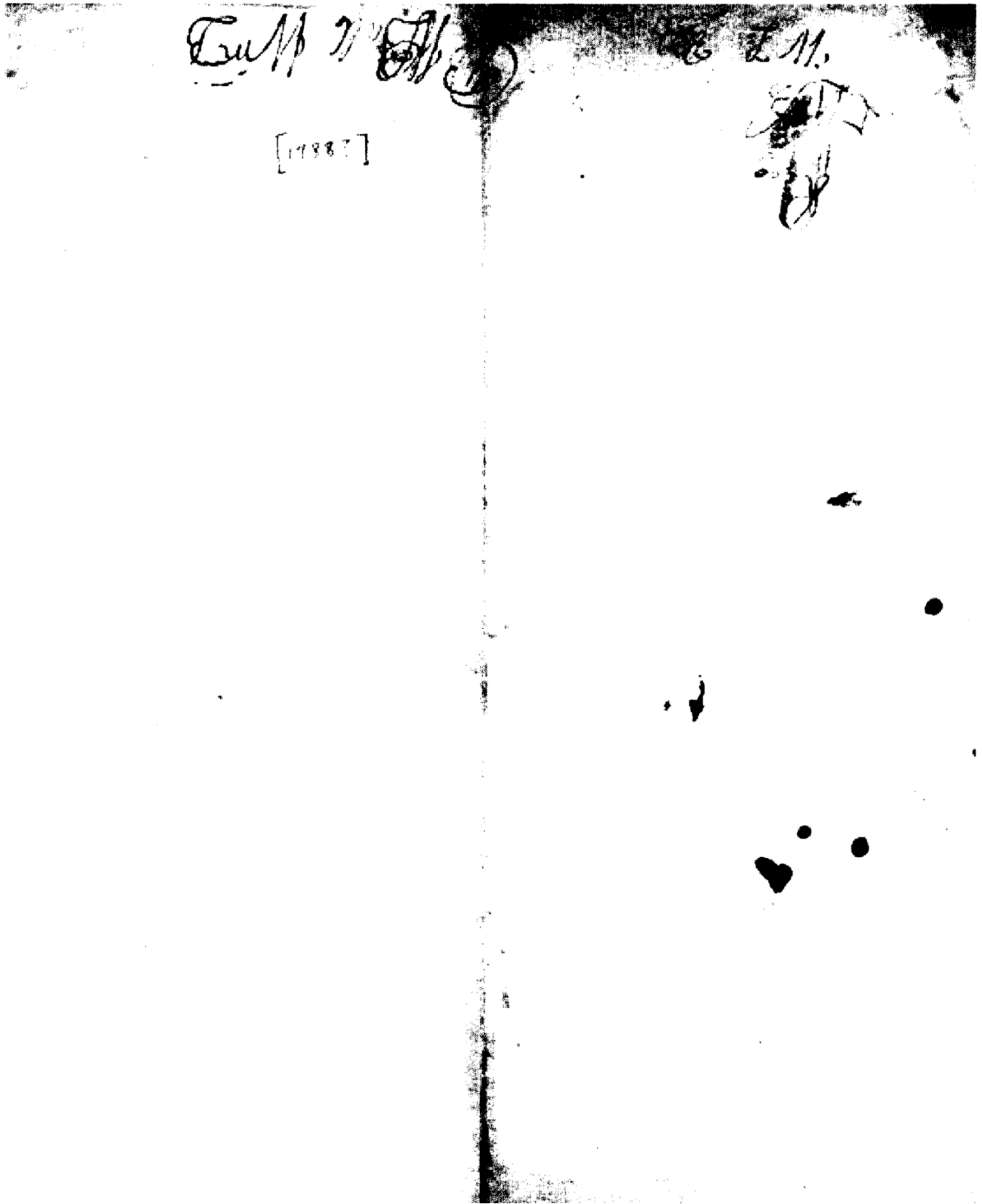
reads

Charles Pinckney

Resolved

All Resolutions

Pinckney



41-A. Payment Certificate of John Cook, Charleston, 24 May 1788.

In CONVENTION.

May 24th 1788.

GENTLEMEN, Pay to *John Cook* Esquire,
Twenty four Dollars for *Four*

Days Attendance, as a Member of the Convention; and *Eight*
Days Travelling from and to his Home.

To the Commissioners
of the Treasury.

Thomas Pinckney
Pres.

John Moncreiff

No. 1.

8th June 1791

Convention 1788

John Cook [5.12]